# Legislative Council

**Tuesday, 15 December 1981**

**The PRESIDENT (the Hon. F. S. Grimwade)** took the chair at 2.5 p.m. and read the prayer.

## *QUESTIONS WITHOUT NOTICE*

### ABORIGINAL RELICS AT PORTLAND

**The Hon. E. H. WALKER** (Melbourne Province)—Concerning the Aboriginal relics at the Alcoa of Australia Ltd site at Portland, will the Minister for Conservation advise whether he has directed under section 23 (2) of the Archaeological and Aboriginal Preservation Act that in order to allow construction to proceed the relics be prescribed not worthy of preservation?

**The Hon. W. V. HOUGHTON** (Minister for Conservation)—I do not believe that to be true.

### RADAR DEVICES

**The Hon. B. P. DUNN** (North Western Province)—My question to the Minister for Police and Emergency Services refers to the Bill recently debated concerning the use of radar in Victoria. Following the passage of the Bill, when will the radar devices come into operation, how many units will operate throughout Victoria and will they be concentrated in city or country areas or any specific parts of the State?

**The Hon. F. J. GRANTER** (Minister for Police and Emergency Services)—I understand the new Act was proclaimed by the Executive Council this morning and the regulations have also been submitted to His Excellency, the Governor. The radar devices will come into operation as soon as the police are able to do so. However, I shall suggest to the police that an educational programme be conducted to inform the public of the new devices. I have undertaken to give the radar devices as much publicity as possible and this will be done as soon as practicable following proclamation of the legislation.

### GAS TARIFFS

**The Hon. H. G. BAYLOR** (Boronia Province)—Is the Minister for Minerals and Energy aware of claims that the cost of natural gas to the consumer could be reduced by 4 cents in the $1 through the abolition of licensing fees? If the Minister is aware of that claim, can he inform the House whether any examination has been made of the abolition of the licensing fees and, if so, what is the result of that examination?

**The Hon. D. G. CROZIER** (Minister for Minerals and Energy)—I am aware of that claim which, like many other claims that emanate from a certain source, is somewhat extravagant. The 4 cents in the $1 referred to by Mrs Baylor in her question, which is the substance of this inflated claim, presumably relates to the $10 million in licence fees, which are attributed to the Longford-Dandenong natural gas pipeline when related to the revenue of the Gas and Fuel Corporation of $250 million. However, the Gas and Fuel Corporation recovers the licence fee by applying a uniform charge on an energy basis to all users of the pipeline, including Esso-BHP and the State Electricity Commission.

The cost of the licence fee for natural gas to the domestic consumer was included in the recent increase of 9·75 per cent, which was announced by the Gas and Fuel Corporation subsequent to the State Budget. The component attributable to the licence fee was 1·75 per cent. Therefore, the abolition of the licence fee would affect domestic consumers by less than 2 cents in the $1.

### MYTHIN HOMES

**The Hon. R. A. MACKENZIE** (Geelong Province)—Is the Leader of the Government aware that a considerable number of people—twenty or more—have paid between $500 and $2000 as deposits for houses or land to Mythin Homes and that the money was not placed in a trust account, which means that those people stand to lose their deposits? What action does the Government intend to take to assist

those individuals, in view of the delays that were caused by the Government?

**The Hon. A. J. HUNT** (Minister of Education)—I do not accept the premise on which the question was based. I will certainly arrange for the Law Department to investigate the matter.

## FUNDING OF FIRE SERVICES

**The Hon. K. I. M. WRIGHT** (North Western Province)—Is the Minister for Police and Emergency Services aware that many people in Victoria regard the present method of funding of fire services from those insured as unfair and inequitable? Is the Minister aware that firstly, the Queensland Government has decided upon a more equitable system of collecting the money from all property owners and, secondly, has the working party that has been examining these matters in Victoria made a decision and, if so, will it consider the Queensland decision?

**The Hon. F. J. GRANTER** (Minister for Police and Emergency Services)—I am not aware of the system that is at present in operation in Queensland. The working party has made a report, copies of which I have furnished to Mr Dunn and Mr Mackenzie. I am prepared to make a copy of that report available to Mr Wright.

The Government has stated that it wishes to study the operation of insurance that is occurring in Tasmania. It wishes to undertake that study for a period of twelve months, after which it will make a final decision.

**The Hon. K. I. M. Wright**—Was that a majority decision?

**The Hon. F. J. GRANTER**—No. It was a Government decision. However, that decision was made following the interim report.

## FUNDING OF EDUCATIONAL EQUIPMENT

**The Hon. D. N. SALTMARSH** (Waverley Province)—I direct a question to the Minister of Education. I am basing the question on the funds for newly developing schools to purchase essential equipment for the science and commercial areas, for typewriters and music equipment and drama rooms, pianos and other essential equipment. In the event of no capital funds being available for the purchase of these essential pieces of equipment, and if new schools cannot raise additional local funds, will the schools be entitled simply to discontinue the classes because typewriters and science equipment are not available? Will the schools discontinue those classes, or is there some other way in which the Government can provide assistance for the purchase of this essential equipment?

**The Hon. A. J. HUNT** (Minister of Education)—In the form in which the question was put, it is of a hypothetical nature.

**The PRESIDENT (the Hon. F. S. Grimwade)**—And is thus out of order and therefore should not be answered.

**The Hon. A. J. HUNT**—Yes. I certainly trust that the situation envisaged by Mr Saltmarsh will not arise. I understand that a draft statement on furniture policy is being prepared for the consideration of my colleague, the Minister of Educational Services, and I hope he will advise Mr Saltmarsh on the matter.

## SPENCER STREET POWER STATION

**The Hon. D. R. WHITE** (Doutta Galla Province)—I direct a question to the Minister for Minerals and Energy. Has the Spencer Street power station now been closed, and, if so, is the closure temporary or permanent? Does the Government contemplate selling any of the equipment at the power station, and, if so, will it be sold to domestic or overseas interests? How many men have been displaced by the closure, and has the Government seen fit to re-employ them in State instrumentalities?

**The Hon. D. G. CROZIER** (Minister for Minerals and Energy)—I shall not attempt to go into detail on that question, because I do not carry in my head the day-to-day manpower strength of the State Electricity Commission,

which has a total work force of between 21 000 and 22 000 people. However, I can reply in the broad to the question.

As intended by the State Electricity Commission, the Spencer Street power station has been retired. However, as I indicated to the House in answer to a question last week, were we to receive a request from a neighbouring State, namely New South Wales, for additional sales of electrical power, I would consider the concurrence of my colleague, the Minister for Conservation, for an extension of the Environment Protection Authority licence to augment our generating capacity so that we could assist our neighbouring State in that way. So far I have not received such a request.

The other aspects of Mr White's question will be taken into consideration with a view to my replying to them in writing.

## NOXIOUS WEEDS

**The Hon. D. M. EVANS** (North Eastern Province)—I direct a question to the Minister of Lands. In view of the fact that landowners are currently ignoring requests from the Vermin and Noxious Weeds Destruction Board inspectors to control weeds on roadsides and that some farmers at a meeting of a farmers' organization have been informed by at least one person who claims to have knowledge of these matters that prosecutions cannot be successfully launched against landowners who do not control weeds on roads adjoining their properties, can the Minister advise me whether any prosecutions have been successfully launched against farmers who do not control weeds on the roadsides adjoining their properties, and if not, can the honourable gentleman assure the House that there is no legal bar to successfully launching such a prosecution?

**The Hon. W. V. HOUGHTON** (Minister of Lands)—I do not believe any prosecutions have been launched. Whether they would be successful, if launched, depends on some information which Mr Evans seems to have that he has not yet discussed with me, and I should be grateful if he would do so instead of reading out a long and involved question about it in the House —particularly as it is a question that I have answered again and again.

May I say, though, that the policy of controlling weeds on roadsides is currently being reviewed by me, together with a number of the problems that have been brought to my attention, particularly by Mr McInnes, the honourable member for Gippsland South in another place, Mr Taylor, Mr Long and Mr Radford and other members on this side of the House who represent country areas, and I will probably have something to say about the matter shortly.

## EAST GIPPSLAND BRIDGE

**The Hon. J. A. TAYLOR** (Gippsland Province)—Is the Minister of Lands aware that the Lands Department has placed a gate across the Cape Conran-Bemm River Road in East Gippsland which is the only access road in fire danger periods for people from the Bemm River township except for the highway? Will the Minister ask the Lands Department to remove the gate, allowing the Shire of Orbost to repair the bridge and provide access for the people during the summer period?

**The Hon. W. V. HOUGHTON** (Minister of Lands)—I have been aware that the gate has been placed in such a position. Whether it is permanently locked, I do not know. I have asked for the relevant files to be produced to me so that I can understand the reason for it and if there is no good reason, perhaps some alterations can be made.

## ARMED ROBBERY SQUAD

**The Hon. JOAN COXSEDGE** (Melbourne West Province)—I ask a question of the Minister for Police and Emergency Services. Since identification methods employed by the Victoria Police Armed Robbery Squad have been consistently criticized by a number of judges in Victorian courts and have given rise to widespread concern, especially recently due to allegations of

violence and torture being made against the squad, will the Minister advise why the recommendations on identification parades made by the Beach Inquiry have still not been implemented.

**The Hon. F. J. GRANTER** (Minister for Police and Emergency Services)—I cannot answer the question in detail, especially regarding the reference to the Beach inquiry. I can only say that I will ascertain why they have not been implemented and let the honourable member know. In respect of identification parade methods criticized by judges, I point out that when methods are criticized by judges, the police usually take these criticisms into account and if it is practicable at all, they implement them. I will make inquiries into the matter contained in the other part of the question.

## ALBURY-WODONGA DEVELOPMENT CORPORATION

**The Hon. W. R. BAXTER** (North Eastern Province)—I address a question to the Minister for Minerals and Energy representing the Minister for Economic Development. Is the honourable gentleman aware that the reappointment of Mr Gordon Craig as Chairman of the Albury-Wodonga Development Corporation has not yet been finalized, notwithstanding the fact that his present tenure expires in the next few days? Is this not unfair to a senior and dedicated public officer, and will the Minister take up this matter with his colleague and urge that Mr Craig's future be finalized without further delay?

**The Hon. D. G. CROZIER** (Minister for Minerals and Energy)—I am not aware that the re-appointment of Mr Craig has still not been resolved and I will certainly be happy to take up the matter with my colleague, the Minister for Local Government in another place, to have the matter determined.

## PORTLAND POWER LINE

**The Hon. G. A. SGRO** (Melbourne North Province)—In view of the actions by some farmers in the Western District in preventing the construction of the State Electricity Commission power line, what action does the Government intend to take?

**The Hon. D. G. CROZIER** (Minister for Minerals and Energy)—The State Electricity Commission has a policy of negotiating and discussing matters of outstanding differences between any group of landowners who may be affected by a power line issue or any other commission works. In the event that such discussion is not conclusive the Government must back the State Electricity Commission in applying such sanctions as are needed. I hope the somewhat extravagant talk of the State Electricity Commission contractors being denied access to the Moorabool–Portland line by physical means will be more rhetoric than reality, but it is important to point out to them and the public at large that in the event that negotiations fail and reason does not prevail, the State Electricity Commission reluctantly may have to call on the police to give these contractors safe access.

## RETAIL TRADING HOURS

**The Hon. C. J. KENNEDY** (Waverley Province)—Is the Minister of Education aware of an article in today's *Herald* indicating that a number of large city retailers are seeking extended shopping hours in some sections of the city? Will he further inform the House whether he categorically rejects an application of this kind in view of his earlier assertion that there will be no extension to retail trading hours prior to the next State election?

**The Hon. A. J. HUNT** (Minister of Education)—I have not yet had time to read the *Herald* and have not therefore seen the article. I have given this House an unqualified assurance that no legislation will be introduced to extend shop trading hours prior to the next election, nor any legislation for a general extension of shopping hours thereafter, unless approved by referendum.

## REGIONAL DIRECTORS OF EDUCATION

**The Hon. B. A. CHAMBERLAIN** (Western Province)—In view of the impending appointment of regional directors of education can the Minister of Education give the House some assurance that the regional directors will be appointed in time for the administrative work required for the first school term of 1982 to be carried out?

**The Hon. A. J. HUNT** (Minister of Education)—Firstly, I inform the House that today Cabinet approved the appointment of Mr Michael Kevin Collins as Deputy Director-General of Education. Mr Collins will be recommended to His Excellency the Governor in due course. He is currently serving as Director of Primary Education and previously served as district inspector, a lecturer in teachers' colleges and as a teacher in State primary schools. The recommendation of Mr Collins for the appointment as deputy director-general was unanimous and was made by the same committee that recommended the appointment of director-general with the addition of Dr Curry as incoming director-general and Professor Syd. Dunne.

The next stage will be the appointment of two executive directors and those appointments will be announced later this month. The appointment of incoming regional directors will be announced as early as possible next month. The date on which these appointments will take effect is a matter that will need to be discussed between the incoming director-general, the new executive directors and the implementation team. Whilst it is desirable that the transfer to the new system should occur without unnecessary delay, the actual date for the changeover must be carefully chosen to ensure a smooth transition.

## COMMAND PAPERS

**The Hon. D. G. CROZIER** (Minister for Minerals and Energy) presented, by command of His Excellency the Governor, the Interim Report of the Board of Inquiry into Council Elections of the City of Richmond.

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

**The Hon. A. J. HUNT** (Minister of Education)—By leave, I move:

That there be laid before this House the report from the Raffles and Bingo Permits Board for the year 1980–81.

The motion was agreed to.

**The Hon. A. J. HUNT** (Minister of Education), presented the report in compliance with the foregoing resolution.

## PAPERS

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

Arts—Report of the Victorian Council of the Arts for the year 1980–81.

Building Societies—Report of the Registrar for the year 1979–80.

Education—Report of the Institute of Educational Administration for the year 1980–81.

Forests Commission—Report for the year 1980–81.

Health Commission—Report for the year 1980–81.

Law Reform Commissioner—Report for the year 1980–81.

Melbourne University—Report of the Council, together with Statutes and Regulations allowed by His Excellency the Governor, for the year 1980 (eleven papers).

National Parks Advisory Council—Report for the year 1980–81.

Police Service Board—Determination No. 355.

Statutory Rules under the following Acts of Parliament:

Fisheries Act 1968—No. 491.
Marine Act 1958—No. 493.
Public Service Act 1974—No. 490; PSD No. 186.

Victorian Solar Energy Council—Report and accounts for the period ended 30 June 1981.

On the motion of the Hon. W. A. LANDERYOU (Doutta Galla Province), it was ordered that the reports be taken into consideration on the next day of meeting.

## EDUCATION SERVICE BILL

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

That this Bill be now read a second time.

It deals with two vital issues—firstly, management and, secondly, industrial relations in the education field. The

capacity of the Education Department to manage its own affairs has been severely limited by the fact that it merely administers in many cases the decisions of other statutory bodies. It has few employer powers of its own, decisions are made for it by others, and yet it and the Minister must accept the blame for any inefficiencies. In fact, it has fewer true employer powers than most other departments and far fewer again than businesses and private enterprise.

The Bill restores to the department the employer and management powers that it lacks under existing legislation. It enables new departmental structures flowing from the White Paper to be effectively implemented in the simplest and most effective way; it breaks down the current dichotomy between teachers and administrators, which has tended to devalue professional and managerial skills and artificially divide management between teachers and administrators; it paves the way for an effective and integrated administration of the department; and it provides administrative flexibility to adjust to future needs and development in a way that is unavailable under present legislation.

On the industrial side, the department has been plagued by an inability to negotiate and reach agreements with its employees and, indeed, when such agreements have been reached, they have not always been accepted by other statutory bodies. This left the employee organizations with a feeling of frustration. Quite clearly, the granting of employer powers to the department is linked with the power to negotiate successfully. Therefore, the Bill deals with a whole range of matters in the industrial relations field. In doing so, it adopts a framework for new relationships based on the principle developed in a joint working party between teacher unions and the department. It emphasizes negotiations, mutual agreement where practicable and conciliation where this fails, as crucial elements in facing industrial relations reality and developing simply good faith and trust.

It provides for voluntary arbitration, in the event of unresolved disputes, on a basis which has not previously been used in Australia, but which is well established and accepted in other countries. The Bill brings about greater comparability in employment conditions within the public sector by adopting appropriate provisions of the Public Service Act, and provides for full portability, transfer and promotion rights between the Education Service and the Public Service, with full protection for the rights of officers in each.

I have mentioned the report of the working party on industrial relations which reported to the Government on 1 May this year. To date this report has never been formally accepted by the Government, but the main principles embodied in the report are incorporated in the Bill and provide the basis for its industrial relations provisions which I have already summarized.

However, to meet the wider needs of the proposed Education Service, it has been necessary to place different emphases on some of the recommendations made. This difference may be summarized as follows:

The working party made recommendations on the establishment of a new industrial relations system for members of the Teaching Service. The Bill extends the principle of direct negotiation envisaged by the working party to all employee groups within the Education Service, and not merely teachers.

The working party recommended that the teacher unions and the Government prepare lists of possible commissioners from which the Government would choose its conciliation and arbitration commissioners. In view of the wider concept of the Education Service, the Bill extends the right to nominate lists of possible commissioners to all legitimate employee interest groups or "approved agents". The course of industrial relations over the coming months will substantially influence the final decision whether the consultative

method of appointment of commissioners envisaged by the working party will or will not be accepted.

The working party recommended a minimum of three approved bargaining agents to cover the interests of primary, secondary and technical teachers. The Bill extends to the commission authority to cover any approved agents which it may decide to recognize in the context of the structures of the education service. For example, approved interest groups could also include principals, administrators and clerical and administration sub-groups. Provision is also made in the Bill to enable the commission to grant an audience to approved agents or to an individual whom it considers has a special interest in the deliberations of the commission.

The working party referred very generally to the procedures by which an agreement between the negotiating parties would become a legally binding determination. The Bill specifically provides for agreements to become determinations only after the commission has accepted that their terms do not offend against the public interest.

The working party recommended a representative appeals board for teachers, with the chairman to be appointed through the consultative "list of names" process. The Bill varies this process slightly. It accepts the need for an appeals board, provides for the chairman to be appointed by the Governor in Council, extends the appeals board charter to cover the needs of other employee groups and provides for employee and employer representatives to be appointed for part-time periods as required in particular circumstances. Therefore, the Bill maintains the independence, cohesiveness and continuity of the appeals board through a permanent chairman, yet it provides further flexibility through fluctuating membership for other representatives according to the specific needs of particular interest groups from time to time.

The only differences between the present law and that envisaged by the Bill affects the transfer of employer powers and they can be summarized as follows:

The Teaching Service Act 1958 provided for complex employment procedures, many of which were beyond the control of the Education Department.

The Education Service Bill simplifies employment procedures, provides the department with a flexibility not previously possessed and enables it to adjust its structures and staffing arrangements to the changing needs of schools;

The Teaching Service Act placed the appointment of teachers in the hands of two independent statuory authorities —the Teachers Tribunal and the Committees of Classifiers. The Bill makes the Education Department responsible as employer for this function;

The Teachers Tribunal is presently responsible for most disciplinary actions taken against teachers. This responsibility will be assumed by the Education Department with right of appeal to an Education Service Appeals Board;

Unlike the Teaching Service Act the Education Service Bill makes clear provision for appointments on probation. A person appointed to the Education Service on probation will remain a probationer until the confirmation or annulment of his appointment, which must occur within two years.

The Bill will enable the department to administer teacher leave in accordance with the known needs of schools. This will reduce the significant disruptions which have occurred under existing legislation whereby the department merely implements Teachers Tribunal determinations in the matter.

It is, I believe, no secret to anybody that the Bill was substantially amended in another place, following representations by various interested bodies and by the Deputy Leader of the Opposition in another place.

Therefore, many of the objections voiced against the Bill have been removed, and I have today circulated notes on the clauses as amended, having taken into account the amendments

moved in another place. I believe the Bill in its amended form will meet the needs of the Education Service for a long time to come. It provides more rational procedures than those which previously existed; it provides a better way to administer the department, and a better way to deal with industrial guideline issues which certainly will arise from time to time.

There are elements of course, who, with natural conservatism, fear any change. Change is, however, occurring. The Government is in the process of re-constructing a vast department to enable it to meet today's needs better than is possible under present legislation.

I urge all those concerned with the interests of children in our schools to give this Bill a chance in its endeavours to provide for better administration within the Education Department and matters affecting our schools and our children.

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.

## SUPERANNUATION (LUMP SUM BENEFITS) BILL

The debate (adjourned from December 10) on the motion of the Hon. Glyn Jenkins (Minister of Water Supply) for the second reading of this Bill was resumed.

**The Hon. R. A. MACKENZIE** (Geelong Province)—The main purposes of the Bill are to pay the costs of the Superannuation Board from the Superannuation Fund, not from the Consolidated Fund, to provide superannuation entitlements for part-time employees, to make provision on matters raised by the Equal Opportunity Board and to introduce a number of machinery amendments. My party does not oppose the Bill. However, the Opposition is concerned about certain aspects of the way in which the measure has been brought before the House. That concern is in two main areas—firstly, that no consultation was entered into by the Government with the employee organizations representing the people who will be directly affected by the Bill. In some instances, the Government goes out of its way in the consultative process. The Residential Tenancies Bill comes to mind as one area where the Government went to no end of trouble to receive the views of people who were directly concerned and to draw up the Bill taking into account that input. The same was true of the White Papers and Green Papers on housing and education and in relation to many similar pieces of proposed legislation that have come before the House. My party believes that consultative process is desirable and is concerned that the Government has failed to undertake any consultation whatsover in regard to the Bill now before the House.

The Opposition's second area of concern is that there is insufficient information available, either to the Opposition or to the Government, on this issue. On the basis of information that I have received, I will demonstrate that grave doubts exist concerning the ability of the fund to carry out some of the proposals contained in the Bill. Some people who are better equipped, and who have a better understanding of the situation than I, have expressed concern about the operation of the State Superannuation Board.

When the Government introduces measures such as this, it is imperative that it back its proposals with information indicating that the proposals can be carried out. In this case, that is not so. In fact, I believe the reverse to be true. My party has not had sufficient time to enter into the detailed discussions it would have liked to conduct with the people involved; nor has it had the time necessary to gather the information it would have liked in order to debate the Bill to the extent required. An actuarial investigation has never been undertaken.

**The Hon. Glyn Jenkins**—Of what?

**The Hon. R. A. MACKENZIE**—Of the board.

**The Hon. Glyn Jenkins**—Of the whole of the board?

**The Hon. R. A. MACKENZIE**—Of the State Superannuation Board. Until that is done, the Bill should not be before the House. Until the Government has before it the results of such an investigation it cannot, in all honesty, put such a Bill as this before the House. For those reasons, I move as an amendment:

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 all employee organizations with members affected by changes in superannuation arrangements are consulted and an actuarial costing of the change in benefits is made available to Parliament".

The Opposition has grave concern about this Bill. The recent publication of the Auditor-General's supplementary report highlighted the need for more information to be provided. Actuarial investigations into other funds have revealed substantial deficits. The investigation of the Metropolitan Fire Brigades Board's Superannuation Fund revealed an estimated deficit of $200 million, and an actuarial investigation of the State Electricity Commission's Superannuation Fund revealed a deficit of $89 million. It is important that, before making decisions on this Bill, the Government should know where the State Superannuation Board actually stands. Calls have been made from time to time for an investigation. If the Bill becomes law, it will complicate such an investigation. Members of the Opposition feel that this information should be available to the House and that the Bill should be withdrawn and held over until those matters have been determined.

The administrative costs of the State Superannuation Fund may require an extra $3 million. Assurances are necessary that the existing staff ceilings imposed on the board will be lifted to ensure that there will be sufficient staff to carry out the extra duties that will be created by the Bill. I seek assurance, if the Government proceeds with the Bill on what the Government intends to do to increase the staff to cater for the additional work that will be created.

I refer the House to the Public Accounts and Expenditure Review Committee's Final Report and the Auditor-General's Reports for 1978–79, printed in 1981. It raised some concern in regard to the State Superannuation Board. At page 5 it states:

State Superannuation Board—Staffing and Form of Accounts

25 As a result of evidence placed before the Committee, it has concluded that the problems experienced by the Board should be recognized and considered separately.

The Committee sees the main problems as being—

(*a*) staffing; and

(*b*) accounting deficiences.

As I have mentioned, staffing is a worry. At page 5 of the report, it is further stated:

(*a*) Staffing

26 As far back as 1968–69, the Auditor-General referred to inadequacies in the Board's administrative and accounting systems and has made similar comments on numerous occasions since then. The Board has acknowledged these inadequacies and has mentioned them in several of its annual reports to Parliament.

27 The Board has continually requested additional staff but with very little success. In 1973 the Public Service Board inspectorate investigated the Board's administration. As a result of this review, eleven positions were created and a re-organization of the administration was partly implemented.

In August 1977, the Board applied for seventeen additional staff to establish an internal audit function. Approval was given in September 1978 for eight additional positions and the Board was asked to select which eight of the seventeen it wished to fill. In May 1979, Public Service Board approval was given for the creation of the eight positions nominated but it was August before the positions were filled.

Staffing has also been a matter of concern to the Auditor-General. On page 6, the report states—

A summary of the key recommendations is:

To re-organize the structure of the SSB's administration, grouping like functions together and freeing-up the board to concentrate more on major policy matters;

to select and appoint suitably qualified managers to key positions within the new structure;

to improve internal communications and develop more productive and satisfying relationships between management and staff; and

to upgrade EDP and other operating and control systems.

It is apparent from those recommendations that the Auditor-General does not believe the Superannuation Board is operating as it should and that there are deficiencies. On page 7, the report states:

> The Auditor-General expressed concern that the board has not prepared a revenue account and balance sheet and stressed the need to introduce accrual accounting procedures to provide meaningful financial reports.
>
> The committee was advised that, without a balance sheet, it is difficult to determine the financial position of the fund which is the starting point in carrying out an actuarial investigation.

That criticism reflects the need for proper accounting procedures, yet the Government is apparently prepared to proceed with the proposed legislation. It does not know whether the fund will be able to stand the new demands to be made on it or whether the board has sufficient staff to carry out the additional duties. The report continues:

> Accrual accounting allocates income and expenditure to the period in which it is incurred. Such accounting is necessary if the board is to determine whether future commitments can be met based on the net balance of the Superannuation Fund at the end of the accounting period.

That illustrates the fact that no decisions should be made about the future operations of the board until there has been a proper investigation. The introduction of this measure by the Government flies in the face of those criticisms.

Those are the main objections members of the Opposition have to the measure. Despite our objections to those points, we believe the principles involved in the Bill are good and we support them and the intentions of the Government, but we nonetheless believe the Bill should be withdrawn until a proper investigation has been carried out. There is a certain amount of risk involved and the board should have explicit policies. There is some doubt about the board's investment policies and, apparently, if one makes inquiries concerning the investment policies, it takes about two weeks to obtain the information. I should have thought that would be the very sort of information that the board would have at its fingertips. It is amazing that the annual report of the organization contains no information about the board's investment policies or about the return it receives on its investments.

I now return to the staffing of the board. Apparently, ten staff members are required in the investment section to manage the property investment side of things, which represents about 7 per cent of the total investment; nine staff members are required to manage the house mortgages, which make up about 11 per cent of the investment; and, only 1·25 members of staff look after all the rest of the board's investment programme. That seems a most unusual allocation of staff, and I should have thought the Government would be concerned about the fact that the board is run in that way.

I reiterate that those are the reasons why the Opposition urges honourable members to accept the amendment, which will enable the Bill to be withdrawn until a proper investigation has been carried out and proper consultations have taken place among the people who are directly involved in the implications of the proposed legislation.

**The Hon. W. R. BAXTER** (North Eastern Province)—The National Party supports the Bill and opposes the amendment. Some of the comments made by Mr Mackenzie may have substance and may require some investigation, but I do not believe that is sufficient reason for not introducing a range of new benefits. It is justifiable to bring the new benefits into existence because they will materially assist a number of people, albeit a small group. I shall, nonetheless, be interested to hear the Minister's response to Mr Mackenzie's remarks.

Over recent years, great strides have been made in superannuation and the benefits are far greater than they were previously. It has been said that, in times of inflation, superannuation is not as beneficial to a retired person as it was originally designed to be, and that must certainly be so for those on fixed incomes that do not keep pace with inflation. It is, of course, incumbent on

managers of superannuation funds to ensure that they obtain the best possible returns on their investments so that those returns can be passed on.

From time to time, the Parliamentary Superannuation Fund comes in for criticism for being too generous. It is a generous scheme but, bearing in mind the nature of the work done by members of Parliament, it should be. However, the most significant and salient point, which is often overlooked by critics of the scheme, is that members of Parliament contribute more than 11 per cent of their salaries to the scheme. That is the highest rate of contribution of which I am aware. The Bill refers to a contribution of 5 per cent and in many other schemes the contribution rate is a low as 2·5 per cent or 3 per cent.

Whenever the scheme is criticized by somebody speaking to me, I point out that members of Parliament who stand to benefit contribute more than 11 per cent of their salaries. That confounds the critics because they are not aware of it. I make the point at this time simply to bring to the attention of the public the fact that members may well benefit from the scheme but they contribute more than 11 per cent of their salaries while they are here. I reiterate that the National Party supports the Bill and will vote against the amendment.

**The Hon. H. G. BAYLOR** (Boronia Province)—The Bill marks a milestone, in that it takes up some of the recommendations of the long-awaited report of the Equal Opportunity Board on the way in which women are affected by superannuation schemes. The Government has had that report for some time and a number of women have been concerned about the time lag. At long last there is a measure before the House that incorporates, as the Minister pointed out in his second-reading remarks, five of the recommendations contained in the report of the Equal Opportunity Board.

I am sorry to say that, in my opinion, the Bill does not go far enough. Its clauses will still allow for discrimination. The Ombudsman's report for this year refers, on page 78, to the case of a woman who claimed dependency on the basis that she had lived with the deceased male contributor for 25 years. She sought benefits from the Superannuation Board, but the board declared she was not entitled to them because she had not been legally married to the contributor and was therefore not a "dependent person". The House is not debating the morals of the issue. However, it would be discriminatory for a spouse to have to prove dependancy. If the money of either a husband or a wife is paid into the State Superannuation Fund, that money should be paid out when either spouse dies. It is discriminatory for either party to have to go before a judge of the County Court to prove dependancy. I could understand the provision applying to beneficiaries, but not to the spouse.

Although I am opposed to the reasoned amendment, I should like actuarial figures provided to gauge the effect of an extension for a dependant spouse who would not receive the benefit as a right.

The provisions of clause 37 are too restrictive because a person who has lived with another party as a spouse, but who is incapable of entering into a valid marriage will be dependent upon the contributor or former contributor. It is to be hoped that further amendments will be made to that clause to bring about further equality.

The Bill goes a long way towards achieving equality and I congratulate the Government on the Bill. I hope my colleague, Mrs Coxsedge, is aware of the importance of this Bill for women. The provisions contained in the Bill hold many implications for women in the work force. The Bill is an advancement and it is to be hoped that those honourable members who are concerned about women's rights will not cease to continue to ensure that further measures are taken to amend the Bill in subsequent Parliamentary sessional periods.

**The Hon. CLIVE BUBB** (Ballarat Province)—One must understand how the State Superannuation Fund operates and what moneys are contained therein. I was interested to listen to Mr Mackenzie quote from a report of the Public Accounts and Expenditure Review Committee. I am a member of that committee and, therefore, I have some knowledge of that report.

The fund is comprised of the sum of the employees' contributions invested in various categories. The Government of the day has a statutory responsibility to make contributions to the fund in respect of benefits that are currently due but not otherwise. The Government only makes fortnightly contributions to the fund when the pension benefit is due and payable.

The report of the committee relates broadly to the two areas to which I have referred. No balance-sheet setting out the total balance of the employees' contributions has been published. As Mr Mackenzie stated, the Auditor-General had referred to this fact in his report for 1968–69, and that deficiency has been referred to on an almost annual basis ever since. The only point Mr Mackenzie raised to which I give credence is the investment of the employees' contributions. It is difficult to ascertain from the accounts presented by the State Superannuation Board the level of return on the various classes of investment. That is an area that should be examined and cleared up.

It is ludicrous, however, that the House should either delay or defer making improvements to the benefits that can be paid to those people who contribute to the fund. The reasoned amendment seeks merely to achieve something that is currently under review. As a result of the report of the Public Accounts and Expenditure Review Committee, the matter has been drawn to public attention and steps are being taken to correct those deficiencies and to ensure that contributors' accounts are presented correctly on the balance-sheet of the fund. Further investigations will be carried out into the various investments of the fund to ensure that more accurate figures are provided on the rate of return for each class of investment.

It should be noted that the chairman of the fund is an actuary. Therefore, there is constant professional expertise available to the fund. Indeed, taking into account all the factors, it would be foolish for the House to delay this Bill. I support the Bill and I oppose the reasoned amendment.

**The Hon. GLYN JENKINS** (Minister of Water Supply)—The Government will reject the reasoned amendment. I fail to understand why the Labor Party should move that type of an amendment. It will be illogical to delay the passage of the Bill.

The Labor Party is seeking to postpone benefits payable to members of the Public Service and to postpone special benefits payable for women, which have been recommended by the Equal Opportunity Board. The Labor Party has adopted a totally unproductive and senseless approach to the Bill.

The Bill will confer benefits on members of the Public Service. Once again, the Labor Party is demonstrating what it believes to be a principle by opposing whatever measure is before the House on the grounds of further reports being provided. The Government is seeking to confer as quickly as possible benefits upon members of the Public Service.

One of the bases upon which Mr Mackenzie proposed his reasoned amendment was that there had been no consultation with any of the people involved. I have been advised that a consultative committee met on two occasions; firstly, on 5 November 1981 and, secondly, on 19 Noember 1981, and that that committee included members of the Victorian Public Service Association, the Victorian Teachers Union, the Victorian Secondary Teachers Association, the Technical Teachers Association of Victoria, the Australian Railways Union and the Victoria Police Association. The committee accepted the suggestion that a lump sum benefit be made payable on the death of a part-time employee, but the committee opposed the idea that membership be compulsory for part-time

employees. The Government made a positive decision that in a scheme of this nature, membership ought to be compulsory.

I give the lie to the allegation made by Mr Mackenzie that no consultation was undertaken. The Government has a fine record of consultation with the Public Service unions. That record dates back to the period when Sir Henry Bolte was Premier.

Mr Mackenzie also stated that the Government was unable to give any accurate costing on the scheme. It should be noted that 20 000 married women are involved and all of them are given an option by this legislation; they can either opt to join the proposed scheme or they can opt to remain in the present scheme without the proposed benefit. It is impossible for the Government to cost exactly what the scheme will amount to until those persons concerned make an option. The same comments apply to the lump sum scheme, which was also an option for part-time employees. Unless and until they take the option, we will not be able to determine the actual cost to the State.

Mr Mackenzie also mentioned the three-yearly review of the valuation of the fund. I am advised that the valuation as at 30 June 1980 has been completed and is now with the Minister, and the report will be made to the Government shortly. I acknowledge that a delay has occurred in finalizing that report, but it is a long and detailed matter, and until all the records of all the employees are placed on a computer programme, it will be difficult to complete the assessment any more quickly. However, I am advised that the assessment and the valuation have been completed and that the scheme is in a healthy condition.

I also advise the House on the question of management of the State Superannuation Board and its staff that the Public Service Board has completed a management review. The review is currently before the Treasurer, and it recommends that an increased number of staff be appointed. I give an assurance to the House that the report will be critically examined, and that if the increased numbers of staff are found to be justified, they will be allocated.

I indicate again that the Government rejects the reasoned amendment put forward by Mr Mackenzie. If it were accepted, it would withhold benefits from a section of the Public Service and discriminate against the married women who under this Bill will be given a further beneficial option, and it seems an absolutely pointless exercise to move a reasoned amendment in these terms for the reasons that Mr Mackenzie gave.

**The Hon. J. V. C. GUEST** (Monash Province)—It may be thought I had not paid any attention to this Bill if I did not say something about the future costs of public sector superannuation, a subject of much concern to me. The reason why the provision of options and probably additional benefits in total to married women in the Public Service and other services where the members are contributors to a State fund is justified is simply that it is equitable.

After the current actuarial investigation of the future course of the State superannuation system is completed, it may appear that real problems exist in the funding of superannuation in Victoria. If that is so, remedies will have to be found which are, again, equitable to all the members, probably by arranging for new cohorts of members to join under some different arrangements, such as the State Employees Retirement Benefits Fund provisions. However that may be, there is no justification for us now not ensuring that married women are treated on an equitable basis with other employees.

One of the best moves made by the Government in this Bill is to provide for the lump sum option to be available to spouses or dependent persons under fifty-five years of age who may accept a lump sum equal to seven years' pension. They will have to make the election within six months of the death of the contributor or pensioner. That is to ensure that they cannot make the

election shortly before remarrying. This will be decidedly for the financial benefit of the State.

The right to a pension from the age of 55 years until death of, usually a female person would be worth possibly fourteen, fifteen or more times the value of the pension as a lump sum, having regard to the full indexation of pensions payable to superannuants under the State superannuation scheme and other State schemes. Therefore, if, entirely at the option of the person concerned, a lump sum of seven times the value of the annual pension is accepted, this is very much to the State's benefit.

Why, it may be asked, is this not made applicable to all superannuants? Why cannot they all convert their pensions? One would have thought that once the principle is accepted in relation to dependants, probably widows, one would not consider the question of lump sums being dangerous in the hands of people who have not handled large sums of money, which is a reason sometimes advanced in insisting that they receive pensions. Mrs Baylor looks horrified, and she is entitled to look horrified, but that is a reason that is often given. The principle can no longer be accepted, in the light of what is contained in the Bill.

The only reason, therefore, for not giving the full lump sum option to all employees would appear to be that of the immediate cash costs to the State —immediate in the sense of being the cash costs in the next, perhaps, five or six years—because in the long run, given the psychological propensity of people to accept a lump sum which does not represent the full actuarial value of their pensions, it has to be in the interests of the State to offer a lump sum commutation of the pension. I hope we are taking a step towards this. I believe there is scope for making an arrangement with the private sector, and perhaps now that the heretics north of the border are flirting with private sector arrangements, we might consider it, too. We could invite big life insurance companies to enter into an arrangement for the financing of the immediate cash costs of paying out lump sums and perhaps, the general management of our State superannuation arrangements as well.

There are, indeed, many problems in the State superannuation schemes which will have to be faced. When the Ryder Cook report is completed, it will no doubt appear that future costs to the State Budget of the present superannuation schemes will be such as to suggest that changes are needed, perhaps those I have foreshadowed, including new cohorts of public servants joining a different kind of scheme. But then the question arises of what is to be done about those who, *ex hypothesi*, must be enjoying benefits which are too expensive. The logical answer in that case is that the total remuneration package will have to be added up. It will have to be recognized, as for some reason it has not been in our system of wage and salary fixing in Australia, except in the private sector in employing executives, that superannuation, long service leave, holiday pay and sick pay—all the non-wage, non-salary benefits—are worth something in terms of current salary, and should be added together on top of the base salary.

If that is the case, we will find that public servants and others who receive public sector superannuation benefits will probably have not just two different kinds of superannuation structures of which they are members, but two different kinds of salary structures equating the total benefits they receive. If that were to come about, there is no doubt that members of the present schemes would express their extreme dissatisfaction with a number of anomalies which already hurt their interests.

The lack of portability is perhaps the most obvious. There must be many quite senior people in the Public Service and the Teaching Service who feel trapped by the superannuation scheme benefits. They are too good to forgo. Those people cannot afford to go to private enterprise or into the Teaching Service or public employment in another country.

They should be provided with deferred benefits of some kind because the cash benefits to which they would be entitled on an immediate payout would, strictly speaking, not be in the nature of superannuation and would, if paid, constitute an excessive cash cost to the State.

Another matter which should be of concern to Treasury and is a matter of equity in superannuation schemes is that for those earning less than $16 000 to $17 000 a year in public sector employment, the benefits they receive in the end for fairly substantial contributions throughout their working careers are not much greater than they would enjoy from receiving a Commonwealth pension at the age of 65 together with pensioner benefits—health, transport, telephone, rates, driving licence, motor registration and, I think, third-party insurance. It would be in the interests of both the Victorian State superannuants and the Victorian State Treasury if many of the existing pensioners were allowed to commute their pensions for a lump sum and if in the largest category of existing employees—those earning less than $16 000 a year—contributors were entitled on retirement to commute their pensions to lump sums. They could then receive Commonwealth benefits unless they invested their lump sums for high income. Clearly these considerations were borne in mind in the passing of the State Employees Retirement Benefits Fund Act and should be extended to members of the State Public Service and the other contributors to the State Superannuation Fund.

The reason why this would be of interest to the State Treasury is that people are psychologically, perhaps rather than logically, anxious to accept a lump sum which does not represent the full actuarial value of their pensions. They would be happy to be paid out and, apart from their taxation benefits or their Commonwealth pension benefits and any taxation benefits, it would be good business for the State Treasury. The same argument does not apply to Commonwealth employees as savings on old age pensions end up in their employer's pocket. The State should recognize and act on the difference in our situation instead of continuing to subsidize Commonwealth Government finances. I have spoken of these matters because I believe these are points to which Mr Mackenzie should have been addressing himself rather than seeking to postpone benefits which, as a matter of equity, honourable members should be pushing for at this moment. For the reasons I have given I oppose the amendment and support the Bill.

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

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

## VICTORIA STATE EMERGENCY SERVICE BILL

The debate (adjourned from December 10) on the motion of the Hon. F. J. Granter (Minister for Police and Emergency Services) for the second reading of this Bill was resumed.

**The Hon. R. J. EDDY** (Thomastown Province)—This Bill provides the State Emergency Service with a statutory basis which has not previously been defined. The measure is long overdue. For many years people have been carrying out emergency work of enormous service to the community, without recognition. They have not asked for recognition but they should be highly praised for their efforts over that time.

The State Emergency Service was created in 1950 to provide a civil defence for wartime, with the Commonwealth providing equipment for civil defence training. Its role evolved to a service to cope with floods, storms and other emergencies that arose. In 1973 the service was the responsibility of the Chief Secretary and his department and in 1979, when that department was abolished, the service was taken over and administered by the Minister for Police and Emergency Services. The service has a staff of 35 members. It has offices in Melbourne and ten regional offices. The metropolitan offices are divided into two districts, one south and one north of the Yarra River. The

211 municipalities are served by only 130 units. The 130 units have some 6000 personnel, all volunteers, who, during 1980–81, attended more than 1000 operations. They deserve to be commended for that effort.

The service relies on backing from municipal councils. It is an emergency service consisting of volunteer personnel from within the municipality who are prepared to work in an emergency at any hour of the night without any support, even from the Government. It is for those reasons that the Opposition considers the volunteers and municipalities—I am speaking of the remaining municipalities—are finding it difficult to obtain volunteers to form a Victoria State Emergency Service or units within the respective municipalities.

I shall indicate the types of emergencies that the volunteers in the State Emergency Service attend. Clause 2 of the Bill states, *inter alia*:

"Casual emergency worker" means a person other than a member of the Service engaging in activities as such who, at the request or with the express or implied consent of the Director, the Deputy Director or the controller of a registered unit, assists a registered unit or any member of the service to carry out its or his duties under this Act.

. . . . . .

"Emergency" means an emergency due to the actual or imminent occurrence of any event, including, without limiting the generality of the foregoing—

(*a*) an earthquake, flood, wind-storm or other natural event;

(*b*) a fire;

(*c*) an explosion;

(*d*) a road accident or any other accident;

(*e*) a plague or epidemic; or

(*f*) a warlike act, whether directed at Victoria or a part of Victoria or at any other State or Territory of the Commonwealth—

That means that the volunteers provide the service to assist people wherever the abovementioned events occur. As all honourable members appreciate, they occur in various areas of the State day in and day out throughout the year. When a volunteer in the State Emergency Service inadvertently or accidentally has caused damage to a property—this can occur quite easily while they are carrying out their duties —they have been liable in the court action to recover the cost of the damage.

This Bill indemnifies those members from any action being taken against them during the course of their service or for whatever damage they may have caused to the property of a person, whether it is a fire or any other emergency, such as a motor car accident. The volunteers will now not be liable for the court action.

The Bill also provides for compensation to be paid for registered members carrying out their duties, whether within or outside the State. On many occasions volunteer members of the State Emergency Service are required or could be required to assist in fires or accidents, particularly in country areas where they may have to cross a border or bridge to enter New South Wales. If they are injured while carrying out their services outside the State, they will be covered by compensation. I consider that should be so, as it is for volunteers under the Volunteer Civil Defence Workers Compensation Act.

The Bill repeals that Act and provides a basic compensation scheme to cover all members of the State Emergency Service. This at all times includes emergency workers and volunteers. The people involved have been waiting for the Bill for some time. It is welcomed by honourable members in this House. I speak on behalf of Opposition members in congratulating all those members who volunteer and offer their services and dedication to the people of Victoria and also to people outside the State when these events occur.

Many adjustments will need to be made, as is required in any legislation. At least it is a basis on which to develop important aspects of community involvement and self help. The Bill will provide for that service. Once again, I congratulate members of the service on the excellent work they carry out that is unrecognized and

does not receive the praise of which it is worthy. The Opposition does not oppose the Bill.

**The Hon. W. R. BAXTER** (North Eastern Province)—I take up the final remarks of Mr Eddy and support him in commending the outstanding service rendered by a relatively small group of people in Victoria who are involved in the State Emergency Service. They are often required at inconvenient times and need to leave their work place to take part in rescues and activities that expose them to considerable personal danger from various hazards. The Victorian community is fortunate to have within its ranks a group of capable people who are prepared to render this great public service. I am especially pleased that the Bill has been introduced during this sessional period because it clarifies in particular the compensation arrangements that apply to State Emergency Service workers. I have received a number of representations—most notably from a group within the Shire of Cobram—from people who are concerned with the existing compensation arrangements for injury and damage. It is believed that the arrangements are less than generous and somewhat unclear about where liability commences and ends.

I am pleased that the Bill improves the situation and I understand this is to the satisfaction of the people involved. Some of my colleagues and I were fortunate enough to visit the headquarters of the State Emergency Service at 31 Queens Road, Melbourne. We spent an interesting two hours with the director and deputy director of the service and were able to canvass the views of the organization. It was interesting to study the statistics of the State Emergency Service and the types of accidents in which it is involved. As one would imagine, motor accidents headed the list.

The real purpose behind the establishment of the State Emergency Service in the first place was to deal with a war-time situation and, since this fortunately has not beset us, the service deals with natural disasters such as fire and floods. Road trauma has turned out to be the most frequent emergency for which the State Emergency Service is called. A number of volunteer groups throughout Victoria, in some instances, pre-dated the establishment of the State Emergency Service. I understand that at times some misunderstanding occurs between these groups and, indeed, on some occasions considerable friction exists.

That is unfortunate and it behoves the State Emergency Service, the Minister and the Government to go out of their way to accommodate the volunteer groups which are most enthusiastic and reliable. Through their valuable efforts large amounts of money have been raised to purchase equipment. One of these volunteer organizations in the electorate that I represent is better equipped than the State Emergency Service organization in the same city. This is always likely to be the case because of the enthusiasm and ability of that group to raise funds from the public.

It strikes me that it may be better for the State Emergency Service to withdraw from the town to some extent if it is unable to come to a reasonable agreement to incorporate that volunteer group under the umbrella of the State Emergency Service. A call exists for sophisticated emergency and rescue equipment. I agree that this is important and can save lives. However, sophisticated equipment is extremely expensive and at times it might be preferable to spend the available resources on a broader range of equipment rather than splurge on one costly item.

I have in mind the "jaws of life" tool which I realize, in some emergency situations, is the only tool which can save a life. However, that tool is extremely expensive and often a crowbar or a simpler and cheaper tool would perform the same task. I do not want to encourage the State Emergency Service to equip itself with this sophisticated equipment to the detriment of a wider range of items which may be used far more frequently. I am not suggesting that this is the intention of the State Emergency Service.

Last week I asked the Minister a question about outstanding accounts incurred by the State Emergency Service during times of disasters such as fire and floods. It has been drawn to my attention that eight or nine weeks sometimes pass before settlement of accounts takes place. In his reply, the Minister seemed quite startled that I was making an allegation. I do not wish to do so and my understanding is that no accounts are outstanding at present. This past problem is not the fault of the State Emergency Service because it is not responsible for the settlement of accounts. This task belongs to the National Disaster Relief Committee and it appears that the transmission of accounts from the State Emergency Service to the committee has been expeditious. However, once the accounts reach the committee there is a gap in the system. This is unfair to many small businesses throughout Victoria which rely heavily on an even cash flow. They can be considerably inconvenienced if the cash flow is interrupted by a fairly sizeable account incurred by the State Emergency Service which extends far beyond trading terms.

I implore the Minister to make sure that the account procedures of the National Disaster Relief Committee are improved so that the payment of accounts is kept within normal trading terms. I again offer my congratulations and best wishes to those people in the community who, at no small risk to themselves, are prepared to be part of the State Emergency Service. We all owe them an enormous debt.

**The Hon. B. A. CHAMBERLAIN** (Western Province)—I support the remarks of the previous speakers and point to some of the important provisions in the Bill which certainly improve the conditions, particularly of volunteers involved in the State Emergency Service. Like many other volunteer services—including those like the Country Fire Authority and the St John's Ambulance Brigade—these people put themselves out to work for the community in training programmes, mock emergencies and the real thing.

In times of road accidents and dangerous bushfires the services of these people are often required in the early hours of the morning, at week-ends and at other inconvenient times. Up to the present time a variation has existed in the amount of compensation payable to State Emergency Service volunteers who are injured compared with compensation payable to Country Fire Authority volunteers. That has been a matter of some contention and it is pleasing to ascertain that the provisions of the Bill will bring State Emergency Service volunteers under the operation of the Workers Compensation Act. This is a welcome change.

Clause 12 provides indemnification for people involved in the work of the service for damage to their own property. For example, if a person uses his own vehicle the Minister is authorized to pay compensation if the person is involved in some sort of accident which could involve some personal responsibility or damage. I shall deal briefly with the financial support given to the State Emergency Service through municipalities. This assistance is quite apart from payments made for capital funds for the equipment and also quite apart from funds made available in the employment of permanent officers. The Government provides an amount of $30 000 and it is provided as a matching municipal subsidy on a dollar for dollar basis to a maximum of $500. It is fairly obvious that the Government and the State of Victoria are obtaining a good deal on the cheap, so much so that some municipalities have to contribute up to $3100 a year and for that they receive a matching contribution from the State of only $500.

There are a number of ways of handling this discrepancy. The easy solution is to provide more money. The other method is to classify the units in order of priority depending on the population of the area, the type of equipment used and the general over-all responsibility. One can have a series of three classifications giving escalating amounts from, say, $1000 for one group, $500 for another and $200 for the other. That might be a better way of spending

money because in some cases the municipal contribution is as low as $200 and a matching basis for those units would attract only $200 from the State.

I request the Minister for Police and Emergency Services to examine these matters and to renew representations to the Premier and Treasurer to remind the honourable gentleman of the excellent work being done by the units and the tremendous amount of volunteer work involved. This is one area of operation where the Government gets great value and in the coming year there might be substantial increases in the allocation or a rationalization of the allocation considering the relative work of the various units.

**The Hon. R. A. MACKENZIE** (Geelong Province)—The Labor Party supports the Bill and I endorse Mr Eddy's remarks. The measure has been long awaited by members of the State Emergency Service. I have received several telephone calls from the unit at Geelong and have been able to inform that unit that the Bill is being passed through Parliament now. The Geelong unit is under the leadership of Mr John Peel—which is a significant name in emergency services, of course.

Great use was made of the emergency services unit at Geelong during some violent wind storms in the district, during which time the value of the service was instantly evident. The service was on the job almost immediately the storm struck and answered about 35 separate telephone calls. In a matter of hours the service had damaged homes covered with tarpaulins and was clearing roadways by removing trees and other debris.

The emergency demonstrated how good the service was and how well it acted in a short time. The service had established a good communication service with the Police Force and the Country Fire Authority. The service has a direct link with the local radio station in Geelong and, immediately an emergency occurs, the radio station is used to get through to many people and to pass on messages to the general public.

In any of these emergency services, one must have absolute admiration for volunteers who participate in work that is often dangerous. I have made many represenations on behalf of the service to the Minister for Police and Emergency Services who is working very hard in trying to get provisions for flashing lights to be fitted to State Emergency Service vehicles in Geelong. This facility is necessary because the service attends many road accidents and has a "jaws of life" machine that was donated by the service group, Apex, and which has been put to good use in the saving of a few lives in the district. There is considerable danger to members of the service when going to attend an accident that requires the machine and people do not know who they are and whether they have authority. At present, the Minister is negotiating to determine whether a special type of light can be fitted to the service vehicles. I appreciate the work the honourable gentleman is endeavouring to do, as do members of the State Emergency Service in Geelong.

I reiterate that one has a lot of admiration for those in the community who volunteer for this work, and it is only fitting that those who do so should be covered by proper compensation and be provided with protective equipment and tools necessary for their work. This is a very important reason for the Bill. It provides the service with both compensation and status and, in reality, brings the service into being. With the passing of the Bill, the service will have the status it has sought for some time which will help in recruiting more members. Many persons would become members, but are concerned because of the lack of compensation and status.

The Bill covers other important factors like damage to property that may inadvertently occur when members of the service are carrying out their duties. At present, service personnel would be liable for any damage to property, and that situation will be covered in the Bill so that those whose property is damaged will be compensated by the Government. The Labor

Party is very pleased with the content of the Bill and, as Mr Eddy indicated, it has the agreement of the Opposition. Members of the Labor Party commend the Government for the introduction of the measure.

**The Hon. B. P. DUNN** (North Western Province)—The Bill is important. It constitutes the State Emergency Service in its own right and, as Mr Mackenzie and other honourable members have said, it provides for compensation coverage for people involved in the work of the service.

I wish to pay a compliment and tribute to those working for the State Emergency Service. In the province that I represent, I have come into contact on many occasions and at times of great stress and need in the community with members of the service. I refer particularly to the flooding that occurred this year in many parts of Victoria when the service worked tirelessly to protect people and property in areas threatened by flooding. I visited some of those areas, as did the Minister for Police and Emergency Services, and I compliment him on that, and at every point where flood problems were severe, the State Emergency Service was working hand in hand with the Police Force and other volunteers from the community.

The service was co-ordinating assistance requirements, it was setting up communications and it was providing a skilled and trained work force to put the whole operation together. In the Horsham-Dimboola area during the flooding of the Wimmera River, Inspector Stan Moore of Horsham as co-ordinator was doing an excellent job, as were other workers for the service. The State Emergency Service operates throughout Victoria, and I cannot speak highly enough of it.

The service has the community right behind it. In the last year or so, an appeal was run throughout the Wimmera to provide various units with the "jaws of life" equipment. The appeal was being run for three units to operate in the area, and as Mr Baxter said, the service is involved largely in attending road accidents where this specialist equipment is necessary. The jaws of life mechanism is an effective piece of equipment that is used by trained members of the State Emergency Service who are on call 24 hours a day. That service has provided a tremendously valuable assistance to the community.

The community in turn has provided support for the service. An appeal in the Wimmera region provided the service with the jaws of life mechanism. The Bill will confer status upon the State Emergency Service and the Government will be able to get behind the service to provide it with the necessary equipment.

Like any volunteer service, the State Emergency Service needs equipment. The members of the State Emergency Service are dedicated to their tasks. Until now the community has obtained the free services of those people and their involvement. The least the community and the Government can do for that service is to provide it with the necessary resources and equipment to assist it in its work.

I commend the State Emergency Service for the work it has performed, especially in the north-western area of the State where flooding recently occurred. It is to be hoped that the Minister for Police and Emergency Services and the Government will now get right behind the State Emergency Service to help it extend its operations and the service it provides throughout the State.

**The Hon. J. W. S. RADFORD** (Bendigo Province)—The Bill demonstrates the Government's good faith in the State Emergency Service. As those honourable members who have been associated with this organization would be aware, there has been a feeling amongst members of the State Emergency Service that, at times, they have not been getting a particularly good deal. The Bill will be a tremendous confidence booster for those members who will be covered by workers

compensation. Indeed, even volunteers to the State Emergency Service will be covered.

One of the finest examples of the work performed by the State Emergency Service was during the recent storms that occurred in the last week of October in the Wimmera and central Victoria regions. I refer to the storm damage that struck the Charlton, Korong, Melvilles Cave, Murphy's Creek, McIntyre and Rheola areas and Slaty Creek. There was considerable damage in the Charlton and Murphy's Creek areas. The houses and businesses in those areas were subjected to severe storm damage. Anybody who had not visited an area that has been subjected to a severe hail storm would not believe the damage that can occur. After the storm in Charlton, I saw examples of sheets of corrugated iron that appeared as though somebody had used an enormous stamp to make impressions of the objects they had struck. Houses lost their roofs and timber houses appeared as though somebody had attacked them with a ball hammer and damaged the woodwork. Paint was stripped away and windows were smashed. When I visited the Shire of Charlton, the first indication to me of a storm having struck was the appearance of bedding and other types of furniture, which was being aired and dried out. Enormous damage was inflicted on farm crops in the area. However, I shall not dwell on that. Those people who had their properties damaged were heartened by the enormous effort displayed not only by Government instrumentalities, local Government, the State Emergency Service and the Country Fire Authority, but also by the backup work supplied by various community groups, which provided items like bedding and so on.

The call for more funds for the State Emergency Service has come from many municipalities. For example, the Shire of Rushworth has been most concerned about the supply of funds for its unit of the State Emergency Service. Owing to the absence of workers compensation coverage for State Emergency Service volunteers, there has been a reluctance among other people in some areas to volunteer for work performed by the State Emergency Service units.

Volunteers have played a prominent role in combatting fires and assisting in flood rescue work and other emergencies. Volunteers have also worked with the State Emergency Service in the operation of the jaws of life mechanisms at the scene of road accidents. There was an excellent editorial that appeared in the *North Central News* of 24 November 1981.

**The Hon. B. P. Dunn**—That is a good newspaper.

**The Hon. J. W. S. RADFORD**—It is an excellent newspaper. It is pleasing to note that Mr Dunn reads that newspaper. The editorial is headed, "Service on the cheap". The editorial provides a detailed coverage of a debate that occurred at a meeting of the Kara Kara Shire Council at St Arnaud on funding for the State Emergency Service unit in that area for St Arnaud and the Shire of Kara Kara, of which I am a member. The article highlights the problems faced by those honourable members who staff the local State Emergency Service unit. The Bill will answer many of the worries expressed in the editorial. However, I quote from some sections of the editorial, which states:

> The cause of the dissatisfaction is that although the Unit is termed a State Emergency Service unit and is subject to direction such as the above,—

In other words, working outside the areas of those municipalities where it is based—

> —it is financed by the ratepayers of Kara Kara and St Arnaud, the vehicle was purchased by Rotary raised funds, and the only contribution by the State was the trailer and rescue equipment.

I pay tribute to the work performed in this area by Councillor John McVitty, who is self employed and who runs the local garage. The amount of time that that man and other members of the emergency unit have put into training and other duties could scarely be measured in dollar terms. The article continues:

> Further to that, the controller, Cr J. McVitty, told Council the Unit is lucky to receive a maximum grant of $500 from the State every two

years, but only if another similar sum is spent by the Unit (from non-existing funds?).

There has been a good deal of dissatisfaction voiced about funding for the State Emergency Service. If the Minister for Police and Emergency Services would like to take a deputation to the Premier and Treasurer on that matter, he would have many honourable members and local controllers of State Emergency Service units join him. The article continues:

A motion put to Council that the Local Unit be confined to its own boundaries, under all circumstances and that the State Emergency Service be so advised, was lost, mainly because it was seen by those who did not support it, as not reaching the real heart of the problem, that of Government's responsibility for adequately servicing the S.E.S. Units, and the volunteers who delivered the service in emergencies.

Although financial constraints have been placed on the operations of all Ministries, the Minister would agree that the State Emergency Service has been operating on the cheap. I am sure the honourable gentleman has made every effort to obtain extra funds for the State Emergency Service units. It is to be hoped that at a later date the Government will make further funds available. I made earlier reference to the Minister's second-reading speech when he referred to such matters as journeys by members of the State Emergency Service from the scene of a State Emergency Service operation, meetings, training or activities. The coverage of attending meetings and training activities is an important aspect. It is not much use having people and equipment if those people are not covered when they attend meetings and training activities. It clearly backs up the equipment. There is no point in having equipment that is not manned by trained personnel. I believe, as the Minister stated, that the Bill recognizes the magnificent work performed by the State Emergency Service and I sincerely trust that this House will, by passing the Bill in its present form, acknowledge that.

The motion was agreed to.

The Bill was read a second time.

**The Hon. F. J. GRANTER** (Minister for Police and Emergency Services)—By leave, I move:

That this Bill be now read a third time.

I firstly thank honourable members for their support of the Bill and also for their support for the State emergency services throughout the State. It is a wonderful service. It is a dedicated voluntary service, led by Bob Aitken, the director, and Mike Curry, the deputy director. They do a magnificent job. The volunteers are the crux of the whole service because, without them, the professional staff could not do much good.

All honourable members who have spoken have referred to the operations of this service. One of its greatest operations was this year in the Wimmera when the floods were going down the Wimmera River. The State Emergency Service co-ordinated relief and carried out sandbagging and everything pertaining to floods, with the city engineer, the State Rivers and Water Supply Commission, the police and other services. I also would like to mention 3WV, the broadcasting station, which relayed correct information on the water levels and gave relief to a number of people. These people did not panic as people did in other places.

The co-ordination at Horsham, Dimboola and Jeparit, was top class and worth seeing. I was proud to go there and encourage the volunteers and the professional officers.

Mr Baxter mentioned some groups outside the State Emergency Service, and he is correct. I envisage the one that he refers to is the Shepparton Search and Rescue Group, which was probably operating before the State Emergency Service was formed. It has done a magnificent job for citizens, not only in the Shepparton area but far and wide. This group raises its own funds from a fund-raising effort in Shepparton. It engages the town hall and municipal buildings, and has a well co-ordinated fund raising campaign.

I pay a tribute to the people in this group, although I would like them to join with the State Emergency Service in Shepparton. Mr Baxter said there is probably room for two, but I think the service would be so much better if the two groups joined together, and I invite them to do so.

Mr Radford, Mr Dunn and Mr Chamberlain contributed to the debate. Mr Radford handed me the *North Central News* of 24 November 1981 which has an editorial headed, "Service on the Cheap". This editorial mentions that the State is getting service on the cheap. Perhaps it is, but it is getting service on the cheap in other respects also. The volunteer members who assist the Country Fire Authority are invaluable and the Government should act to mobilize many of these services. The Government and the citizens of Victoria appreciate this service, and I hope in a few years the Government can support these services with increased funding. There is a need for greater funding, as has been pointed out by honourable members who have spoken in the debate. Perhaps there is a need for variation in funding, as alluded to by Mr Chamberlain. I will have this matter investigated.

I thank honourable members who have spoken—I missed out Mr Mackenzie, I did not mean to do that—in support of the Bill and in support of the State Emergency Service, and I concur with the sentiments that they have expressed.

The motion was agreed to, and the Bill was read a third time.

## MOTOR ACCIDENTS (AMENDMENT) BILL

The debate (adjourned from December 10) on the motion of the Hon. Haddon Storey (Attorney-General) for the second reading of this Bill was resumed.

**The Hon. JOAN COXSEDGE** (Melbourne West Province)—This Bill is concerned with the rehabilitation of motor car accident victims. It has arisen from an inquiry commissioned by the Government and headed by Mr Justice Minogue, the report of which was tabled in 1978, and so this Bill is concerned with the recommendations that came out of that report.

Although the Opposition does not oppose this Bill, there is one important area where the Government has failed to act. That is, when Victorians are injured in a motor accident interstate, they are not covered by insurance. This matter should be acted on and given high priority. The Labor Party will do so next year when it becomes the Government.

The motion was agreed to.

The Bill was read a second time.

**The Hon. F. J. GRANTER** (Minister for Police and Emergency Services)—By leave, I move:

That this Bill be now read a third time.

I assure Mrs Coxsedge that her remarks will be taken into account when this matter is further considered. It also requires consideration by interstate Governments.

**The Hon. B. P. DUNN** (North Western Province)—The Minister has moved that the third reading be proceeded with forthwith. On that motion, I indicate that my party supports the Bill and the expansion of what it proposes to cover. The new areas that it will deal with will be of advantage to people who are involved in motor accidents, particularly those in border areas who may be treated in hospitals outside this State.

The motion was agreed to, and the Bill was read a third time.

## CO-OPERATION BILL

The debate (adjourned from December 9) on the motion of the Hon. F. J. Granter (Minister for Police and Emergency Services) for the second reading of this Bill was resumed.

**The Hon. K. I. M. WRIGHT** (North Western Province)—The National Party supports this large and important Bill which deals with co-operatives. Co-operatives had a humble beginning in England some 140 years ago. Their

main features are service, common ownership and democratic control, including the right of each member to have one vote, regardless of whether his holding in the co-operative is large or small.

Victoria's first Co-operation Act was passed in 1953. Since then some 2300 societies have been registered, with a value of some $700 million, which represents an amazing growth since that time.

One matter which has been of concern to me and to a number of other members—in particular, Dr Foley, who referred to it in a speech in 1979—is the lateness of the report of the registrar. The last report, which was for the year ended 30 June 1978, was received some two and a half years late; up until recent days, the report for the year ended 30 June 1979 had not been received. Under section 92 of the Act, the return of the registrar is to be supplied as soon as possible. I wonder whether it is not the Minister's responsibility to liaise with the registrar to ensure that the information is available to honourable members at an earlier date. It may well be that there are too many statutory authorities and the Public Bodies Review Committee has been investigating that matter. I do not want to criticize the registrar, Mr Jungwirth, who has been helpful and co-operative in co-operative housing matters, but it may be that his responsibilities are too onerous and too wide considering the number of reports to be consolidated.

The Bill makes numerous amendments, and contains 253 clauses. I do not propose to go through all the amendments, but one which is of interest is that the minimum age is reduced from eighteen to fifteen years. I hope this will tend to make people more aware of co-operatives and of the advantages of saving at an early age. The Bill allows for changes in financial management generally and I want to refer to one specific aspect.

Before doing so, I point out that there are various types of co-operatives, producing companies, trading companies and credit societies. Victoria's first two community hotels come within the ambit of the Co-operation Act. The first was commenced at Hopetoun in the North Western Province and the second at Irymple. Mr Doug Harvey, the Shire Secretary of the Shire of Mildura, was the first secretary and his wisdom and ability played a large part in getting that venture off the ground. The Murray-Goulburn society is well known to members of this House and it is highly successful in dairying. School assembly halls have used the legislation. One of the first to do so was the Mildura Technical School which has built an excellent hall. Credit unions have been formed throughout this State and there are successful examples in Mildura, Horsham and Swan Hill in the electorate I represent; in Mildura, Mr Colin Thompson is the efficient secretary.

In my preparation, I was endeavouring to find out what had gone on in the other place. I found that the Bill was dealt with in the other place and that the debate is recorded at page 4046 of *Hansard* but, because the heading was inadvertently omitted, the debate is included under the heading Education (Councils) Bill, and that made it rather difficult to track down. That matter is now in hand.

I want to refer to clause 163 in some detail. It refers to the appointment of an administrator. I make particular reference to the Co-operative Farmers and Graziers Society and to the unfortunate events that have transpired in three successive financial difficulties that that society encountered. In the most recent instance, the Federal and State Governments guaranteed the company up to $9 million, I understand. The society again got into difficulties and at one stage the company known as Protean, at Richmond, which is well known to members of this House, offered $10·25 million for the Co-operative Farmers and Graziers Direct Meat Supply Ltd as a going concern. Amazingly, when the auction was held last week, only one bid was received of $2 million and that bid was accepted by the auctioneers and the vendors.

That same company that had offered $10·25 million got the whole show for a price of $2 million. That is a crazy state of affairs. I wonder how it could have occurred. My colleague in another place, Mr Hann, has made many vigorous representations on behalf of the Co-operative Farmers and Graziers Direct Meat Supply Ltd and the situation in which it found itself, and I commend him for the energy and his "never say die" attitude in following the matter through.

He has pointed out to me that not all the recommendations of Mr Chernov, who was appointed by the Government to inquire into the affairs of the company, have been accepted. Some of the amendments have covered recommendations by Mr Chernov but other of his recommendations have not been covered. I commend the Minister in charge of the Bill in regard to those recommendations that have been included.

One relates to the situation where there is a scheme of arrangement and it seems sensible that a new administration ought to be appointed. In the interests of the members, this new administration ought to be a completely new set of directors who do not suffer from the criticism which would have been levelled at the previous directors. In other words, the new directors will have a new start and, one would hope, the confidence of the members of the co-operative concerned. It was also recommended that, should there be an abuse of power by the administrator, the directors should have the opportunity of having the administrator removed from office. It was further recommended by Mr Chernov that the administrator should report at regular intervals to the new directors.

I understand the Minister has considered these matters and that he intends to move amendments during the Committee stage, which may, in part, overcome the problems I have mentioned. I conclude my remarks by reiterating that the Bill has the support of the National Party.

**The Hon. C. J. KENNEDY** (Waverley Province)—The Labor Party supports the Bill, which refers not only to credit unions but also to producer co-operatives, trading societies, community advancement societies, and association of co-operative societies, a federation of co-operative societies and to authorized societies and companies. The second-reading speech shows that the Government and the Minister appear to have embraced a philosophy of democratic Socialism, which is very nice to see. As the Labor Party supports the measure and it has been amply debated in another place, I shall not go through the 200 pages and 253 clauses in immense detail.

In his second-reading remarks, which seem to fit in with the Bill and to provide a reasonable amount of information, the Minister said that the outstanding features of co-operative enterprises fall under four main headings: Service without profit; ownership is vested in the persons who use the services; membership is open to persons with a common interest; and there is democratic control, exemplified by the rule "one member one vote", irrespective of a member's shareholding.

That sort of beneficial financial activity is carried on by a number of credit unions around Victoria, an example of which is the Waverley Credit Union, which at present has some 7000 members and approximately $7 million on loan. Credit unions lend money at reasonable rates and one can deposit with them and obtain a reasonable rate of interest. They provide many valuable services, such as payroll deductions. I do not know whether many honourable members are aware of this, but Parliamentarians who wish to join credit unions can have deposits made straight from their salaries, and loans can be repaid on the same basis. As most Parliamentarians are supposed to be co-operative, perhaps they should avail themselves of that excellent service.

Credit unions also provide budgeting services to meet regular payments, such as house or car payments and gas and

electricity bills. The credit union pays the accounts automatically, for a nominal fee. That means the member of the credit union can forget about the payments, but he must ensure that the credit union has sufficient funds in advance. The credit union movement is going forward in leaps and bounds.

As a previous speaker said, the Bill will repeal the Co-Operation Act 1968, which was a gargantuan piece of legislation. This measure makes a number of significant changes, which will be dealt with in more detail during the Committee stage. It is interesting to note that during the past 27 years, nearly 2300 societies of various types have been registered under the Co-Operative Act and today there are on the register more than 1400 societies of all types, with an aggregate membership of approximately 550 000. That means that about 15 per cent or one-sixth of the population are members of co-operative societies of one sort or another. The total funds involved now exceed $700 million.

The Bill represents a major overhaul of the legislation and it has been in the process of preparation for some two years. Many of its provisions are a result of recommendations made by various sections of the co-operative movement and most of the proposed changes are of considerable importance. It is interesting to note that 50 persons will in future be required to form a new credit union, an increase from seven, which is the number required to form other types of societies. Children of fifteen years of age, rather than eighteen years of age, will be permitted to join credit unions, which is a step in the right direction. It teaches youngsters the habits of thrift and how to put something aside for a rainy day.

Another important change will be that the Bill will enable credit unions to provide housing loans. It was previously possible to borrow for housing purposes from a credit union, but only through an extremely complicated procedure and as a result of a special service provided by the Victorian Credit Co-operatives association. An article in the *Sunday Press* of 11 January this year states:

> Under the VCCA scheme, members of participating credit unions would save for a qualifying period, with their savings going into a special pool administered by the VCCA.
>
> When they had qualified for their low interest loan, it would be made not by the individual credit union, but by the VCCA from this special pool.
>
> Suddenly, about four weeks ago, the State Registrar of credit co-operatives told the VCCA that it was not empowered to make loans in its own right to members of individual credit unions. He had gained legal opinion from the Crown Solicitor to this effect.

The system had to be dropped and, since then, credit unions have not been able to lend money for housing. The Bill refers to loans of a general nature, which will enable credit unions to lend money for housing. That is a pleasing advance.

I indicate that the Opposition will move two amendments during the Committee stage and I reiterate that it does not oppose the measure.

The motion was agreed to.

The Bill was read a second time and committed.

Clause 1 was agreed to.

Clause 2 (Commencement)

**The Hon. F. J. GRANTER** (Minister for Police and Emergency Services) — I thank the previous speakers and indicate my agreement because the Bill virtually rewrites an important Act which served the people of Victoria for well over 100 years. The legislation will continue to serve the people of Victoria in its revised form and no doubt more efficiently because many sections of the principal Act will be improved. The amendments were requested by many organizations including the credit societies and credit co-operatives.

Mr Kennedy expounded the virtues of credit unions and the important role they play. He also outlined their likely development in the future and I agree that this movement plays an important role which is growing stronger. The Bill will assist credit societies in their endeavours.

Mr Wright mentioned that the annual report was not presented on the correct date and no doubt this will be taken into account when officers of the co-operative movement read in *Hansard* the debate that has taken place. Mr Wright also mentioned the Farmers and Graziers Direct Meat Supply Ltd which was sold only last week. In retrospect, the amount of $10·25 million offered some years ago, should have been accepted. However, at that time the directors and shareholders of the co-operative considered that the organization still had a future. No doubt members of the farming community would have liked the co-operative to continue. The finances of the co-operative were not satisfactory and it was not able to continue operations. The Federal and State Governments supported the co-operative.

**The Hon. K. I. M. Wright**—They provided $3·5 million each.

**The Hon. F. J. GRANTER**—I think it was nearly $9 million between them. A certain amount of money will have to be repaid to Barclays Australia Ltd because the moneys were under guarantee. At present the operations of abattoirs are at a low ebb throughout the Commonwealth and the meat industry cannot sustain the large number of abattoirs which seek to operate. People will have to be more realistic about abattoirs in the future and if there is any hint of financial difficulty, their affairs must be closely monitored.

**The Hon. K. I. M. Wright**—It is a tough game.

**The Hon. F. J. GRANTER**—It is a tough game and management plays an important role. If the management is bad problems quickly occur.

The clause was agreed to, as were clauses 3 and 4.

Clause 5 (Interpretation)

**The Hon. C. J. KENNEDY** (Waverley Province)—I move:

Clause 5, page 4, lines 20-23, omit the words and expression on these lines and insert ' "Credit society" means a democratically controlled co-operative association of persons bound together with a common bond for the better pursuit of the economic welfare of its members.'

This amendment defines a "credit society".

**The Hon. K. I. M. WRIGHT** (North Western Province)—The definition proposed by Mr Kennedy's amendment is far more descriptive and does the credit society movement more justice than the definition in the Bill which states:

"Credit society" means a credit society formed pursuant to the provisions of Part II. Division 6 but does not include an association of credit societies or a federation of credit associations.

I commend Mr Kennedy for moving the amendment.

**The Hon. F. J. GRANTER** (Minister for Police and Emergency Services)—I have only just seen the amendment moved by Mr Kennedy. I ask that progress be reported so that I can consider the matter and confer with my colleague in another place.

Progress was reported.

## BUSINESS FRANCHISE (AMENDMENT) BILL

The debate (adjourned from December 9) on the motion of the Hon. Glyn Jenkins (Minister of Water Supply) for the second reading of this Bill was resumed.

**The Hon. W. A. LANDERYOU** (Doutta Galla Province)—The views of the Labor Party on the Bill have been well and truly canvassed on an earlier Bill and specifically on this Bill in another place. It is not my intention to labour the point by going into further detail. The Labor Party does not oppose the measure.

**The Hon. B. P. DUNN** (North Western Province)—The National Party does not oppose the Bill, which largely overcomes a number of problems in the collection of the business franchise on tobacco and petroleum products.

The motion was agreed to.

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

## MEDICAL PRACTITIONERS (AMENDMENT) BILL

The debate (adjourned from December 10) on the motion of the Hon. W. V. Houghton (Minister for Conservation) for the second reading of this Bill was resumed.

**The Hon. W. A. LANDERYOU** (Doutta Galla Province)—The purpose of the Bill is evident from the second-reading notes and the debate which took place in another place where the honourable member for Brunswick, the shadow Minister of Health, canvassed the view of the Labor Party. I do not propose to duplicate that process.

**The Hon. B. P. DUNN** (North Western Province)—The Bill seeks to allow the Medical Board of Victoria to have more discretion over the conduct of any practitioner who may be acting contrary to the interests of the public generally or to the responsibility of that practitioner. As the Minister stated in his second-reading speech, in virtually every case in Victoria, medical practitioners carry out their responsibilities with due regard to the tremendous responsibilty that is placed on them. In the majority of cases one would find very little cause for complaint about the excellent work that they undertake.

I pay particular tribute to the work performed by general medical practitioners throughout Victoria, particularly those resident in small country centres who are virtually on call 24 hours a day and who play an important link in that community. They are highly responsible to the communities they serve and I feel I should acknowledge the tremendous work that they carry out, over and above what could be classed as their duty to the local community.

As I have stated, in the majority of cases the medical practitioners carry out their duties responsibly, but there are rare occasions when they may act not in the interests of the public. As detailed in the Bill, there may be instances where medical practitioners over-prescribe particular drugs or in fact use drugs themselves through prescription.

This measure gives to the Medical Board the right to take certain action in cases such as this, and the National Party believes that type of action is necessary to protect the public. The National Party supports the Bill, which has been outlined in detail by the Minister for Conservation.

The motion was agreed to.

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

## CO-OPERATION BILL

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

Discussion was resumed of clause 5 (Interpretation) and of Mr Kennedy's amendment:

Clause 5, page 4, lines 20-23, omit the words and expression on these lines and insert ' "Credit society" means a democratically controlled co-operative association of persons bound together with a common bond for the better pursuit of the economic welfare of its members.'

**The Hon. F. J. GRANTER** (Minister for Police and Emergency Services)—I thank the Committee for giving me the opportunity to confer with my colleague from another place. The Minister of Housing indicated to me that this matter was raised with him before and his reply, and I agree with him, was to the effect that if the Government defined "credit society" as requested by Mr Kennedy, the Government would have to define all other societies. This would not be in keeping with the spirit of the Bill and the Government rejects the amendment.

The amendment was negatived, and the clause was agreed to, as were clauses 6 to 15.

Clause 16 (Objects of credit societies)

**The Hon. C. J. KENNEDY** (Waverley Province)—I move:

Clause 16, page 12, insert the following paragraph to follow paragraph (*d*):

"( ) to provide educational and counselling programmes especially with respect to family finance management, retirement, and such other consumer education as the directors consider will improve the living standard of its members."

This is a very important amendment because although some credit societies do conduct such programmes, in most cases it is on an *ad hoc* basis, but it is desired that these courses be conducted on a regular basis and all that the amendment seeks is to insert into the measure the necessary prescription to provide for these programmes to be conducted.

As I have stated, it is very important because many members of the staff and management of credit societies are expert in matters of finance. As I indicated earlier, most credit societies have facilities which enable people to pay their bills through the credit society provided that they have the funds to start with! As I also indicated, members of Parliament should avail themselves of the facilities offered by credit societies and if they do not do so, then I suggest that the heads of those members should be read, as credit societies do provide excellent services and the expert staff can provide excellent advice on family financial management, retirement and consumer education. This advice can improve the living standards of members of the credit societies.

Credit societies operate on a non-profit basis; they are established to serve their members. The staff of these credit societies are experts, they are not Zurich bankers or international finance brokers, but people from the local community. They may be friends, neighbours or even people who go to the same church, and who can be trusted implicitly, but they are experts on all these sorts of things and this provision should be included in the Bill. I commend the amendment to the Committee.

**The Hon. F. J. GRANTER** (Minister for Police and Emergency Services)—I thank Mr Kennedy for his remarks, but if he considers clause 16(*d*) he will see that his amendment is virtually covered. It may not be covered in the words as he enunciated them in his amendment, but clause 16(*d*) provides:

To promote co-operative enterprise and to provide programmes or services to its members as prescribed by the rules for assisting its members to meet their financial or social needs.

As the matter is covered, the Government rejects the amendment.

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

Clause 17 was verbally amended, and, as amended, was adopted, as was clause 18.

Clause 19 (Loans, etc., to members)

**The Hon. F. J. GRANTER** (Minister for Police and Emergency Services)—I move:

Clause 19, page 15, sub-clause (6), paragraph (*c*), line 13, omit "it considers" and insert "may be".

This is another typographical error.

The amendment was agreed to, and the clause, as amended, was adopted, as were clauses 20 to 28.

Clause 29 (Claims against the fund)

**The Hon. F. J. GRANTER** (Minister for Police and Emergency Services)—I move:

Clause 29, page 25, sub-clause (4), lines 8 and 9, omit "$2 000 000 or such other amount as is prescribed (whichever is the least)" and insert "such other amount as is prescribed (whichever is the less)".

This omits the figure of $2 million and changes the word "least" to "less".

The amendment was agreed to, and the clause, as amended, was adopted, as were clauses 30 to 53.

Clause 54 was verbally amended, and, as amended, was adopted, as were clauses 55 to 57.

Clause 58 was verbally amended, and, as amended, was adopted, as was clause 59.

Clause 60 was verbally amended, and, as amended, was adopted, as were clauses 61 to 147.

Clause 148 (Power to compromise with creditors and members)

**The Hon. F. J. GRANTER** (Minister for Police and Emergency Services)—I move:

Clause 148, page 123, sub-clause (3), line 5, after "just" insert—

"but if an administrator or like officer is appointed to carry out a compromise or arrangement between a society and its creditors

or any class of them any approval granted by the court shall be subject to the following conditions, namely:

(*a*) The members of the society shall have an opportunity within two months after the approval to elect a new board of directors;

(*b*) The registrar shall advise the directors in a summary way of their rights as against the administrator or like officer;

(*c*) That the administrator or like officer shall report fully to the directors at intervals of not more than three months on the affairs of the society;

(*d*) That notwithstanding anything to the contrary in any such compromise or arrangement the directors have power to apply to the court for the dismissal of the administrator or officer if they are of the opinion that the administrator or officer is acting in a manner prejudicial to the interests of the society or its members;

(*e*) An administrator or officer who has a pecuniary interest, whether directly or indirectly, in a proposed compromise or arrangement with the society shall declare the nature of his interest to the board in accordance with the procedure set forth in section 106 in all respects as if any reference therein to a director were a reference to the administrator or officer.".

**The Hon. K. I. M. WRIGHT** (North Western Province)—I commend the Government and the Minister for agreeing to the proposals made by the National Party. It was pointed out that not all the recommendations of the Chernov report had been translated into the legislation. The National Party particularly mentioned that provision should be made for the election of a new board of directors; that the administrator ought to report to the new directors at regular intervals, and that in the case of abuse of powers by an administrator—and modern history shows that this has occurred—the board of directors should have the power of dismissal.

I thank the Minister and the Government for bringing forward these amendments, and, naturally, the National Party will fully support them.

The amendment was agreed to, and the clause, as amended, was adopted, as were clauses 149 to 195.

Clause 196 was verbally amended, and, as amended, was adopted, as were clauses 197 to 223.

Clause 224 was verbally amended, and, as amended, was adopted, as were the remaining clauses and the schedules.

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

## RACING (AMENDMENT) BILL

The debate (adjourned from December 11) on the motion of the Hon. F. J. Granter (Minister for Police and Emergency Services) for the second reading of this Bill was resumed.

**The Hon. D. M. EVANS** (North Eastern Province)—This Bill provides a number of amendments to the way in which racing is carried out in Victoria and makes some modifications to the financial structure and distributions from the Totalizator Agency Board. The second-reading notes provided by the Minister were perhaps the most comprehensive I have ever seen and, on that ground, should be commended. The National Party is pleased that country racing has been recognized to the extent that additional sums of money are to be made available from the turnover of the Totalizator Agency Board to the tune of $1·7 million for special assistance for all codes of racing and a guarantee of 0·5 per cent of the total take on an ongoing basis for country racing, trotting and greyhound clubs.

There is no doubt that some fine facilities are being provided for country racing clubs. Many years ago the industry was on a far less definite basis and racing was the pattern in every small country district. It was less organized and, if any betting occurred, it was in the form of wagers between the owners or friends of the owners on an *ad hoc* basis. At that time the horse was very much a part of everyday life. Horses were not trained as they are today or fed in such a way as to produce the last ounce of speed from the animals. Nevertheless, racing was keen and a good sport. The same applies today, although the conditions surrounding the sport are perhaps a little more sumptuous. Most of the people engaged in country

racing are amateurs to the extent that they have one or two horses that perhaps they have bred themselves.

During my time in this Parliament I have been particularly interested in one racing club in northern Victoria, the Dederang Picnic Racing Club. Racing is part of everyday life in north-eastern Victoria and the Dederang Picnic Racing Club is a representative example of what racing means in country areas. There is a meeting once a year on the first Saturday in January. I am assured there will be an excellent programme at the next meeting and I invite honourable members to attend. For a long time that club sought financial assistance but it found that it was outside the guidelines of the authorities. After much work and persistence, the club received assistance. It is a training ground for a number of horses which are owned by people for whom racing is a genuine sport; they revere their horses.

On reading the Minister's second-reading speech, one finds that the greyhound racing industry has fallen on poor times. The number of people attending meetings has decreased dramatically. Not so long ago greyhound racing was regarded as the ordinary man's sport. It did not involve much capital, just patience and good legs for walking the dogs early in the morning; a small trailer was required behind the car. The racing was fast and furious and did not take up much time. There were not the long intervals between races. These races were family events and were usually held at night which meant they could be attended by people who worked during the day. It is hoped that the measures proposed in the Bill will help to return greyhound racing to its former status for the enjoyment of people who want low cost sport with direct involvement.

It is proposed that members of the Greyhound Racing Board will be appointed by the Minister rather than selected by representatives of the various groups involved. This is a general approach by the Government which, in the agricultural industries, the National Party has not favoured. Those involved in the industry should have the right to select their representatives on associations involved in an industry for sport. Members of the National Party do not welcome the intrusion of the Government's philosophy into greyhound racing. Nevertheless, as the times are troubled, perhaps it is worth giving it a try.

In his second-reading speech, in relation to sprint horse racing, the Minister produced this absolute gem:

> The Victorian Sprint Horse Racing Association has suggested that it may be recognized as the fourth branch of racing. The Victoria Racing Club quite understandably does not favour this suggestion.

Fancy that! It appears that the Victoria Racing Club may regard sprint horse racing as a real threat to its supremacy in the racing field and as a rival which will provide much competition in what perhaps the Victoria Racing Club regards as a not unlimited market. No doubt, many honourable members have received letters from the Victorian Sprint Horse Racing Association describing the situation in America. Sprint horse racing is an extremely popular sport with an immense amount of support. Some major prizes are given for racing in that area, not only in direct racing benefits, but also in futurities and in other aspects of the industry. It appears to me that it should be placed on the racing calendar. It has been held back, not because it is a bad sport or because it does not have the potential of becoming an extremely popular and vital sport, but simply because it is considered as a rival for more traditional forms of racing.

I am pleased that that prejudice is being broken down and that it is being given an opportunity so that people who desire to partake of that sport will have a reasonable opportunity of doing so in racing programmes, instead of just being something that is added to the mixed sport meeting. There will now be at least four races in a programme, the opportunity for fewer restrictions on betting at sprint horse racing and further opportunity for it to be carried out as a public programme closer to the metropolitan area. It will not be banished quite as much to the

back blocks and must be welcomed. I have no doubt that it will become an extremely popular sport.

I hope that in time to come mixed programmes will be held of what may be termed traditional racing and sprint horse racing so that real opportunities will be offered for benefits to both sections of the industry. The National Party and I welcome the lifting of at least some of the unreasonable restrictions on sprint horse racing in Victoria. The National Party supports the Bill and hopes that everyone can pick a winner next Saturday.

**The Hon. N. B. REID** (Bendigo Province)—I have great pleasure in supporting this Bill, which heralds a new and better deal for racing, trotting and greyhound racing in country areas of Victoria. It has been introduced after significant consultation by the Government racing committee and sections of the racing community. Several discussions were held with the Country Racing Council of the Victoria Racing Club with Mr Peter Armytage, Mr Ian Bayles, Mr Hunter Smith, Mr Kevin Ryan, Mr Geoffrey Levett, Mr Doug Reid, Sir Henry Bolte and Mr Jim Shannon, the secretary. They prepared a clear and concise argument for a better deal for country racing. The Minister and the racing committee were particularly impressed with the presentation of the submission. The Minister was able to allocate 0·25 per cent of the total Totalizator Agency Board turnover to the country harness racing and greyhound racing industries, and that has amounted to an allocation of $1·7 million.

I also received strenuous representations from a number of country racing clubs, particularly from the Bendigo Jockey Club, which is an active club in Victoria, and a number of people such as Mr Cyril Watson, Mr Alan Guy, Mr Cahil and Mr John Eddy, the Secretary of the Bendigo Jockey Club, and Dr Warwick Rosenthal, who has the joint role of being on the Bendigo Jockey Club committee and Chairman of the Northern District Racing Association. Those people put up a strenuous case for additional funding to be provided for country racing.

When one considers the early days of the establishment of racing in Victoria, one realizes that it started out as a sport and has developed, not only into a sport, but also into a vast industry in Victoria and throughout Australia, including various aspects of the industry, such as the breeding and training facilities required, equipment manufacturers, people who service and cater for the industry, the beneficiaries of racing and trotting throughout Victoria and all ancillary sport services and industries that are associated with racing, including harness racing. Harness and greyhound racing are supplemented by a number of firms that are involved in supplying equipment and services to those industries.

Racing generates a tremendous amount of employment. I consider that country racing is worthy of receiving additional finance. I am pleased that the Minister has agreed to make that money available. It will be distributed to country horse racing, which will receive 68·91 per cent of the money; country harness racing will receive 20·58 per cent, and country greyhound clubs will receive 10·51 per cent of the allocation. That provision should herald a new era of country racing and will give it encouragement to continue. It will enable country clubs to provide additional money for training and increased prize money to encourage better horses to go to country areas to compete, which will provide an improved spectacle for country racegoers, including trotting or harness racing and greyhound racing enthusiasts in country areas.

It is interesting to note that the Totalizator Agency Board turnover has increased, as is indicated in the 1981 report. The turnover was $688 374 443, an increase of about 9·53 per cent. Compared with the previous year, that is a good sign because it means that people are investing in the Totalizator Agency Board and are interested, not only in country horse racing, but also in harness racing and greyhound racing throughout Victoria. I have a great deal of pleasure in supporting this Bill. It is a tribute to the hard work carried out

by the Country Racing Council of the Victoria Racing Club and the racing committee of the Government party.

**The Hon. R. J. EDDY** (Thomastown Province)—The Opposition supports the proposed legislation, which seeks to amend the Racing Act. It was introduced to improve the conditions of racing in all sections of the industry. Once again, honourable members are faced with a Bill that relates to the whole of the racing industry in the closing stages of a sessional period. The main portion of the Bill deals with the Greyhound Racing Control Board and its reduction in size. It covers many important facets and bodies under the Racing Act. I refer mainly to the Totalizator Agency Board, greyhound racing, horse racing, harness racing, and sprint horse racing.

It is welcome news for country clubs that the Government has provided additional funding to clubs, which will not be at the expense of the punters; the Government has the responsibility for making those additional payments available. It is not before time that country clubs throughout the State will have the opportunity of receiving additional financial assistance.

There are far too many country racing clubs, and the number can be reduced. In fact, a few years ago, the Government stated that it intended to reduce the number of country racing clubs. Suggestions were made that perhaps Woodend and Kyneton clubs either could be combined or race meetings held at Kyneton only, cutting out Woodend, and, similarly with Bacchus Marsh and Ballarat, race meetings in that area could be held at Ballarat.

Race meetings in Gippsland are still being held at Traralgon, Moe and Bairnsdale and there is no need to hold meetings at those three venues; one venue would be adequate. Moe and Traralgon are very close together and one club in that area would be sufficient.

A reduction in the number of country clubs would be in the interests of country clubs generally because they would receive greater financial assistance with which to provide better facilities and prize moneys for those races. It is about time the Government examined the number of country racing clubs, including all sports of horse racing, greyhound racing and trotting, which will become known as harness racing.

Clause 5 authorizes the holding of greyhound races by permit on any ground not being within 50 kilometres of the General Post Office, Melbourne. Not more than 30 permits shall be issued in any year. However, certain meetings can be conducted within that radius. The problem is that some clubs will be operating meetings unnecessarily whereas in other areas—Robinvale, for example—other clubs could be allocated more racing days.

I welcome the provision that at greyhound country race meetings punters will be able to place bets on horse races in the metropolitan area. It is an excellent opportunity for country punters who wish to place bets on horses at metropolitan races.

At present, the Greyhound Racing Control Board is composed of seven members and the Bill provides for that number to be reduced to six. Clause 8(*b*) provides that five members shall be persons who, in the opinion of the Minister, are representatives of the sport of greyhound racing. It is a vague provision because "representatives of the sport of greyhound racing" could include persons with no administrative experience in the industry.

The provision does not state who these people may be and from where they will come. The incumbent representatives have given excellent service to greyhound racing. I do not agree that the Minister for Youth, Sport and Recreation should have the sole right of selecting members of the board. Knowing the Minister, I do not believe it will happen, but he may well be accused of selecting his own people and perhaps even those supporting his election campaign, as members of the board. The opportunity for that accusation should not be provided.

The Greyhound Racing Control Board has performed an excellent job in the past. However, allegations have been made publicly in the newspaper and the media on ring-ins and other malpractices occurring at greyhound race meetings. Those allegations should be closely examined. There can be no doubt that those matters have been referred to the Minister for Youth, Sport and Recreation. That honourable gentleman is endeavouring to ensure that greyhound racing is cleansed of the allegations that have been made.

It is for those reasons that the Minister should make known the names of the persons who will be appointed to the proposed Greyhound Racing Grounds Development Board. The Sandown Greyhound Racing Club and the Olympic Park Greyhound Racing Club have voiced concern about the appointments to the proposed board. Those clubs are fearful that people who have not had any administrative experience of greyhound racing could be selected.

During the 1978–79 greyhound racing season, approximately 538 000 people attended greyhound race meetings at Sandown Park and Olympic Park. In 1979–80 the attendance figures at those race meetings had dropped to approximately 380 000. The Minister should examine the drop in greyhound race patronage. The greyhound racing clubs have endeavoured to encourage public support by providing good spectator facilities and excellent prize money for some of the bigger greyhound racing events. The Melbourne Cup that was recently held at Sandown Park provided excellent prize money. When the Melbourne Greyhound Racing Club conducts its race meetings early in the New Year excellent prize moneys will be paid for the winners of those races. However, action must be taken to attract people back to greyhound racing.

In the Minister's second-reading speech, it is noted that the takings of bookmakers at greyhound meetings have dropped 30 per cent in the last financial year and that the Totalizator Agency Board turnover on greyhound racing has dropped by approximately 15 per cent. That drop in betting turnover has affected Government revenue, and so the financial allocations for the Department of Youth, Sport and Recreation have been affected.

However, the drop in race attendances has not been confined to greyhound racing. Patronage of metropolitan horse racing meetings is also falling. Indeed, I understand that attendances for the running of the last Melbourne Cup had also fallen. That matter must be of concern to the committee members of the respective racing clubs, whether they be greyhound, harness racing or horse racing clubs. I have been informed that, within the next twelve months, the richest prize money in the world for a horse race will be offered in Japan. That of course will attract world-wide attention and it will undoubtedly attract the followers of horse racing to Japan to witness the big event.

Clause 23 of the Bill will change the title of the Trotting Control Board to the Harness Racing Board. However, only one harness race is held on each Saturday evening. The harness race is for trotters whilst the other races on the programme are for pacers.

The racing industry needs a boost. The Minister will need to pay more attention to all aspects of racing and not only the gallops, greyhound racing, harness racing or sprint horse racing. A sport that is taking off in popularity now is sprint horse racing. The Government is to be congratulated on the introduction of more sprint horse race meetings.

I ask the Minister for Police and Emergency Services to bring the matters I have raised to the attention of the Minister for Youth, Sport and Recreation. I urge the Minister to speak with the Victoria Amateur Turf Club, the Victoria Racing Club and the Moonee Valley Racing Club in an endeavour to ascertain the reasons why attendances at race meetings are falling. I suggest to the Minister that starting-price bookmaking is keeping many people away from the racecourses. I do not believe the Totalizator Agency

Board is as efficient as bookmakers. When I attend race meetings I have to wait to place a bet at the Totalizator Agency Board window, and the girl taking the bet has to press two or three buttons before handing over the ticket. A bookmaker in the same time would write out five or six betting tickets and he would pay out much quicker than the Totalizator Agency Board. These are points that the Minister can refer to the Minister for Youth, Sport and Recreation. The people connected with the racing industry are concerned, and I speak of the committees, the bookmakers, and naturally the people within the Totalizator Agency Boards, with the downfall in their takings and the attendances at racecourses.

Prize moneys can be increased only if the racing clubs receive increased finances from the Totalizator Agency Board's undertakings, which come through the Minister's department. If prize moneys were to be increased, people would be attracted back to the sport known as the "Sport of Kings"—I doubt if it is known by that title today. The Labor Party does not oppose the Bill.

**The Hon. H. R. WARD** (South Eastern Province)—I wish to refer to the people who have contributed to this Bill. About 26 years ago the Greyhound Racing Control Board was established, and over the years not a great deal of change has been made to it. It developed out of the establishment of the old National Coursing Association to the speed coursing clubs, and to the establishment of the Greyhound Racing Control Board. The composition of the board varied from five to seven, and one of its problems in the past 26 years was that it developed sectional interests, and hence the board became known as, "The board of no control".

Investigations were carried out into this board by a good committee. It was asked to study and assess reports on the organizational, economic and financial aspects of the greyhound racing industry in this State. The committee did that and it stressed in its report the important role that the control board should play. When the board developed its own sectional interests it got nowhere and it was not interested in the industry.

The general thrust of the inquiry was that there should be legislation that would enhance the control of the board, so that it could play a more decisive role in the industry. It was recommended that the board have an independent chairman and five other people, one of whom shall be a deputy chairman. For that work I thank Mr Bill Conroy, and Mr Henry Harrison, two leading men in the metropolitan area in greyhound racing, for their comments. Added to that were the expert comments of Noel Banks, who is recognized as one of the foremost commentators in greyhound racing—he is also in charge of the stud book—and Mr Nestor, a great supporter of the plumpton racing. Two other people who gave helpful advice were Mr Ross from the Greyhound Owners, Trainers and Breeders Association, and Mr Maurie Kirby, one of the foremost authorities on greyhound racing in Australia.

It was proposed to strengthen the board in a number of ways. It was suggested that the board be empowered to carry out research in an efficient manner, that the sectional interests should be removed and people representative of the industry should be appointed to the board. The Minister will give serious consideration to the background and interest of the people in greyhound racing to be appointed to this board.

The first function of the board will be to advise the Minister on the maximum number of days race meetings can be held annually. At present 52 race meetings a year may be given to one club, but the industry would be better served if a club had ten or twelve race meetings a year instead of 52, which is one a week.

The board will have the power to inspect the books and records of a club whose operations are inefficient. It seemed nonsensical that the board could investigate all aspects of a club and still not have the power to call

for the books and inspect them after seeing the annual reports. The board therefore could check on the style of bookkeeping and the method of accountability that was used by the club.

The other important part of the operation of the control board is to give it responsibility for the distribution of Totalizator Agency Board funds. This function was previously performed by the Greyhound Racing Grounds Development Board, and this had some anomalies. As I said, it is now proposed to have an independent chairman on the Greyhound Racing Control Board, and he will be Mr Bill Crowley. He also becomes the chairman of the Greyhound Racing Grounds Development Board. There will be two other persons on the board, one representing country interests and one representing the metropolitan clubs.

It is hoped this new board will create a great interest in the sport itself. Many thousands of people are involved in greyhound racing. It is almost a personal operation. One person will train and race two or three dogs, and this small business operation has continued in areas throughout the State. This industry gives people an opportunity to become interested in a sport that has a gambling background, and in an industry which they can manage themselves. It is different from harness racing, or the galloping aspect, where many millions of dollars are involved in one area, and it leads to the development of syndicates on a wide financial scale. That has changed the concept of horse racing and harness racing from what it was in the past 30 years.

I am pleased that the Minister has taken the opportunity of changing the development not only of greyhound racing but that he is also reviewing the operations of harness racing at Moonee Valley racecourse. Further, I commend the Minister for the action he has taken in the investigation now being carried out into the harness racing industry. It certainly needs review. Under the guidance of the Minister, with Mr Cochran and the members of his board in the harness racing industry, it is to be hoped that a complete change in the industry will be seen within the next three or four years.

I support Mr Reid's comments on representations made throughout Victoria by the Country Racing Council and by members of the Victoria Racing Club who were part of the investigation into the operation of country racing—in fact, racing overall—which needs a fresh approach. Within the past few months, the Victoria Racing Club has continued to advise on the steps that are taking place in the development of the industry.

While debating the horse racing industry with its background of gambling, that gambling aspect may not be of deep significance. However, the amount of income derived from the industry for the benefit of this State is important. The horse racing industry employs approximately 30 000 people, and, added to that are those who are involved in the harness and greyhound racing operations, so it is important that a careful watch be maintained over the racing industry as a whole. The income from the industry is employed in the best manner possible.

The Ministry of Youth, Sport and Recreation must be grateful for the amount of money that comes to it from the racing industry. That money provides all sorts of facilities in sporting operations—pavilions, gymnasia and general support for athletes and other sportsmen and sportswomen in this State. Some elements of the racing industry may consider that a drain on what that industry provides, but it gives the opportunity for many people to benefit from that aspect of gambling.

I commend the Bill and the work that has been done by the Minister for Youth, Sport and Recreation and the committees headed by Mr Barwick and Mr Ray Borelli and the work that has been done towards seeing that these Bills and the work of the committees are part of an important thrust in the industry itself.

**The Hon. W. A. LANDERYOU** (Doutta Galla Province)—I support some of the remarks made by honourable members. However, I direct the attention of the House to a number of issues which should be of concern to all honourable members.

The Bill fails to deal specifically with two aspects which I mention in passing. It covers a large area of the existing legislation but, so far as the racing industry is concerned, it fails to recognize the rights of the female members of society. I find some difficulty in going along with proposals which assist an important industry, although the industry tends, from my observation, to cater for an increasingly ageing patronage—there are not too many young people patronizing horse racing, to judge by the age of the crowd—and, to that extent, it has limited appeal. I urge the administrators of the sport and the industry to do something about that.

My major concern is really with the fact that women are treated as second-class citizens by a majority of racing clubs, and I make specific reference to the club that is the occupier of Crown land within the electorate I represent, the Victoria Racing Club. Unfortunately, that club has a poor record with respect to some of the other institutions in the surrounding area, such as the Education Department and neighbouring schools. The other racing club in the electorate I represent, the Moonee Valley Racing Club, is on land which it owns and it makes its facilities available for use by neighbouring schools, but it is like drawing teeth to obtain access to the facilities at Flemington for schools and the like.

This incongruous situation exists where a private club, on privately owned land, makes its facilities available and always has done, while the club on Crown land fails to do so. As a schoolboy in Moonee Ponds, I can recall having played football there as part of the school's sports programme, and I can point to the fact that the multi-purpose facilities that exist at Moonee Valley are often made available, on a free basis, for worthy causes within the community, but that situation does not apply on publicly owned land controlled by the Victoria Racing Club.

As I said. there are two areas which are of concern to me and one is the fact that we have this insulting and absurd white line, which is policed in each racing club, which women are not supposed to cross when they are attending a racing club which occupies Crown land. That situation does not apply at the Moonee Valley Racing Club which is on private land; nor should it apply. I have some difficulty with this Bill simply because it does not apply itself to that serious problem.

I welcome the legislative change from the term "trotting" to the more correct term of "harness racing", and I wish the industry well. I listened with interest to Mr Evans's remarks about farmers having the hobby of owning a racehorse. I suppose not many people in my electorate could afford that sort of hobby! However, harness racing is a sport in which it is pleasing to see that many people can afford to train and drive their own horses and the industry deserves to be encouraged.

The Bill also deals with greyhound racing, which is traditionally the poor man's racing sport. It has usually been the working people of the State who have been able to afford to participate in that sport. I am reminded of the occasion on which a friend of mine—a racing trainer of not great success but of some enthusiasm—who worked on the waterfront for a living told me of a friend of his. His friend had overcome the problem that Mr Evans referred to earlier of walking the dogs. By tying their leads to the handlebars of his push bike and being pulled around the streets of Broadmeadows by the dogs, this man had overcome the problem. I met my friend a few weeks later and asked him if he had followed his friend's advice in respect of taking the lazy way out of walking the dogs. He said he had not. However, a couple of days after I spoke to him, I understand that he suffered a fractured leg and a fractured collarbone because the dogs had chased a cat. The dogs had

run around a lamp post and had missed it, but the push bike and the passenger did not! However, I suppose honourable members could tell many stories of their experiences in respect of racing, greyhounds and harness racing.

**The Hon. J. W. S. RADFORD** (Bendigo Province)—The Minister must be congratulated on the steps he has taken. I was interested to hear Mr Landeryou's comments on the very small role, as he saw it, played by women in the racing industry.

**The Hon. W. A. Landeryou**—Not at all!

**The Hon. J. W. S. RADFORD**—I remind him of the number of women jockeys and that that number is increasing.

**The Hon. W. A. Landeryou**—Do not misrepresent me!

**The Hon. J. W. S. RADFORD**—This State also has the largest number of female trainers and owners.

**The Hon. W. A. Landeryou**—Don't lie!

**The PRESIDENT (the Hon. F. S. Grimwade)**—Order! The Leader of the Opposition used the words "Don't lie". I ask him to withdraw those words.

**The Hon. W. A. LANDERYOU** (Doutta Galla Province)—Certainly, Mr President. However, Mr Radford should not mispresent me. He should listen, if he wants to quote me.

**The Hon. J. W. S. RADFORD** (Bendigo Province)—I certainly understood Mr Landeryou to make the point that the role of women in racing was inconsiderable. There is an increasing number of women jockeys. There are more female strappers than male. There are increasing numbers of lady trainers and horse owners. Other members have spoken of the good work of the Victoria Racing Club and club committees and I endorse their comments. Many people have indicated that the greyhound racing industry needs some degree of reform. Some people have considered that the reform has not been extensive enough and in some country areas it is considered that the existing system and size of the board should be retained. The idea of the Minister of getting away from direct representations so that people instead of actually representing areas of interest represent the industry as a whole, is a good idea, because unfortunately a situation like this could be seen as trying to serve two masters. In a situation of that kind, quite often neither of the masters are pleased or are properly served. The alteration, with the name referring to the trotting fund and to harness racing is in line with the steps being taken in other areas. The idea that the Totalizator Agency Board will be able to operate in other areas is an important proviso as is the provision that it will not be able to operate in licensed premises.

One of the greatest arguments against the role of poker machines is that they will be restricted to licensed premises. If anyone has considered the New South Wales situation one would note that a person, especially on Friday nights, will use the poker machines, with the combination of alcohol, so that the family of the person will suffer financially. In many cases, those in business would be subsidizing the food for the family or supplying them with goods or services. Retaining the provision of restricting the Totalizator Agency Board from operating in licensed premises is an excellent step. 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 (Amendment of No. 6353 s. 19)

**The Hon. F. J. GRANTER** (Minister for Police and Emergency Services)—Honourable members have heard an interesting debate, ranging from Dederang to the involvement of ladies in racing. I consider that they all have an important part to play. The Bill has been welcomed by all honourable members, which indicates the importance of racing, not only in this State, but also right throughout Australia, because it

is one of the great draw cards, especially around the Melbourne Cup carnival period when people come to Melbourne from all over Australia.

The Government appreciates what racing does for the State of Victoria, not only in the metropolitan area, but also in country districts. It is an important social event and is also an industry in many places looked forward to by many people. Even the picnic meeting at Dederang on the first Saturday in January is an important event for the local people who work extremely hard for this meeting, probably all the year around, and who enjoy that Saturday meeting.

I was interested in the remarks about sprint horse racing made by Mr Evans, Mr Eddy and others. Sprint horse racing appears to have come into great prominence. In the *Herald* tonight under the heading, "Sprinters grab Woodend" it was reported that the Woodend racecourse would be available for this sport. I envisage that it is used for other sports, such as football and cricket, and it appears that it will be used for sprint horses.

**The Hon. D. E. Kent**—Is that for proper horses or for only quarter horses?

**The Hon. F. J. GRANTER**—It will be used for quarter horses; they are used for sprint horse racing. The racing interests at Woodend and Kyneton are amalgamating and will race at the Kyneton racecourse. Mr Moore, who is President of the Victorian Sprint Horse Racing Association, has stated that in 1983 it is anticipated to run a $30 000 futurity handicap at Woodend. It looks like sprint horse racing could have a home at Woodend and I consider that the people of Woodend would welcome this because they have supported the race club for a long time. It was successful for some time, but in recent years it has found it difficult to make ends meet. Now that sprint horse racing may be carried out there, the situation may change and people will welcome it.

It has been stated that country racing is doing extremely well in some areas but, unfortunately in some areas it is not. However, with the support of the Victoria Racing Club, the Government and the allocation of totalizator dividends this year, I consider country racing clubs can rehabilitate themselves in areas where they are needed.

**The Hon. R. J. Eddy**—Not all clubs!

**The Hon. F. J. GRANTER**—That is true. Mr Eddy referred to the race clubs that have ceased racing. He mentioned Bacchus Marsh and other areas. The important one—the Heathcote club—which ceased racing a few years ago after racing successfully for 100 years, was forced to retire from racing under a rationalization programme. It did not move to any other course, but the Bendigo club has recognized the importance of the Heathcote club by holding the Heathcote Cup. Many of the small country clubs, such as Donald, St Arnaud and Avoca, are kept running on voluntary labour. These men deserve credit for supporting racing throughout the State.

Mr Landeryou mentioned the ladies. I was interested in his remarks as this matter was talked about for many years, and a lot of changes have taken place. He will recognize that point. Probably in a few years time he will see that it has broken down further. As an administrator of a country club that has a mixture of men and women and is quite open, namely, the Bendigo club, I realize that problems are involved as the club wants to have a mixed committee luncheon, but does not have the room to do so. The ladies must go out to the white house, which is a nice building, but the club must build a larger committee room so that it can have mixed luncheons and turn the white house into a racing museum. Mr Landeryou referred to the Moonee Valley racecourse being used for sporting events other than harness racing. That sort of activity also takes place in country areas, and it is right that the facilities should be used by other organizations.

Mr Eddy mentioned SP bookmaking. I agree that it is a big problem and that it will have to be faced eventually. I shall not say just when I believe it should be faced, but it will have to be

faced because it is a blight on racing. It takes a lot of revenue from the industry and from the Government. I do not know exactly how it will be tackled, although I have my own views on the matter.

Over past years, greyhound racing prospered, but it has now fallen on hard times. Its patronage has diminished. In an effort to improve the situation, the Bill provides for a reconstruction of the Greyhound Racing Control Board, which will probably introduce new methods and be more progressive. In my view, the old board was not too bad. When saying that, I am thinking particularly of Silvester Doyle, of Bendigo, a representative from the National Coursing Association, and Noel Banks, who was mentioned by Mr Ward. These people have given great service to the industry. I hope the reconstruction of the board will mean that greyhound racing will prosper.

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.

## WRONGS (PUBLIC CONTRACTS) 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.

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

That the Bill be printed and, by leave, the second reading be made an Order of the Day for later this day.

It is my intention to explain the Bill immediately after the suspension of the sitting for dinner.

**The Hon. W. A. LANDERYOU** (Doutta Galla Province)—That will be all right, provided that it is explained immediately after dinner. The Government has screamed and yelled that an extremely urgent situation exists and that therefore the Bill is urgent. Members of the Opposition are prepared to forgo dinner and debate it now.

**The Hon. A. J. HUNT** (Minister of Education)—I made that comment in order to indicate that the Government will proceed with the Bill immediately after the suspension of the sitting for dinner.

The motion was agreed to.

## MOTOR CAR (DRIVERS' LICENCES) BILL

This Bill was received from the Assembly and, on the motion of the Hon. GLYN JENKINS (Minister of Water Supply), was read a first time.

*The sitting was suspended at* 6.35 *p.m. until* 8.8 *p.m.*

## WRONGS (PUBLIC CONTRACTS) BILL

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

That this Bill be now read a second time.

Victoria, in recent times, has suffered the greatest industrial brigandage in its history. Who is the greatest industrial brigand of them all? Who is the industrial brigand who has repeatedly held the Victorian community to ransom? Who is the industrial public enemy No. 1? Who has plundered the public purse to a greater extent than any other individual in history by his continuous guerilla war against the public of this State? Who is it thereby who has taken more out of the pockets of Victorian citizens than any other in Victoria's history? The gentleman, who has been referred to by way of interjection, is a disgrace to the trade union movement because of his irresponsible actions; he cares nothing for the workers in other unions. He puts the interests of his own members in a position of subservience to his own ego tripping. He is the sort of union leader who brings legitimate, honest, decent trade unionism and trade union leadership into disrepute. That man has been currently costing Victoria $4 million a week by imposing a series of irresponsible black bans aimed at the whole community.

What has been the purpose of his black bans? Well, firstly his purpose is to destroy this society. Honourable

members know where Mr Gallagher stands politically. He is not interested in a free enterprise society. He is not interested in the Westminster system of Government. He is not interested in a free society. He is interested in overturning society, as we know it, and I will come back to that issue later, for recently he has had a very strange bedfellow and the Leader of the Opposition knows who that is!

These black bans at Loy Yang have been imposed for a variety of different excuses. Firstly, the black bans were imposed in August in return and against the Victoria Police for its members doing their duty in breaking a picket line which the Builders Labourers Federation had set up at a factory in Clayton. The factory in question employed no builders labourers and the picket line had nothing to do with the Loy Yang power station. The black ban at Loy Yang was imposed as retaliation, as blackmail, as the mailed fist in a demarcation dispute against fellow unionists. The victims were the unionists of another union employed at a particular site. The black bans were imposed at Loy Yang against the police, in retaliation for the police breaking the picket line.

Incidentally, the picket line consisted of a Builders Labourers Federation vehicle parked across the driveway of the company in question. A strange sort of picket line! The company had nothing to do with this dispute, but when police moved in, black bans were imposed upon the boilerhouse at Loy Yang. What an excuse for a black ban!

Following genuine efforts by the Australian Council of Trade Unions to obtain a procedure for the resolution of demarcation disputes, of which this was one, the Builders Labourers Federation suddenly turned the black ban at Loy Yang into a protest at the State Government's involvement in deregistration proceedings. The ground was changed and the reason given was changed entirely.

Later when that disappeared as an excuse, the union and its leader shifted its ground again so the black bans were in support of a 35-hour week. One sees that the black ban has had a whole variety of ostensible or alleged justification when in fact there has been none at all, none other than the personal idiosyncracies of this man and his desire to strike at the very framework of the society in which we live. The reasons given for the black ban were spurious and disruptive and not to be accepted for a moment.

The truth goes back to 30 July this year when the police ensured that ironworkers working at the ASCOM factory at Clayton were able to enter and leave the premises of their own free will. On that occasion Mr Gallagher told an Assistant Commissioner of Police:

> You can tell your Commissioner and your Minister that if the picket line is broken, there will never be another police station built in Victoria, and the SEC can forget about building Loy Yang.

That is the genesis of the black ban at Loy Yang. It is not a genuine industrial dispute in any shape or form, and the reasons have continually changed.

Today what did we find? We found the Leader of the Opposition in another place announcing that the black bans have been lifted.

**The Hon. B. A. Chamberlain**—Would they have been lifted without this Bill?

**The Hon. A. J. HUNT**—That is the question. Is there any Victorian who is in doubt about the answer? Of course, there is not. Many members of this House and many members of another place saw the charade that was going on last Friday. Within an hour or so of the Bill being introduced in another place, Norman Gallagher, to whom the interjections on this side of the Chamber earlier referred, was in Parliament House conferring with the Leader of the Opposition. I do not know whether he was handing out instructions, but at least they were working together. Was it coincidence that he came within an hour or so after the Bill was introduced? Was it a coincidence? I asked that question of another union leader and he said, "No, it was not a coincidence". Of course it was not a coincidence. Why were not Mr Cain and Gallagher talking together months ago, if what they

were interested in was settling this dispute in the interests of Victoria? Why was it that the conference between them took place only after the introduction of this measure? I did not hear Mr Chamberlain's interjection. Perhaps he would like to repeat it?

**The Hon. B. A. Chamberlain**—I said, "Where was the Australian Labor Party peace keeping force?"

**The Hon. A. J. HUNT**—I guess the ALP peace keeping force has not succeeded in keeping peace at Loy Yang! As I stated, until this Bill was introduced there was no conversation. I do not know whether they tried, but it was not long after the introduction of this measure in another place that they were together. Does anybody doubt or anybody think that was a coincidence? Not one Victorian thinks it is. Does anyone think the announcement today, of the end of the dispute or the end of the black bans was a coincidence? Does anyone think that? We have no guarantee at the moment that work will continue uninterrupted at Loy Yang. Does anybody believe that for one moment?

If Mr Cain was really performing a service to Victoria, he would give an unconditional guarantee that these bans would remain lifted, not just claim the credit for the end of the dispute that follows the introduction of this Bill by the Government in its efforts to insist on and to take the sternest measures possible to ensure that Victorians are no longer held to ransom. Is Mr Cain prepared to give that unconditional guarantee that work at Loy Yang will continue uninterrupted? If not, I accuse him of perpetrating a confidence trick, or an attempted confidence trick, against the Victorian public. It is a credit claimed where none is due, and I challenge Mr Cain to give such a guarantee. I doubt that he can. Nobody can give guarantees on behalf of Norm Gallagher. He does not know from one day to the next what he will do next. He reacts very quickly, and often quite irrationally, and the action he will take cannot be predicted by anybody, least of all by himself, especially if it is action which he believes is a challenge to his authority. He is a man who uses his power to demonstrate to everybody that he is a force to be reckoned with; that he controls Victoria and holds it in the palm of his hand.

The history has been such that we cannot accept guarantees from this man, and we note that, even this evening on television, when asked whether the bans would remain off, his reply was, "If the Government behaves itself". How arrogant! As if the behaviour concerned has been that of the Government! The irrational behaviour has been that of Norman Gallagher. Of course it is irrational, unless one looks to the motives which guide that man—motives which include the overthrow of this society as we know it.

I am sorry to see Norman Gallagher and John Cain working together in such close harmony. One can only conclude that the Socialist left is calling in its debts and that the Leader of the Opposition in another place is now dancing to its tune in support of a Maoist lap union leader who has threatened that this power station will never be built.

On Friday the Honourable James Ramsay, Minister of Labour and Industry, and I were for a brief time engaged in discussions. What were we offered? We were offered a proposition that black bans would be removed if the Government recommended negotiations on the Loy Yang agreement and if it acknowledged that a 38-hour week, if granted to metal trades employees, would flow on to unionists at Loy Yang under the fair comparability provisions of the draft Loy Yang agreement.

**The Hon. R. J. Long**—Who made that offer?

**The Hon. A. J. HUNT**—The offer was made, theoretically, by the trade union movement after consultation between leaders of that movement, Mr Gallagher and the Leader of the Opposition in another place. However, when one examines that offer, one finds it is a

deceptive one. It is a fraudulent offer that took the position no further than it was in August last.

**The Hon. W. A. Landeryou**—That is why it took you 3 hours to make up your mind.

**The Hon. A. J. HUNT**—In August last the terms of a site agreement had been agreed between the Government and all unions at Loy Yang. All that remained was for ratification and execution of the agreement to take place. That provided for a special arrangement for the whole project. It also provided for a fair comparability concept, which meant that unions generally engaged on the Loy Yang project should be subject to similar terms and conditions, and that if a gain were obtained by one union operating there, discussions would immediately be held with a view to considering the application of that provision to other unions on that site. That agreement was not signed when the Builders Labourers Federation instituted its black bans. That was the only thing that prevented the signing of that agreement from taking place.

The Honourable James Ramsay publicly announced that he would not proceed to the completion of that agreement while those black bans remained. It was the only thing standing in the way of an agreement. So for those four months the Builders Labourers Federation has known that the only impediment to this agreement being signed was that of the black bans imposed by it. The black bans imposed by that union prevented the site agreement from operating to the benefit not only of the Builders Labourers Federation, but of all other unions and unionists engaged at Loy Yang. The one impediment was the black bans.

What did the offer of Friday imply? It was exactly what Mr Ramsay said on that occasion, that it wanted the Government to lift the black bans as part of an agreement with the Builders Labourers Federation, when all along the Government has made it clear that the site agreement, including the fair comparability clause, would proceed as soon as the black bans were lifted.

Throughout that period it has been a simple matter for the Builders Labourers Federation to lift the bans or, if Mr Cain, the Leader of the Opposition in another place, wanted to negotiate, to do so for the lifting of the black bans in the interests of Victoria. As I said, those black bans were costing this State $4 million a week and would shortly, if they had continued, have cost Victorian citizens something in the order of $7 million to $7·5 million a week.

Norman Gallagher and the Builders Labourers Federation have cost this State—and every citizen in this State—very dearly indeed. We do not believe his undertakings; from past history, we have no reason to do so. We need some insurance. We need something to back up those guarantees, something to safeguard us, and this Bill represents the insurance policy for Victoria and for Victoria's citizens. Even though the black bans may well have been lifted today, the implied threat in Mr Gallagher's television performance of today remains, that they may be reimposed at any time if he is not satisfied with the performance of the Victorian Government.

We need a sanction; we need a safeguard. That the introduction of this Bill has already proved a sanction and has already brought about some action is self-evident, and ought to be evident to every member of the press and of the public. We certainly intend to proceed with this measure.

The measure supplements others taken by the Government. The Victorian Government is currently engaged with the Federal Government in deregistration proceedings against the Builders Labourers Federation. It applied successfully for a bans clause to be inserted in the award, and is currently contesting the Builders Labourers Federation's appeal against the bans clause.

Those actions have not alone succeeded. The hands of the Government have been largely tied because the Builders Labourers Federation operates under a Federal law. However, in the

field of civil war, Victoria has the power and the opportunity of legislating, and it is now doing so on the basis of a sound principle. Any citizen who is injured by conspiracy, by the deliberate acts of another party designed to injure him, has the right to go to law, whether that injury is occasioned by another individual or an organization. The fact that the organization may be a union gives it no greater immunity than is afforded to any other organization. Why should it? Are unions to be immune from the law? There is a right to individuals who are injured to seek damages or to seek injunction. The pity of it is that so far few citizens and companies have been prepared to avail themselves of this action because of fear of reprisals. One member of this Parliament in another place took such an action a few years ago with much success, and he was protected against a threatened black ban which has never since been sought to be reimposed because he had the courage to take legal action.

That opportunity of legal action has however been available only to those directly affected. In regard to Loy Yang those directly affected are deemed to have been contractors yet the one who pays the piper is the public of this State, as represented by the State Electricity Commission and the Government. Contractors could take action under the present law and obtain damages but because of the natural reluctance to proceed against unions, not one has done so and, in any event, the cost has been passed on to the ultimate sufferers through the Government—the public of Victoria. In their interests in cases where a deliberate conspiracy to prevent the construction of a power station important to this public exists, there should be a remedy for the public. This Bill therefore extends the right, which contractors would have, to the public through its Government and its instrumentalities.

The Bill is simple in concept. It enables any major public works to be so declared by resolution by the two Houses of Parliament, a form of legislative act. It declares Loy Yang to be a major project from the start and it therefore enables damages to be obtained in respect of acts of the kind that have occurred here or injunctions to be obtained to prevent them. Surely that is a sensible provision in the interests of the people of this State. Surely it is a safeguard against the brigandage to which I referred at the start of my speech. Victoria needs this Act as a safeguard against further actions of Gallagher and his ilk and as a safeguard against the imposition at any time in the future of any similar action, whether by the Builders Labourers Federation or other unions. In that case or in any such case this Parliament may be called together to declare the project in question a major project to which this Act applies. For the moment the Act will apply only to Loy Yang. With the consent of this Parliament in the future it could well apply to any other project where the same set of circumstances exist as has existed here.

This is a Bill to protect the interests of Victoria and Victorians, to assist in getting the Loy Yang project moving again and to protect against future brigandage of the kind that has occurred at Loy Yang on future major projects of this State. I hope the Labor Party will join with the Government party in supporting a measure with such objectives in view because it is in no way directed against the legitimate trade union movement or legitimate trade union demands; it is directed against conspiratorial activities designed to wreck the State, of the kind that has occurred at Loy Yang and which Victoria as a State can no longer afford.

**The Hon. W. A. LANDERYOU** (Doutta Galla Province)—At the outset I state that so far as I am concerned this Bill is a stunt, although a successful stunt. I quote the Premier on Channel 10 tonight. When asked by a journalist whether this Bill was a stunt, the Premier said, "Yes, it is a stunt".

The Leader of the Government knows that on Friday afternoon he was involved in discussions in which I had been associated some weeks before as had the so-called Minister of Labour

and Industry. I used to blame the Honourable Digby Crozier for the greatest muck-up in the history of this State —Alcoa—but I now, as a result of the past couple of weeks, realize that many of the sins of omission for which I blamed the former Deputy Leader of the Government have nothing to do with him; they are all the fault of the Minister of Labour and Industry. I have never seen a greater amateur at the negotiating table than the present so-called Minister of Labour and Industry, the Minister for Economic Development.

Last Friday I appealed to the Leader of the Government in this House because I believe he has an extraordinary capacity to see very quickly what the problems are and to move quickly towards a solution if he finds it reasonable. It seemed to me that last Friday, despite the politics and despite the grandstanding by the machine men of the Liberal Party, that they knew, as did every industrial reporter and every industrial observer, that an agreement between the building unions, including the Builders Labourers Federation, was imminent, just as in fact did Mr Ramsay, the Minister of Labour and Industry. When I first telephoned the Minister of Labour and Industry over two weeks ago, I put to him that in my view it was possible, if the Government was prepared to sit down and negotiate on the question of reflecting within Loy Yang the employment conditions which operate within the industry, having regard to the fact that the building unions and the Master Builders Association were about to reach agreement, that the time was imminent and long overdue for the Government to negotiate.

However, on Friday this bunch of amateurs, supported by the hyenas across the road, threw away an opportunity of reaching an industrial agreement which meant that the so-called bans and limitations that were imposed could be lifted throughout the duration of the project. That is what the Leader of the Government—but he does not say it in this House—knew was on the table. That is precisely what he put to me in private conversation and what I gave back to the Trades and Labour Council and to the secretary of the organizations involved. Mr Hunt, the Leader of the Government, knew precisely. He is not a fool but one of the most skilled if not the only skilled member of the Government on industrial relations. He picked it in a moment.

When the proposition was put back to the other parties, they bought it. Alan Hunt, the Leader of the Government, by his intervention, was able to demonstrate that it was possible for this State to reach an industrial peace scene at long last in this very important project at Loy Yang. What was the answer back from the buffoons who run the Liberal Party after hours of discussion? The answer was simply, "We want to carry this legislation". I might say that despite the fact that some hours had been spent on this question, at no stage on Friday afternoon last was this question mentioned by either side. This Government knows that the legislation is irrelevant.

After all, the Builders Labourers Federation was employed to pull down the scaffolding the last time industrial relations of this sort were carried out. The Government has immense legislative armoury on which to take action of this sort, if it puts its mind to it. I do not advocate that it do so, but if it wants to it has the Essential Services Act and the Vital State Projects Act that can be used against those whom it chooses.

**The Hon. B. A. Chamberlain**—You opposed that.

**The Hon. W. A. LANDERYOU**—Despite the histrionics of the honourable member opposite, the reality is that if the Government wanted to, it could use the legislative arms available to it. The propaganda machine of the Liberal Party decided that, like Mr Fraser, it had to try out yet another piece of legislation. However, the Minister did not bother to explain what the proposed legislation will do and did not mention the Builders Labourers Federation. It is a widesweeping Bill. It does not even mention the Loy Yang

power station. I add that for the benefit of the ignoramuses who are interjecting from the other side of the House. The Minister of Education knows it and so would Mr Long, if he is as good as he thinks he is.

Common law quite clearly provides that financial wrongs can be remedied by the parties who are wronged. Indeed, a Cabinet Minister of the Government used that aspect of common law to get retribution against a trade union in this State, so the idea is not new to the Government or its Ministers. It is not new to the Leader of the House who knew on Friday that discussions had occurred between the Minister of Labour and Industry, Mr Ramsay, and me.

**The Hon. N. F. Stacey**—After the Bills.

**The PRESIDENT (the Hon. F. S. Grimwade)**—Order! Mr Stacey should not interject, and he should not be out of his seat.

**The Hon. W. A. LANDERYOU**—I want to respond to that interjection because I know how intellectually handicapped some members of the Liberal Party are. Despite what Ministers want and how misleading the front bench of the Government may be, the reality is that the Minister of Labour and Industry received a telephone call from me on a Friday a fortnight ago early in the afternoon. He was preoccupied with Alcoa announcements and negotiations. I spoke to his personal assistant, Mr Southey, who arranged to ring me between 6 and 7 that evening, which he did. I put it to him that I wanted to talk to the Minister about a proposal concerning Loy Yang, which has been of considerable concern to the Labor Party for some time. For reasons that escape me, the Government wants only to play politics. I told the Minister that he could reach agreement with the Builders Labourers Federation if he kept in mind four points. The first point was an act of good faith by the Builders Labourers Federation that it would immediately lift the bans that existed on State buildings associated with the Police Force. The second point was that if the Government would agree to negotiate on the question of employees at Loy Yang and the building industry and building standards on the position between the two parties, the bans on Loy Yang would be lifted.

**The Hon. R. J. Long**—For how long?

**The Hon. W. A. LANDERYOU**—It is a pity Mr Long does not listen as I have to conduct remedial classes for him in debates. I have indicated that I called the Minister of Labour and Industry on a Friday a fortnight ago. The Minister of Education has not questioned that. Tonight he put that question to me and I put it back to the other parties. I was doing nothing but quietly and calmly behind the scenes trying to bring the parties together. Having known that this proposition was being put forward and that the principal parties involved, the Master Builders Association, and other unions, were on the verge of agreement, the Government produced this farce. The absurd situation occurred in another place and on television suddenly tonnight, in which the Government spokesman dealt with this issue. Ministers in another place seem to be competing to become the next Leader of the Government, such as the Minister of Health and the Minister of Transport, who has to run to Steve Crabb to settle railway disputes. When Steve Crabb was overseas, he contacted the Minister of Education, Alan Hunt, to solve a railway dispute.

**The Hon. H. R. Ward**—Your party has nowhere to run to.

**The Hon. W. A. LANDERYOU**—It has the Government benches to run to. The reality is that the proposed legislation has been exposed by the Premier, admittedly by mistake because he has been a mistake as Premier from day one. The Leader of the House did not adequately explain the Bill. He cannot explain that the Minister of Labour and Industry, a fortnight before the Bill was introduced into the Lower House, had the issue spelt out to him personally by me and subsequently by the Secretary of the Victorian Trades Hall Council, Mr Ken Stone. There are many things that Norm Gallagher of

the Builders Labourers Federation does with which I, as a unionist, a citizen or member of this place, would not agree. However, there are perhaps many things I do with which Norm Gallagher would not agree either. It is almost irrelevant where he is on this issue.

This issue concerns the Liberal Party, in its dying hours of Government, trying to scratch and claw around for an issue on which it can polarize the electorate. The whole performance of the conservative forces of Victoria, and at a national level, is that when Liberal Party members are in trouble they attempt to divide the community on a polarized basis, with the exception of the Minister of Education. I do not identify him with that cause. I consider him to be a man of honour who, despite many insignificant differences on key issues with me, will at least listen to an argument and if he is convinced that one is right, morally or otherwise, he will take up the cause and act in accordance with it. On occasions when the Minister of Education, Alan Hunt, has made a significant contribution or had an influence on the industrial relations record of the State Government, there has been a better result, in comparison with other Ministers or chairmen of the so-called industrial relations committee.

The Minister of Labour and Industry in another place is apparently sick. It has been reported that Mr Stone rang him and suggested that he was ringing him, but not about the matter suggested by Mr Landeryou. I spoke to Mr Stone within minutes of that contribution and he said that the Minister, Mr Ramsay, was not being asked to do anything that will not take place automatically. In other words, if I can interpret that jargon in terms of those with experience and competence in the industrial arena, what was going to happen in the next fortnight—it was known to the Minister and the Secretary of the Trades Hall Council, but to no one else—was that there would be a movement in the hours in the traditional standard award within the metal industry and negotiations were proceeding within the Master Builders Association and building unions on the issue of hours and rates of pay. That was known to the Secretary of the Trades Hall Council and the Minister—it was being put to him by the secretary that he was not being asked to do anything that would not flow.

Last Friday, a firm proposal was made that extended with certainty and it embraced substantially that which I had put privately to the Minister at least a fortnight previously. These are the words that were put to the Government.

> That the B.L.F. will lift all bans and limitations on State Government Projects, subject to the following——

**The Hon. H. M. Hamilton**—For how long?

**The Hon. W. A. LANDERYOU**—In the interests of the province of Higinbotham, which Mr Hamilton used to represent, the Minister of Education picked up that question—and he is a very experienced negotiator. It was necessary to take that back to the party and that should have been the subject of negotiation. I shall explain why it was not. The proposal stated, *inter alia*:

> (*a*) That if the proposed shorter working week agreement for metal tradesmen is ratified by the Arbitration Commission, the State Government agrees to implement the terms of the agreement to all employees at Loy Yang.
>
> (*b*) The above agreement is in line with the fair comparability of wages and conditions concept which applies at Loy Yang.

I understand—whether the Government knows—that is what is occurring on Thursday of this week. There is a ludicrous position of the infamous industrial outlaw—and he has been referred to as the con of all cons—using the red bait 1950 era nonsense from Conservative politicians of the State. No attempt was made to come to grips with the real industrial situation. Last Friday, if the good common sense of the most senior and certainly most respected negotiator of the Government, the Minister of Education, had prevailed, the Government, if it had enough sense——

**The Hon. V. T. Hauser**—Put him in gaol!

**The Hon. W. A. LANDERYOU**—Are honourable members talking of stock exchange people or someone whom the Government has set out with almost single-minded purposefulness, using every aspect of the law and inventing a few along the way to achieve that objective, to get and then objecting to the fact that he uses the law to reverse the argument? That is what will happen with the Bill. It is no secret—and it is a pity that the Attorney-General is away at present and cannot give his advice. I am told that this is the point the lawyers will take. The Bill will become yet another barrister's banquet. Mr Gallagher, and honourable members can paint him as black as they like—

**The Hon. H. M. Hamilton**—As red as you like!

**The Hon. W. A. LANDERYOU**—I understand he wants to declare the red army black! The reality is that what Mr Gallagher will do, if not the trade union movement as a whole, is to take this piece of paper, once it has received the blessing of the Executive Council, to the courts and challenge it constitutionally. I am not a constitutional lawyer, but maybe they will succeed and maybe they will not. Nevertheless, it will delay things. Every delaying tactic available to the opponents of the legislative measure is known to the Government. It knows that is precisely the tactic that will be employed. Then, if that fails and some prosecution is possible, that will take years, too.

**The Hon. A. J. Hunt**—That is nonsense.

**The Hon. W. A. LANDERYOU**—The Minister of Education ought to look at the law. I shall refer him to it shortly. It was nonsense with the deregistration fiasco and the Royal Commission and yet legal devices have been used to contend that the Builders Labourers Federation has delayed and procrastinated. If the Minister of Education had bothered to read to the House the notes prepared for him by the public servants or the press secretary of the Minister of Labour and Industry, honourable members would have heard that the nature of the complaint is the outrageous, audacious proposition to Mr Gallagher that he is using the law to frustrate the will of the Government.

I can understand how the Government might think that is outrageous, but I would not have thought that a Government that is allegedly trying to bring to heel an organization on the basis of it not being above the law would complain if that same organization used the law to prevent the Government from doing what it wants to do.

The Loy Yang dispute, which is the principal purpose of this political propaganda—the Bill—could have been settled weeks ago. The Minister of Labour and Industry and Government leaders know that. On Friday a fortnight ago, and again this Friday in a more formalized way, certain things were put to the Government as the basis of settlement in return for the Builders Labourers Federation lifting the bans and limitations.

In fact, the federation has now achieved precisely what it put last Friday and a fortnight before. That is the reality—the Minister of Education knows as well as I do that if he had been left in charge of the negotiations on Friday, by 5 o'clock, we would have reached an understanding on the basis that there would be no more bans and limitations in the future. In fact, for the employees on that site, the terms of the second clause and the decision of the Conciliation and Arbitration Commission will apply and in fact what would apply would be common sense, a reasonable sense of decency and normal industrial law and a let's-have-an-end-to-the-nonsense that exists at Loy Yang.

There is nothing more certain than that both the Government and the two principal unions involved on the site and causing the original dispute have all contributed to the confusion, if not the cause, of the dispute but simply because someone misbehaves in an immature way is not an excuse for the

Government to be immature or worse, to be political for a cheap political stunt. The Premier gave that up on national television. That is what he says it is and that is what it is—a stunt, and all honourable members know that. The Leader of the Government in this House, who has far greater intellect and integrity than he displayed tonight, could have wrapped the whole deal up on Friday and protected the interests of the State by ensuring that the bans and limitations that had existed on the Loy Yang power station would not be reimposed during the lifetime of the project. That would have been the normal progression of negotiations. The Leader of the Government knows that.

However those proposals were rejected by the Government. Those proposals were not rejected on their merits or on the basis of some elementary degree of justice but finally on the grounds that no talks could proceed until the Bill had been passed. What Bill? The Bill before the House.

The negotiations that began between myself and the Minister of Labour and Industry in another place began against the background of my not having any knowledge of the political propaganda intentions of this Government. My proposals put to Norm Gallagher and to the Minister were based on an honest and sincere attempt to settle a long-standing dispute.

I now understand the reticence of the Minister in another place on the proposals that I put to him. That honourable gentleman knew that he had to get off his backside and ensure that he would have a political point-scoring weapon to use before agreement was reached. However, the Government suffered from the tragedy that its full forward was given the ball and kicked it straight out of bounds on the full. That is exactly what the Minister in another place has done. The honourable gentleman has given an extraordinary performance. He became petrified when I suggested he should sit down and talk. At least the Minister of Water Supply, inexperienced as he is, had enough sincerity and integrity to say, "Yes. If it is a matter I can help with, I will chair a conference".

**The Hon. GLYN JENKINS** (Minister of Water Supply)—On a point of order, Mr President, as I understood the situation, the negotiations I had with Mr Landeryou were to remain confidential. I respected that confidentiality and I expected Mr Landeryou to show the same respect.

**The Hon. W. A. LANDERYOU** (Doutta Galla Province)—I shall certainly respect that confidentiality, having regard to what has been said in another place tonight by the Leader of the Opposition.

**The Hon. Glyn Jenkins**—I am talking about that.

**The Hon. W. A. LANDERYOU**—I shall respect that confidentiality.

**The Hon. R. J. Long**—Why did you blab about it then?

**The PRESIDENT (the Hon. F. S. Grimwade)**—The Minister of Water Supply has raised a point of order. The matter was immediately apologized for by the Leader of the Opposition. I invite the Leader of the Opposition to continue.

**The Hon. W. A. LANDERYOU**—I make the same challenge that I made in a recent debate: There is not one Minister of this Government who could say that insofar as I am able to assist in bringing parties together in an industrial dispute, I would not do so.

**The Hon. R. J. Long**—That is a big step forward, is it not?

**The Hon. W. A. LANDERYOU**—It is a broad statement, but it has to be simple and I shall spell it out for Mr Long. I cite the example of the recent health dispute. To quote my Federal leader, even blind Frankie would have understood that if one has differential wage rates of approximately $30 to $40 applying in an industry, something should be done about it. However, the Deputy Leader of the Government in another place made a valiant attempt tonight to try to convince everyone that he should be the Leader of the Opposition after the next

State election. Having been contacted and told that he ought to confer with parties to the hospital dispute, the Minister in another place said, "I think we should leave that to the industrial relations expert". Here was the Deputy Leader of the Government referring a matter that was simple, in terms of natural if not wage justice, to some junior officer within his department to negotiate with the employee representative. That honourable gentleman had to be finally embarrassed in public by a question without notice when an honourable member in another place said, "The parties are within the precincts of the Parliament. Would you mind seeing them this morning?" The end result was that both sides achieved satisfaction.

That example is typical of the amateurish approach to industrial relations that this Government appears to thrive on. During the last State election campaign it was Halfpenny who was used as an issue, and at the election before that it was Carmichael. The Government picks out an individual from the trade union movement and adopts the attitude that the blacker it can paint the individual, the better it will be for its electoral base. The Government adopts the attitude that it should describe these individuals as dreadful animals who want to bring down Parliament and destroy society.

**The Hon. A. J. Hunt**—Predators.

**The Hon. W. A. LANDERYOU**—Those people who justify the obnoxious gerrymander that keeps this Government in office are the predators. The gerrymander is the Government's arsenal. The Government represents fewer people than Bolte did in his heyday in the Parliament, and honourable members opposite know that. The Government's gerrymander means that the Opposition in this House has 13 representatives, who represent more than half the population of this State, but the Government has 27 members of this House.

Any industrial dispute is capable of being settled by negotiation. It is no excuse to say that because one or other of the parties to a dispute is being immature, discussions cannot be held. However, the Government has pursued that course of action. The Bill is an extraordinary piece of mumbo jumbo. I can well imagine the frustration of the poor old Government backbencher who realizes that he is in danger of losing his seat and he thinks, "At long last we have this great issue on which we can embarrass John Cain and the Labor Party".

**The Hon. V. T. Hauser**—We have, haven't we?

**The Hon. W. A. LANDERYOU**—Mr Hauser would not think that if he had listened to the news tonight. The Premier said that the Bill is a stunt. The honourable gentleman has given up the honourable members opposite. Those honourable members may have a little difficulty in understanding that. In approximately 10 minutes, I will have a transcript of what the Premier said on the news and honourable members can read that transcript.

The Government's grandstanding approach over the proposed legislation must be contrasted with the approach adopted by those few men of goodwill who do exist on the Government benches. Any one of those honourable members would have settled this dispute last Friday.

It is important that it be understood that this proposed legislation was never the subject of negotiation with the parties involved. The Government never mentioned the proposed legislation to the Trades Hall Council, the Labor Party or to the unions that the Government claims the Bill is directed at. The Government did not bother to mention the proposed legislation to the employer organizations, which have now soundly condemned it.

Mr Hamilton is interjecting. He should understand how absolutely irrelevant this proposed piece of legislation is to the Loy Yang power station. Last week the unions planned to meet today. Mr Chamberlain is interjecting. If he understood those facts, as does the industrial press, which is why the Government is getting bad coverage, he would realize how useless the Bill is. Yet, the Bill was

supposed to represent the Government's great goal, and that is what honourable members opposite have been told in the party room. What happened? It has fallen over the honourable member like a batch of rotten eggs. The reality is that this Government had no intention, at its senior political level, of reaching settlement. I do not say that in respect of the Leader of the House, Mr Alan Hunt. I believe he genuinely wanted to reach settlement, but the matter needs to be put in context. Against the background of all those reaching agreement, that is employers and the union, this Government chose, within that atmosphere, to introduce this Bill.

**The Hon. B. A. Chamberlain**—Tell us about the Bill.

**The Hon. W. A. LANDERYOU**—Thank you for that suggestion, Mr Chamberlain; that is what I want to do. It ought to be noted by the House, despite the theatrics of the Leader of the Government, that the Bill applies to all unions whose members are engaged at Loy Yang. It may be applied to major works throughout the State, as agreed to by both Houses of this Parliament

If one looks at the definition of "officers", by virtue of clause 3(3), the Bill will expose unions to actions although the conduct of shop stewards, officers and so on, has not been authorized by the union. I wonder how that hangs with the civil libertarian approach of honourable members like Mr Guest, Mr Storey and Mr Block, all of whom are missing tonight, as is half of the front bench. Liability of the union is not limited to breaches of contract of employment by members of that union. It applies in regard to any employee and, as to the resources of unions, which are already limited, the Bill is not going to provide in practice —and this is known even to the thickheads within the Liberal Party—a remedy for losses by the State. Yet it is possible for the State, if it is a party to a contract and suffers a loss, under the present law to sue. At least the Opposition agrees on one point with the Leader of the House. I will take him to what he should have done in the quarter of a century that the Liberal Party has wasted in Government. It is possible for this Government, even at this late stage, to negotiate an industrial agreement that guarantees reasonable, realistic, industrial peace. It is claimed that it is not possible to trust one or two or some of the protagonists with which the Government is constantly confronted.

**The Hon. V. T. Hauser**—You know that.

**The Hon. W. A. LANDERYOU**—It is suggested that I know it. I do know that this Government is the worst employer in this country. The Liberal Party in Government in this State is the worst employer in Australia. Union leader after union leader will state to me privately, "We would not have a dispute in the State if it were not for the Government". The reality of it is that this Government does not intend to have a consensus approach to a whole range of very serious industrial problems.

As this Bill provides that the unions and its officers are jointly and severally liable for damages, I suspect that, under the Wrongs Act, the Government will be able to bring, by way of victimization, action against individual officers as distinct from the organization. I repeat again, that it is not necessary if the Government is serious. What major corporation in the Western World would spend the sort of beans that are involved in this project, without ensuring that prior to the commencement of that project on day one, prior to the first shovel going into the ground, it did not have a watertight agreement with those who represented the people to be employed on the site? There is not a major company that comes from overseas to our shores that does not do that. There is not a major company that does not ensure that demarcation disputes, which are likely to occur, are eliminated prior to the first shovel going into the ground.

I cannot help it if the Liberal Party is so bereft of talent in this State that it does not have one member, apart from Alan Hunt, the Leader of the

Government, who understands in the slightest possible way—and I do not agree often with the Minister—the first elementary steps that ought to be taken in an industrial sense. The Leader of the House has demonstrated time and again that he understands this. What should have been done in the case of Loy Yang, and what will be done by the next Government of this State, is that it will be put very squarely that responsibilities and obligations will give rights, but in return for those rights the Government will expect the employees to respect their obligations and responsibilities. Mr Dunn suggests that we give them what they want. Poor Mr Dunn, frantically trying to make a last, and obviously too late, run for coalition in this State; even getting out the old "Commo" barrow and beating the drum—that is what his Leader is doing in another place. That is nonsensical, 1950, schoolboy nonsense. What needs to be done in terms of dealing with employees in this State is to have honesty and integrity. The Liberal Party is stuck with the words of its Premier—the man in the Liberal Party who is pretending to lead this State for the next three years.

**The Hon. R. J. Long**—You have told us that three times.

**The Hon. W. A. LANDERYOU**—As I have often said to Liberal members, I have to conduct remedial classes. Mr Long voted for the Premier, I did not. With the advantage of hindsight, I would have voted for him in the Parliamentary room but for a whole lot of different reasons.

I go back to two or three clauses, which are important. Firstly, the provision that relates to injunction in clause 4 provides a possible application against individual employees who may be restrained by the injunction from action which would constitute a breach of the contract of employment. As I have said, there may be serious constitutional problems associated with this proposed law. There is no doubt that this application will be delayed; at least the challenge of the scope of the Bill will be canvassed in the courts.

I have no doubt in my mind that the Government is proposing to wage a campaign against a particular union. It is doing so and has been doing so for a long period. But, in its pursuit of that campaign, and setting aside value judgments that one may have with respect to that, and in the pursuit of that objective, does that justify breaking a rule which is not aimed just at that organization but at every other industrial organization in this State? It is claimed that that is not the purpose of the Bill. In fact, that is what the Bill says. The legislation in the courts is quite clear on the matter. Courts are not required to look at *Hansard* or at speakers' notes prepared by the Public Service for Ministers. They look at what the law says, and, unless it is apropos of the Bill, the law does not mention one particular organization, despite the fact that the ageing skinhead in another place says that is what it is about and the Leader in this place says that that is what it is about.

That is not what the proposed law says. It says "any organization", so it is the same general, generic approach by the Government as is contained in the vital projects legislation, repeating the rights and obligations that are apparent with respect to the law of torts in terms of the common law.

The tragedy—and this underscores and highlights the amateurism of some senior Ministers of the Government—is that if Norm Gallagher is as bad as the Government paints him, last Friday the Government had an opportunity if it had had the courage and the foresight——

**The Hon. V. T. Hauser**—To give him what he wanted.

**The Hon. W. A. LANDERYOU**—Poor Mr Hauser simply does not understand. On Friday, Mr Gallagher put to the Government proposals which today have been accepted in return for that which he was asking on Friday. I will spell it out again, and I think this is the fifth time.

**The Hon. V. T. Hauser**—Tedious repetition!

**The Hon. W. A. LANDERYOU**—Who was the goose who asked the question? It is no wonder that the back bench is kept in the dark! One cannot trust its members with anything, even the facts. The facts are that on Friday Mr Gallagher asked for certain things.

**The Hon. V. T. Hauser**—What about the Ministers?

**The Hon. W. A. LANDERYOU**—The reality is that, if the Ministers had had any brains and deserved their titles as Ministers, they would have jumped at the opportunity, if Mr Gallagher is as bad as they claim. He was offering industrial peace. He was in fact offering, "I will lift the bans and limitations for a period that you determine in consideration for those things". It is no wonder his members think he is clever! He got what he wanted and the Government has ended up with what Paddy shot at—absolutely nothing!

I cannot help it if Ramsay does not understand. I cannot help it if Mr Thompson's press secretary was so hellbent on getting the Melbourne version of the *Australian* set when it had already gone to press. I cannot help that. That is the Government's problem. Its supporters are sitting on the ruins and remains of a decaying Government and the end result is this sort of legislation which, if it were proposed in ordinary circumstances, would have created such a clamorous outcry within the labour movement that the Government would have achieved its ends. It would have polarized the community; it would have had people in the streets; It would have had people complaining about neo-Fascist legislation. But the Opposition is not falling for the pea and thimble trick. The Government can stick its proposed legislation.

So far as the Opposition is concerned, the next election is not about giving the Liberal Government an opportunity of polarizing the electorate; it is not about giving the Government an opportunity to paint Norm Gallagher blacker that he is; it is not about saying to workers who want to demand certain rights and conditions that they cannot do it. The next election is about calling a Government to account for the most disgraceful Government in the history of this State.

The Bill is a cynical political exercise, and the poor old Premier has not got enough brains to understand that he got caught out when the Channel 10 reporter asked him, "Mr Premier, is this a stunt" and he said "Yes, it is a stunt but it has been a fairly successful one".

**The Hon. B. P. DUNN** (North Western Province)—This State is at crisis point. It is a State crippled by union disruption, a State whose reputation in other States of Australia and other parts of the world has been destroyed because of that disruption.

Tonight, Mr Landeryou has spoken in this House for more than an hour, living off the interjections of Government members, but what has he said? He has said that, all of a sudden, he and his party have developed an interest in solving some these disputes.

The fact is that months of strikes and disruption have occurred. In the case of the Builders Labourers Federation and Loy Yang, months of bans have hindered and delayed the project at enormous cost to the people of Victoria. Suddenly in the past week or two, Mr Landeryou and his party have decided that, electorally, that is damaging to them and that they must try to go out and cool it and calm it down until after the election. Mr Landeryou wants to talk, continue to talk, continue to discuss matters around the table and negotiate, but there comes a time when negotiation can go no further and strong action must be taken.

The Victorian people reached that stage a long time ago, and probably the State Liberal Government in Victoria must share a large part of the responsibility for the industrial scene that exists because it has been weak-kneed for at least a decade on industrial matters. It has not been prepared to take on the unions and to come to grips in dealing with people like Norm Gallagher and others from whom even the average unionist likes to dissociate himself. But the Government has failed to take action and the unions have

grown in strength and militancy far more in this State than any other part of Australia. That has put a stranglehold on this State, on the development of Victoria and on the future of this State and people have left Victoria to go to other States where there is a better industrial climate, and I believe others may yet do likewise.

In the case of the Loy Yang dispute and the action by the Builders Labourers Federation, Victoria has witnessed one of the worst episodes of industrial blackmail in recent times. Union action of this kind is devastating, so far as the people of Victoria are concerned, and they have had enough —well and truly enough—of this type of action by unions.

I think it is recognized by many people in the community that there are those who seek to destroy our way of life, to disrupt the law and order of the community, who seek to disrupt the role of government and who seek basically to disrupt industry, development and our whole way of life and society. It is a stated and clear objective of the Communist philosophy that that is the first and major step towards replacing the political and social structure with one's own philosophy, and it is a stated objective of Communism to do that in order to be able to destroy the community in which it can operate to break down that community's standards, its law and order and its Government, and then seek to replace that with its own system.

As members of Parliament and as members of the community, we must ensure that the average person realizes that himself. We must ensure that the average person is aware that these forces are at work in the community, and especially we must show a lead in resisting them. In the main, I believe the Victorian people support the democratic form of Government that we have and that they support free enterprise, authority and the role of Government. Clearly, the people have had enough and want the Government to reassert its authority in this State. They want a Government that will take action against Norm Gallagher and people like him who seek to destroy.

The Builders Labourers Federation is well known for its tactics in this State and for its stand on Loy Yang and the bans that it has imposed there over a period of years, which at present are costing this State more than $4 million a week or around $200 million in a full year. It will come out of the pockets of the taxpayers in this State, the people of Victoria. It is they who will bear the increased power charges and the other increased costs. Despite that, the Labor Party, which claims to represent the small people of the community and those in need of support and assistance, has done nothing. One of the greatest forms of assistance the Labor Party could provide would be to get unions like the Builders Labourers Federation working again and to reduce the number of disputes to ensure that projects such as Loy Yang can be completed on schedule and within the original cost estimate.

This dispute has cost the State hundreds of millions of dollars, and the State will have to recoup those funds. It will do so from the citizens of Victoria. The federation has also imposed bans on other projects, the most notable of which have been bans on police projects. Since June 1980, selective bans have been placed on work to be carried out at police stations throughout the State. Those stations are vital to the maintenance of law and order, but the work has not been completed just because the Builders Labourers Federation did not want it to be completed. The cost of those delays and others must also be taken into account.

During a debate dealing with the postal strike last week, I said that people who want to live in a community and reap its benefits must accept a degree of responsibility to that community. It is unfortunate that a lot of people seem to display that attitude, "I can take any action I wish that will be of benefit to me. To hell with the rest of the community! To hell with

the effects on my own fellow man and the average citizen of this State! They do not mean a thing. It is what I want that is important. I will take it any way I can". That is the attitude of militant unionists, from which even Mr Landeryou would want to dissociate himself. Their attitude is to take from the community and, if necessary, use force, blackmail tactics, bans, anything they like, to get their own way.

I have no doubt that this Bill, even though it must be admitted—and even the Government would probably admit it—that it is designed to enhance the Government electorally, played a significant role in today's events. However, it is late. The Government has had months in which to deal with the problem and to introduce measures of this type, but it has done nothing. The Labor Party has been criticized for being a Johnny-come-lately in trying to solve the dispute, but it must be admitted that the Government does not have a good record, either. Clearly, it wants an issue of this kind on which to convince the Victorian people that it has the strength and capacity to govern.

As I said earlier, this situation has been reached because of years of weakness, years of weak reaction to union activities of this kind. Therefore, some people will regard the proposed legislation cynically, but we must accept it in good faith for what it is. It is a last ditch attempt to force the Builders Labourers Federation to drop its bans and get on with the job at Loy Yang. Members of the National Party have no doubt that it has been a significant factor in the lifting of the bans by the federation today. In fact, it was probably the catalyst that forced the union to take that step.

I have grave doubts about whether that would have been achieved if the Government had not been determined to force this matter through. To my mind, it is no coincidence that the announcement about the lifting of the bans at Loy Yang was made today, the same day on which the Bill is being passed by Parliament. I shall be interested to observe how many members of the Opposition are prepared to support the Builders Labourers Federation against this measure.

There is some doubt about whether the proposed legislation will stand the challenge with which it will be faced. When Mr Landeryou was speaking, Mr Long, by interjection, said that that was no reason why legislation of this type should not be passed by Parliament. Just because a measure may be tested by the courts, which may be a lengthy procedure, does not mean Parliament should avoid passing it. If the process of law is lengthy, so be it, but the measure will at least be the law of Victoria and will be dealt with by the courts. From the lodging of the application, it will be possible to claim compensation against the union involved. I hope the measure has sufficient teeth, but only time will tell, and I hope it will stand the test of time and the challenge that it will undoubtedly face.

Members of the National Party are deeply concerned about the poor standing of Victoria in the eyes of Australia as a whole and of many other nations of the world. Before it is possible to get Victoria fired up again and to ensure that proper development and opportunities exist, it is crucial to solve the problems involving unions and the type of action taken by the Builders Labourers Federation. It is important that the Government of the day should be able to govern and that its authority should be reasserted and accepted by the citizens, and to do so it is essential that the citizens stand behind their Government, no matter whether it be a Labor or a Liberal Government.

If the Government takes on the unions, it is the people who will suffer the effects of the bans and strikes, and it is the people who must be prepared to accept that in support of the Government's stand. I believe the people have well and truly reached that stage. I believe they are prepared to put up with virtually anything the

unions can throw at them, so long as the Government takes a stand and shows its leadership and authority.

Members of the National Party hope the Bill will make it possible to get Loy Yang built. That is the most important consideration, but we also hope it will be possible to use the measure, if necessary, in future cases to prevent delays to important State projects. We have made our position clear: We support the free enterprise system and democratic government and we believe in the rights of Governments to govern and not in the vesting of massive power and ability to disrupt individuals. whether they be Communist sympathizers or adherents of any other ideology. We support the Bill and hope it will have the effect intended by the Government.

**The Hon. D. K. HAYWARD** (Monash Province)—The debate on this Bill, both in this House and in another place, has been fascinating, particularly because of what it has revealed about the Labor Party. This measure is a watershed in Australian industrial relations and in Victorian politics. This is a decision day in both those fields. Now is the time when people have to say whether they put the public interest first or the interests of the Builders Labourers Federation first.

Earlier, Mr Landeryou said, in derogatory fashion, that the *Age* had described the Builders Labourers Federation as "industrial outlaws". That is the way in which I would describe the federation, too. I believe its officials are industrial outlaws and I also believe members of the Labor Party, both here and in another place, have today shown themselves to be the pawns of the Builders Labourers Federation, whose only interest is to bring down society.

Members of the Opposition had no choice in this, because the Australian Labor Party is under the control of the Left wing unions. They are unable and unwilling to protect the public interest against these villains in the Builders Labourers Federation. The debate illustrates the fundamental dilemma which is facing the Australian Labor Party in this State. It is a world-wide phenomenon that the left wing is gaining control. This is seen in Britain, particularly with Tony Benn and also in the recent Crosby by-election where the Labor candidate lost his deposit. The situation was also seen recently in New South Wales when Les McMahon lost preselection for the seat of Sydney. The same is seen again in Tasmania, and is very much the case in Victoria at present. The Victorian Labor Party is stuck together with wallpaper.

When it loses the next election, as it will, the Labor Party will crack apart. Members of the Opposition sit in this place night after night saying what they will do when the Australian Labor Party wins the election. That will not happen. The wallpaper will crack once the Labor Party loses the election; it will split asunder. All the pressures of the Labor Party which have been held in during the period leading up to the election will burst asunder.

**The Hon. W. A. Landeryou**—Have you checked your blood pressure?

**The Hon. D. K. HAYWARD**—The honourable member should not make silly remarks when such serious matters are being discussed. I am talking about a once great party, which is on the threshold of disaster. I am sorry about this because any political system requires a strong Opposition. When the Labor Party loses the next election, all the forces at work within the Labor Party will drag it down and destroy it. The debate in this place and another place has shown clearly the forces at work within the Labor Party. In another place the Leader of the Opposition only was allowed to speak and, so far in this place, the Leader of the Opposition has been the only member of his party to speak. This indicates that the Labor Party is not game to let its members debate the Bill. The scant number of Opposition numbers in the House at present also illustrate that. The pressures at work in the Labor Party show that it is trying to protect people who are extorting the average citizen of Victoria. That is why the Bill is necessary.

One can leave aside all the questions about who said what to whom. The Bill is fundamental and far-reaching and puts the interests of the ordinary citizen ahead of the interests of those self-seeking, self-serving, greedy people who run the Builders Labourers Federation. As I stated at the beginning of my remarks, this is a watershed in Australian industrial relations and a watershed in Victorian politics.

For the first time in many years members of Parliament have to stand up—or sit down—and be counted on the question of whether they put the interests of the people ahead of the interests of a union which has no interest whatsoever in the ordinary citizens of Victoria. The bans introduced by the Builders Labourers Federation have cost the State at least $40 million and the work at Loy Yang has been considerably delayed. The sum of $40 million has to be paid by the average citizen of Victoria. The Australian Labor Party is not interested because that party is under the control of left-wing unions and has no alternative but to act as their champion in this debate.

It is only a matter of time before the Australian Labor Party will have to face up to the realities of the situation. This is demonstrated in the industrial affairs policy of the Australian Labor Party. That policy is nothing short of approval for the domination of Victoria by militant unions. If the Labor Party ever came to power it would repeal the Essential Services Act, the Vital State Projects Act and the secret ballots legislation. No doubt it would also repeal the Bill before the House, once it is enacted.

This means that the militant unions would increasingly take control of State projects and private industry. For example, one of the references in the Australian Labor Party industrial affairs policy is that private enterprise has to reveal all its private financial information to militant unions. Many other items in that policy indicate a transference of power towards the militant unions. The time has come when we have to call the Builders Labourers Federation and Mr Gallagher into account for the damage they have done to the State. The Bill before the House is one way of doing so.

**The Hon. H. M. HAMILTON** (Higinbotham Province)—The first point I wish to make about the Bill is that it is not aimed at the ordinary unionist; it is not aimed at the rank and file union member. It is directed against the organization itself, and in particular, against those officers who, by their powers of persuasion or whatever it may be, induce their members to break their contracts of labour. Somebody suggested stand-over tactics, and there is plenty of evidence that stand-over tactics have been employed from time to time in this union situation. I have no doubt that the history of the Builders Labourers Federation suggests that stand-over tactics are employed not only against the rank and file members but also against the employers and, in the case we are discussing tonight, against the Government.

The Bill provides sanctions for breaking contracts; this is not before time. For many years this union—the Builders Labourers Federation, which is the main subject of discussion tonight—has been involved in a series of industrial disputes. Its attitude has been one of total and complete irresponsibility. Mr Landeryou talked about the possibility of an agreement which he said was mooted a week or a fortnight ago. I interjected and asked. "For how long?" The history of the union tells us that every time an agreement is reached and every time an employer considers he has a situation under control, the union turns to another area altogether and the bans, limitations or whatever are continued. The present situation at Loy Yang illustrates that statement quite clearly when one recognizes that the matter began when the police removed BLF union pickets that were preventing access to the company, Ascom Pty Ltd in Springvale. Having removed the pickets, senior police officers were told by Mr Gallagher that no more police stations would be built and the Government could forget about Loy Yang.

What an arrogant attitude! What a totally irresponsible and aggressively arrogant attitude for a union leader to turn to an elected Government—any Government—and say, "All right, you can go to hell!" After a certain period of time this dispute began to excite public attention and the union thought that its "dog-in-the-manger" attitude ought to be examined. The union then changed its ground; it did not remove the bans, but simply changed its ground and found another excuse. This time the excuse was that the Victorian Government had the temerity to enter into an agreement with the Commonwealth Government to investigate the activities of the Builders Labourers Federation and apply to have the union deregistered.

I am no lawyer, but this certainly would appear to be a case of attempting to coerce a litigant out of his litigation. As I understand the law, that amounts to contempt of court. Perhaps some of my legal friends will correct me if I am in error on that point. It is not the first time it has happened. I recall that in 1974, a number of employers entered into some legal dispute with the Builders Labourers Federation and took it to court. One by one the Builders Labourers Federation coerced those employers out of their litigation and the then Federal Liberal Party shadow Attorney-General demanded publicly that the Commonwealth Attorney-General take action against the union for what he claimed was a very serious breach of our law, but no action was taken by a sympathetic Labor Government which proceeded to encourage the Builders Labourers Federation, and proceeded to add to the aggressive attitude of this union leader who had by then established himself as a demagogue in our community. Since then, the same union leader has indulged in blackmail and in coercion of the worst type.

In his pathetic reply to the statements of the Leader of the House, Mr Landeryou stated that any employer who entered into an agreement should ensure that these sorts of disputes would not arise. The experience of the community is, irrespective of agreements entered into with the Builders Labourers Federation, that that union will find some method of breaking the agreement within a matter of days or weeks at the longest, and this is precisely what has happened.

One recalls the demise of the Mainline company trying to build the then largest project that Melbourne had ever seen. It reached agreement with the Builders Labourers Federation, but the agreements were broken. The concrete started to be poured and when it was half-way through, the builders labourers downed tools and walked off the job and every time that happened, it cost the company more than $100 000 to chip out the concrete and then to start to pour again, but each time the same thing happened until ultimately the Mainline company went into liquidation.

What was the attitude of the leader of the Builders Labourers Federation? Victory for the workers, he proclaimed. I suppose it was a victory; it put hundreds of men out of work. It added to the economic problems which the Labor Government in Canberra had caused. It also created problems for the community and added to the total unemployment throughout the community. It was a victory for workers! The effect of the victory was to put a lot of people out of work, to reduce the money in circulation in our community, and inflict irreparable damage on the economy of the country.

That is the attitude of the Builders Labourers Federation. Let me refer to some newspaper cuttings I picked out in the short time at my disposal. The *Age* of 4 July 1979 has the headline, "An Industry built on Blackmail" and "Unions winning the building sites war —Big Norm lusts for revenge". That is the view that big Norm brings to this arrangement which Mr Landeryou has carefully told honourable members about tonight, the arrangement which he was attempting to arrange!

Incidentally, as I understand it, the statement by Mr Landeryou that the Premier had stated that it is a stunt, is open to question. It is not quite what

he said, as I understand it. Although a transcript has not yet been produced, I understand that it was probably when the Premier was asked whether it was a stunt and he replied, "Well, if it was, it was a pretty successful one", referring of course to the fact that the union had now returned to work and lifted the ban. That is a very different statement from what Mr Landeryou would have honourable members believe.

The defence of this organization by the Australian Labor Party is to the total discredit of that party, which considers it has a remote possibility of gaining the Treasury benches. It will not affect me as I will not be here, but what a tragedy it would be for Australia and for Victoria in particular, if the day came when the slow learners, of which the Labor Party is so full, were wagging the dog—the tail that wags the dog.

The defence of the Australian Labor Party of the Builders Labourers Federation reminds me of the Irish team that lost the tug of war competition—it pushed instead of pulled. That is about the standard honourable members get from the defence of the Builders Labourers Federation by the Australian Labor Party.

Mr Wran, the white hope of the Labor Party in Australia, put his finger on it quite clearly when he said:

> Industrial unrest has led Australia, to the brink of industrial, social and economic disaster.

I am quoting from the *Herald* of Tuesday, 16 June 1981 and it states:

> A former top industrial lawyer, Mr Wran, departed from a prepared speech to the Metal Trades Industry Association last night, to deliver his warning. Mr Wran said the arbitration system was in danger of collapse, and Australia was suffering because of confrontation by employers and strikes by employees.

In that same State, it is interesting to note that the Builders Labourers Federation was deregistered and what happened—it crawled back to the arbitration commission and asked for reregistration. It was given reregistration, and almost immediately embarked on the same course of holding the community to ransom once again, and the hundreds and hundreds of millions of dollars that the Builders Labourers Federation has cost this community will never be replaced. It has successfully reduced the standard of living of every Australian and, in particular, every Victorian.

It is interesting to note also that in New South Wales, the fellow unionists of the Builders Labourers Federation have asked that the organization be expelled from the New South Wales Labor organization because of its impossible attitude, its impossible actions, but yet we find the Australian Labor Party in Victoria defending the Builders Labourers Federation. There was a public statement, which I think I quoted in the House last week or the week before, that the Australian Labor Party will support the Builders Labourers Federation.

This is the organization which the Australian Labor Party is defending, but that organization has set out to destroy our standard of living, destroy our economy and to destroy the very party that is nurturing it. Yet Mr Landeryou stated that the Government was painting Mr Gallagher black. I pointed out that it was not black, the colour was red, because it is well known that Norm Gallagher is following the Peking line, and everyone knows that Peking Communists seek to destroy our society as we know it today.

**The Hon. J. V. C. Guest**—The gang of four!

**The Hon. H. M. HAMILTON**—Yes, the gang of four. I have stated that this union has caused an enormous loss to the economy of Victoria, and time and again this has been illustrated. Continually honourable members hear stories of how people are leaving Victoria. Members of the Opposition make a big fuss when one or two Government supporters are out of the House, but presently there are only two members of the Opposition present and Mr Landeryou, who so commonly indulges in personal invective, and reminds honourable members when they are not in the House, has been missing since he made his rather fatuous speech.

It is a fact of life that time and again the reason why people leave Victoria and why large investment projects have been abandoned is the difficulties that have been experienced with the Builders Labourers Federation. Only today I was discussing this proposed legislation with a lawyer, and he told me that not long ago a gentleman from overseas had come to him prepared to invest $500 million in Victoria immediately. The gentleman was looking for a suitable project, preferably in Melbourne, and had been induced to come to Victoria.

**The Hon. E. H. Walker**—Preferably on an historic building site!

**The Hon. H. M. HAMILTON**—It is an interesting subject, and although I agree with preserving historic buildings, I do not believe they should be preserved simply because they are old. They must have more value than simple age. People like Mr Walker, having found their niche in life, expect the rest of us to scratch a hole and live in it rather than see development and prosperity occur.

The gentleman to whom I referred wanted to bring $500 million to Australia and invest it in Victoria. His wife was a Victorian. However, so much trouble occurred in Victoria with the Builders Labourers Federation that after a week's investigation he said, "You people in Victoria want your heads read. Fancy putting up with that! There is no way that I would even invest $1 million in Victoria while this situation continues". He took his $500 million and his Victorian wife and invested the money in New South Wales and Queensland. The sole reason for his not investing the money in Victoria was the impossible attitude of the Builders Labourers Federation, which was defended so pathetically tonight by the Australian Labor Party.

We are all anxious to see Victoria grow and prosper. We are all anxious to see our economy start to lift and once again regain the leadership of Australia that it enjoyed for many years. Victoria will not prosper but will continue to decline while people like Norm Gallagher continually sabotage its economic growth. The time has come to put this proposed legislation through so that the proper action can be taken.

It is probably recorded in *Hansard* that over the years I have advocated that some form of common law recompense be provided for employers who suffer because of the intransigent and totally impossible attitude that some unions adopt.

I am in favour of the proposed legislation. I hope it will enable the Government to finish not only the Loy Yang power station, but also the many other projects on the drawing board for the benefit and development of Victoria.

**The Hon. R. J. LONG** (Gippsland Province)—I whole-heartedly support this proposed legislation. One sees the shameful situation in which the Labor Party, which has fully supported the Builders Labourers Federation over all these years, has suddenly backed off and decided to say nothing except through one speaker. If the Labor Party expects to fool the public of Victoria in that way, it is sadly mistaken in its belief.

It is interesting to note that when the Opposition moves an adjournment motion in this House, the whole press gallery fills up——

**The DEPUTY PRESIDENT (the Hon. W. M. Campbell)**—Order! If Mr Long wishes to continue, I suggest that he observes the forms of the House.

**The Hon. R. J. LONG**—I shall just pass a comment without referring to anybody and point out that it is unfortunate that some people do not stay to listen to the whole debate.

Mr Landeryou's case rested, I understood, on one statement made by the Premier tonight on Channel 10. My colleague, Mr Hamilton, referred to the statement. Mr Landeryou made the bald statement that the Premier was asked on Channel 10 tonight if this was a stunt, and said that the answer was, "Yes, it was". That is a deliberate misrepresentation of the answer that was given. The answer that was given by the Premier was that he was sure he had been asked if it was a stunt, that

he had scoffed at the idea and said that if it had been a stunt, it was a mighty effective one for the people of Victoria. I endorse those remarks wholeheartedly.

**The Hon. A. J. Hunt**—A different statement, isn't it?

**The Hon. R. J. LONG**—It was a completely different statement. As I said, it was a deliberate misrepresentation by Mr Landeryou.

Mr Landeryou made some other interesting points. One was that he regarded the Leader of the House, the Minister of Education, as the industrial relations brain of the Government—he went so far as to say that the Minister was the only one in the Liberal Party with an industrial brain. Full-page advertisements have been taken in newspapers by the Victorian Teachers Union, the Victorian Secondary Teachers Association and the Technical Teachers Association of Victoria, yet not one word has ever come from Mr Landeryou in support of the industrial relations policy of the Minister of Education and the Education Department. It will be interesting in the future if the teachers go on strike again to listen to the answers that Mr Landeryou will give to support the Minister of Education.

Mr Landeryou went further in referring to Mr Gallagher and said, "If someone misbehaves in an immature way, that is no excuse to take the step that the Government has decided to take". That is a fascinating statement and one that we on this side of the House could not possibly accept.

Again, as Mr Hamilton pointed out by interjection from time to time, Mr Landeryou seems to think the Government will just accept whatever Mr Gallagher says. He alleges that a week or a fortnight ago he put the proposition to the Government that the bans be lifted, but what he overlooked completely was for how long they would be lifted. As Mr Hamilton recited, Victoria has a history to show what Mr Gallagher has done with the bans. He keeps changing the emphasis to suit himself. The Government cannot any longer tolerate the actions of the Builders Labourers Federation over the building of the Loy Yang power station, which is the most important industrial project in this State and is likely to be so for some time.

My mind goes back to the last set of problems that occurred over the Loy Yang project. My office was inundated by members of the Builders Labourers Federation. They were what I consider to be rank and file members, people who were distraught about the action that their union had taken. They were at the end of the road because they could not meet their commitments and faced diabolical problems in the future.

A group of them suggested that I should persuade the Government to advertise for labour at Loy Yang and that they would apply and go back to work. I had to point out to them the dangers involved in such a course. If they went back to work they would have been black banned by their union and would never have got other jobs. Fortunately a settlement was just around the corner and I was able to persuade them to hang on. That is the situation in which the rank and file members of the Builders Labourers Federation found themselves.

I cannot and will not sit by and permit the Labor Party or anybody else to deal with a problem of this nature and force people out of work in such a way because unless those bans had been lifted very soon, the project would have closed down within weeks.

Victoria would go through the same position that it went through before, when countless hundreds of men were out of work. That is a tragedy. I cannot understand the way the Labor Party can say nothing tonight about this Bill, except through one person. It breaks my heart, and it is something I will never tolerate. Mr Landeryou made a great play of the fact that he believes Mr Gallagher is a smart man and that he will challenge the legislation and keep challenging it and make it useless so far as the Parliament is concerned. Mr Landeryou has forgotten

one thing, that if court action is proceeding and challenges to the legislation are proceeding, the damages will still continue to flow if the legislation is found to be valid. Not even the Builders Labourers Federation will be prepared to risk being liable to pay such large sums of money.

I wholeheartedly support this Bill. I am absolutely positive that many rank and file members of the Builders Labourers Federation will also support it. Mr Landeryou said that a fortnight ago he put a proposition to the Government and that he renewed the proposition on Friday afternoon after the Bill was introduced. That was the only reason why he renewed the offer. I believe that for the first time, as another honourable member said, Victoria has perhaps rounded the corner in its industrial relations. Loy Yang will be built because it is so important to this State and to the future of Victoria.

**The Hon. J. V. C. GUEST** (Monash Province)—I ask an interesting question. Who has strangled the ventriloquist's doll? If all ventriloquists' dolls were strangled, there would not be many members of the Opposition. There are not many members of the Opposition present to embarrass me. That background has been adequately covered.

I propose to deal with some of the legal aspects of the Bill. I am indebted to my learned Leader who pointed out that a sound principle underlies the development of the law which this Bill constitutes. To put the Bill into its legal context, at least in the English and Australian context, one would have to deal with the Combination Acts and their repeal and the Taft case of 1903 which led to the Trade Disputes Act in the United Kingdom which surely must be one of the foundations of the industrial relations disaster which is Britain. The Trade Disputes Act removed trade unions in that country from all possibility of any kind of tort or any kind of wrong done in the course of pursuing an industrial aim. It is curious that although in this country one can sue for conspiracy or for inducement of breach of contract, it has not led to more civil actions.

Quite a number of lawyers who have little or nothing to do with industrial relations and who practise in the Arbitration Commission take the view that civil court injunctions and claims for damages are an inappropriate use of the civil law and an inappropriate way of conducting industrial relations. This is a view which I suppose has been tenable for a very long time. Certainly conciliation—I do not mean with a capital "C" under a formal system but in the everyday sense, in an attempt to reach agreement on matters of common interest—is always preferable. The evidence of the behaviour of industrial brigands such as the leaders of the Builders Labourers Federation in particular—I shall not give a complete list but they are very familiar, particularly familiar to members of the Opposition—indicates that there is now time to make an exception.

Nearly 50 years ago the House of Lords in its judicial capacity presided over a development of the law which is very much analogous to what the House is now debating. Hitherto it has been thought that if one purchased a product which was defective, one's only right to claim damages for any harm one might have suffered would be from the person or organization with which one had contracted. The ancient action on the particular facts which could be presented to the court, was extended under the modern name of action for negilgence by the famous House of Lords case of *Donogue v. Stevenson*, a landmark in the development of the law. The result was that whatever may have been the case already in the United States of America in the jurisdiction which looked to the English courts for the origin of its understanding of the common law, product liability was greatly extended in a way which no one questions this day, not just to a contracting party because that party has contracted to produce a suitable and safe object, but to the manufacturer *vis à vis* the ultimate consumer, anybody whom that person should reasonably have had in mind

as likely to suffer harm from his conduct if he pursued a certain line of conduct.

In the case with which the House is now dealing, by legislation it is entirely reasonable that we should look at unions and their officers in the way that the House of Lords and the courts have ever since looked at corporations and their officers and, always excepting in that case the shareholders and in this case the ordinary union members, bring home to them liability for their behaviour which is in any view anti-social and a breach of the ordinary duty of man to man in the community and which can cause only grievous harm and go beyond any benefit which might be received by those pursuing their course of industrial harmony.

The Leader of the House having pointed out this good analogy, I thought it was worth putting it forward as a basis of principle which completely negates any suggestions that this is a fictitious, got-up piece of legislation, simply to achieve a political objective. It is true that it would not have been brought forward but for the problems created by the Builders Labourers Federation at Loy Yang but I defend it on the ground of broad principle, not as a piece of legislation which one would want to see recklessly or frequently invoked, but as based on profound sound reasonable principle.

One other provision requires comment, the averment clause in proposed section 6.

It reverses the onus of proof. I point out that all honourable members are annually subject to an averment which has much more severe consequences if one disagrees with what is averred. I refer to the Commissioner of Taxation notice of assessment because the Commissioner of Taxation can send notices of assessment which indicate that one owes an extra $10 000 in income tax and, because of the circumstances as he may imagine them, he may add an additional $20 000 and can cause someone to be sued in an ordinary court of law to recover that sum, nothwithstanding that one has a perfectly good answer to that claim. The answer cannot be pursued in an ordinary court of law in which one is sued for the debt. It has to be pursued through a taxation board of review or one of the courts for hearing appeals against taxation assessments, which can take months and often years. In the meantime, the commissioner may recover the debt. One knows that the Commissioner of Taxation does not adopt that harsh policy in ordinary cases, but one must depend on a certain reasonableness. The averment clause is in the context of a legal system that requires a complaint of a plaintiff to prove his case, which is possibly a provision that could be abused.

One must accept that certain reasonableness has to be assumed in those who have the power to make the averment. In the end, one must justify the averment clause on the grounds that there are many circumstances and facts that are better known to a defendant than they possibly can be to a plaintiff, such as cases in which the plaintiff well knows what the facts are in the main, but cannot substantiate his knowledge with details. In those circumstances, and in a case where both speed and public interest can result and are involved, it is acceptable, in my view, to put the onus on the defendant who is in possession of the detailed facts so that he may bring forward any defence that there may be to the court. With those considerations in mind and without going over any of the grounds covered earlier, I support the Bill.

**The Hon. N. F. STACEY** (Chelsea Province)—I will be brief in correcting an impression that may have been created from listening to the speech of Mr Landeryou. I support the Bill before the House as it is essential and vital. On six or seven occasions the Leader of the Opposition, Mr Landeryou, made great play of "stunts" that the Premier used as indicated in an interview with the Premier on Channel 10. In the last half hour I telephoned the Channel 10 newsroom and, with the co-operation of the man on duty, was provided with a copy of the interview. He ran through the tape of the interview between the Premier and Ken

Anderson on the Channel 10 news tonight four times, and I now have a report of the taped interview. I shall read it to the House so that it appears on the record. It states:

Premier: I believe it was without a doubt the result of the tough legislation on Friday. Then the real negotiations started. They came running from everywhere, including Norm Gallagher who arrived at Parliament House within an hour of the Bill being introduced.

Anderson: The Opposition is calling your move merely a political stunt.

Premier: Well, it worked as a stunt that will help the people of Victoria and I believe that it is a victory for the people of Victoria. They're wanting tough action taken against the BLF. That's the sort of action we lack.

Anderson: How long do you think it will take to meet an on site agreement for Loy Yang?

Premier: I don't think it will take long.

Mr Landeryou gave a view of what was said on the Channel 10 news from his recollection. I have just presented a copy of the transcript and I consider that it puts the record clearly and unequivocally that in response to a question by Anderson that, "The Opposition is calling your move merely a political stunt", the Premier, in a rhetorical way, said, "Well, it worked as a stunt that will help the people of Victoria and I believe that it is a victory for the people of Victoria".

That is the point I wish to make. Members of the Government party and I strongly support the proposed legislation and I add that the people of Chelsea Province also strongly support it. Jobs are waiting to be done in Dandenong because a crane will not be moved by the Builders Labourers Federation from the site of the power station. That will now take place. This strong action by the Premier ensures that each man, woman and child in Victoria will stop losing a dollar a day because of Norm Gallagher.

**The Hon. V. T. HAUSER** (Nunawading Province)—The Bill will enable the recovery of loss or damage arising out of breaches of certain contracts and for other purposes. It will enable unions to be placed on the same legal basis as are many other organizations. In many areas, for too long, unions have been above the law in a comparative sense. This Bill provides a long deserved redress. Members on the Government side of the House have often been accused of union bashing with respect to the Builders Labourers Federation. I suggest it is about time honourable members started and continued to union bash with respect to militant trade unions—the new establishment.

Obviously, Australian Labor Party members have been instructed by the Caucus meeting to make no speeches on this matter, the sole exception being Mr Landeryou. The instruction even extended to interjections. The Labor Party is obviously embarrassed by the Government raising this matter and introducing this Bill. Mr Landeryou has indicated in matters of this kind that he is "playing the Internationale with the Hallelujah band". He supports the objectives of the union movement because he considers that he has to. However, he supports this union in a very muted way. He has his job to do and he is embarrassed. He knows, as much as Government supporters know, the damage that the Builders Labourers Federation has done to Victoria and to the Labor Party and to the union movement at large over the past three or four years. It is interesting to read a report of the Melbourne *Age* of Wednesday, 4 July 1979, 29 months ago under the heading, "An industry built on blackmail". It states:

Intimidation and blackmail have become the bricks and mortar of the building industry.

Across the face of the industry a state of open warfare exists between employers and unions. On each building site the price of peace is a back door deal.

How shameful, that a union leader who seems to enjoy little support out of his own organization—I doubt whether he truly enjoys it there—has been able to hold the State to ransom for three or four years! I suggest that in a way all honourable members deserve to be condemned for trying to be too democratic with extreme trade union militancy. We are trying to do the right thing and to keep Australia a democratic country and to allow freedom of speech and

action to such an extreme extent that we allow people like this to get away with disruption and destruction. Our patience, possibly belatedly, has come to an end and this is the reason for the Bill.

If it were not for the likes of Gallagher there would be no need to pass a Bill of this sort. If the Bill is passed, within so many months or a year or two it is very likely to be passed in the Commonwealth and in other State Governments because this area of .bility for compensation for inciting breach of contract should be actionable against trade unions.

Mr Landeryou has mentioned the words, "Reasonable sense of decency", on Government action in negotiations with unions. Members of the Liberal Party, on many occasions, have mentioned the word, "Irresponsible", in describing the Builders Labourers Federation. We remember demarcation disputes occurring time and again mainly at the initiative of the federation and some other unions. The Government is being blamed for demarcation disputes. The unions are the initiators of those disputes, not the Government.

The main reasons for demarcation disputes are not to the advantage of the union but to the advantage of the power of the union leadership and if they win on occasions with a demarcation dispute it can increase the power of the union, the number of members, the union's income and the power of the president and secretary of that trade union.

It has often been said in the past few weeks that the Loy Yang dispute is costing Victoria approximately $4 million a week and that is a figure at the rate of $208 million per annum. The Government has been criticized for various inefficiencies in various areas over the past few years and consequent losses because of these. Such losses are a bagatelle compared with the amounts being lost by trade union lawlessness in the State. We are talking of a figure of $208 million per annum, not a figure of $1 million or $2 million possibly in one area or another in some supposed areas of Government inefficiency.

Government inefficiencies exist in all countries of the world because of the very nature of Government enterprise compared with private enterprise. All Government enterprise is inefficient by its very nature. Over the past three or four years the Government has been attacked by a trade union led by a person who, rightly, has been described as the pariah of the trade union movement, Mr Norman Gallagher, and Labor Party members who have attacked him in one way or another in one State or another outside Parliament have not the guts to stand up and attack this man in the House tonight because they are frightened that the trade union movement might desert them in some way.

The Builders Labourers Federation is the union Mafia of Victoria. When Mr Landeryou talks in an airy-fairy fashion of bringing parties together, as may have happened or he suggested this could happen a few days ago, it is complete and utter nonsense to intimate that one can rely on the word of this person Who has really been able to bring Mr Gallagher together with anyone? Conciliation and arbitration are words foreign to Mr Gallagher and his Builders Labourers Federation. He is a maverick and if it were not for the fact that this union is a loosely knit organization with, on average a few workers existing on many sites instead of many workers concentrated in a few plants it is obvious that this fellow would have been thrown out of office years ago.

In a real sense, any decent Labor supporter and Labor union, whether in Victoria or the Commonwealth, would be glad to see this man thrown out, for his union to be deregistered, and be glad to pass the Bill through Parliament. The Bill will be a milestone in legislation in the State not only to cover this particular situation but to render unions liable for damages in cases of inciting breaches of contract. We will be protecting ourselves against future deprivations caused by illegal union

activity. I support the Bill strongly and I congratulate the Government for having introduced it.

**The Hon. CLIVE BUBB** (Ballarat Province)—Honourable members have been treated to a facile and glib commentary by Mr Landeryou in apology for the actions of Norman Gallagher. He has tried to paint the whole of the trade union movement, including Mr Gallagher, as being reasonable people. I shall catalogue some of the disputes that have occurred. I do not intend covering the Loy Yang dispute which costs the State $208 million a year but shall quote others and leave it to the House to assess whether these are the actions of a reasonable man. I refer firstly to disputes at Bonegilla at the Citra Construction Pty Ltd site that occurred on 9 November, 2 and 7 October and 14, 15 and 16 September. On 9 November no reason was given for the dispute—there was just a stoppage of work.

**The Hon. W. V. Houghton**—There must have been a race meeting at Wodonga.

**The Hon. Clive BUBB**—Yes, but whatever it was, it shows the disregard and irresponsibility of those people to the industrial relations laws of this country. On 2 to 10 October five days were lost allegedly over a safety issue involving a swarm of bees. Any self-respecting apiarist would have taken the insects away in a matter of minutes but, instead, there is a five-day stoppage because there is a swarm of bees on the site—another dispute showing the irresponsibility of the union. Some one moved sandblasting equipment from the site without the consent of the union and this resulted in a two-day stoppage on 14 and 15 September. A further stoppage took place on 16 September to argue whether the union members should be paid for the time already lost. It is incredible that people can act in such a way.

I can speak with authority on the dispute at Alcoa of Australia Ltd power line where there have been ongoing and continuing disputes between the ironworkers union and the builders labourers over the construction of steel work. Of course, the major part of the Loy Yang dispute has been caused by that very demarcation dispute. It is part of the glibness of Mr Landeryou's approach that he talks of demarcation disputes being settled by corporations negotiating site agreements. When he made that statement, Mr Landeryou would have known that, was an oversimplification. Prior to being elected to this House, I was involved in negotiating site agreements. Shortly before I was elected I negotiated agreements on behalf of the Shell Co. of Australia Ltd site at Geelong, the Alcoa of Australia Ltd site at Geelong and on a site agreement at Geelong for BHP. I would point out to the House that, on the Shell site at Geelong, as a result of the demarcation dispute, a building valued at more than $1 million on that site remained without a roof for more than twelve months because the Plumbers Union and the Amalgamated Metal Workers and Shipwrights Union, which was involved in the pipe-fitting work for the sprinkler system, could not reach agreement with each other on who would perform the work.

It is ridiculous to suggest that the Government is acting irresponsibly by trying to curb these trade union actions. It is not the Government that causes these disputes, but rather, unions themselves. It was not because the Shell company took action on the site which threatened to provoke the entire issue, that the unions eventually reached agreement between themselves. It is totally untrue to suggest that either the Victorian Trades Hall Council or the Australian Council of Trade Unions can control demarcation disputes; they cannot, because the unions involved in those disputes act to protect their own interests.

Indeed, I have found myself in the curious position as a member of the Government party, having to lead a deputation of trade unions to the Minister for Economic Development, protesting against the actions of Mr Gallagher, who was seeking to steal the work of those unionists on the Loy Yang site and on the power line project to Portland. Mr Gallagher

knows full well that the Australian Council of Trade Unions and the Victorian Trades Hall Council cannot control demarcation disputes. He knows full well that he can utilize spurious safety issues if he wishes. He knows full well that he can utilize political issues if he wishes. He knows full well that he can institute bans and limitations at arm's length. I evidence this by the fact that he has under his control a number of concrete batching plants.

The men who work in those concrete batching plants are members of the union of which Mr Gallagher is secretary. If he wishes to take action against any employer in this State, whether it be in retribution for some alleged grievance he has with that employer, or whether it simply be because he has been piqued and does not like that employer, he can limit the supply of concrete to the site being developed by that employer.

Recently, there was the curious situation where there was an unholy alliance between Mr Gallagher and the owner drivers of concrete trucks. That alliance was aimed at limiting the supply of concrete to building sites. That typifies the action that one must examine in horror and ask oneself: How much does the community have to take from this union? How much does the community have to suffer before the Government is required to take action?

Earlier in his remarks, Mr Dunn said that the Bill "is late". I will admit that the Bill is late. The Bill should have been introduced years ago. The Government should have taken Norm Gallagher on and shown him that the Government is not prepared to put up with his union's shenanigans.

The Bill, when proclaimed, will curb the excesses that Norm Gallagher appears to excel in. The Government has put up with a round of community bashing from this union, which is unparallelled in the history of either this State or this country. It is about time the community backed the Government in its preparedness to use this type of proposed legislation to ensure that, if the Builders Labourers Federation and its leadership want to take on the community and try to bring about a state of industrial anarchy and is not prepared to live by the rule of law, they should be prepared to pay the penalty.

Any Government should be prepared to enforce the proposed legislation and to bring the Builders Labourers Federation into line. I support the Bill and its speedy passage through this House.

**The Hon. B. A. CHAMBERLAIN** (Western Province)—I support the Bill. However, honourable members opposite have demonstrated the sad prospect of the Australian Labor Party as a grotesque marionette dancing to the strings of the militant trade union movement and it typifies the statements a number of honourable members have made in this House on a number of occasions. The Builders Labourers Federation demonstrates the difference in structure of the two major political parties in this State, whereby the Labor Party is bound by decisions of the Australian Labor Party conference.

Australian Labor Party conferences are controlled predominantly—61 per cent—by the trade union movement. Of that number, 57 per cent is composed of Socialist left unions. The Builders Labourers Federation has only two votes at the conference, but that union exercises an enormous power and influence over the 162 Socialist left union delegates at the conference.

There is no doubt that Norm Gallagher has the Labor movement bluffed. There is no doubt that the Labor Party is scared witless by Norm Gallagher. There is no doubt that Norm Gallagher has the ability not only to bluff Governments and employers but also to bluff other unions and to bluff the Labor Party. Efforts have been made by the New South Wales Labour Council to eject the Builders Labourers Federation from the council. Why? Because that union has been involved in violent, physical attacks on other members of the union movement.

At the recent New South Wales Labour Council conference there were strong efforts to eject the Builders Labourers Federation for that reason. It was only because at the last moment

Mr Gallagher mouthed—and I use that word advisedly—assurances that that would not happen again, that those ejection proceedings did not occur.

It is interesting to trace the history of the Builders Labourers Federation, especially during its period of confrontation with the Building Workers Industrial Union, which is controlled by a different arm of the Communist Party in Australia, being the Socialist party of Australia or the pro-Moscovites as against the pro-Peking—Gallagher faction. What has distinguished those two unions is that time and again the Builders Labourers Federation has been involved in physical confrontation and violence, and the law means nothing to that union. The Builders Laborers Federation has shown itself to be above the law.

It is well known that the Labor Party is committed to putting the union movement above the law. After the passage of the proposed legislation, there will be an amendment to the industrial relations policy of the Labor Party. So far, that party has been committed to repealing the Essential Services Act the Vital State Projects Act and other legislation requiring secret ballots in certain circumstances. That would be done because the Labor Party's policy is to put the union movement above the law. The chapter and verse of the Labor Party's policy is that there should be no law that trammels union activity not only in industrial affairs but also in those matters in which a union considers it should have an interest.

It is important to appreciate the structural strictures that the Opposition finds itself in on this occasion. The Opposition has to go through this exercise because someone else is pulling the strings. Indeed, I should like to briefly deal with two matters raised by Mr Landeryou.

Mr Landeryou said that there should have been a watertight agreement entered into for the Loy Yang project before the project was started and that he would expect the unions to respect their responsibilities. That is a reasonable expectation of many of the unions operating in Victoria. In relation to the Builders Labourers Federation, it is patent nonsense.

The Builders Laborers Federation has never respected any agreement it has entered into. Mr Gallagher, to preserve his position with the New South Wales Labor Council, mouthed certain platitudes and said, "We will be good boys". However, time and again, that union has demonstrated that it is a bunch of bully boys and that it will mouth platitudes if necessary to obtain what it wants one day and it will change its mind the next. Mr Hamilton, in reply to Mr Landeryou's assertions that the bans would have been lifted anyway—and we know quite well that is nonsense—asked, "For how long?", and the answer is clearly on the record.

One has only to look at the dealings during 1981 between the Builders Labourers Federation and the Public Works Department in this State in the construction of police stations and various buildings around the State. This justifies Mr Hamilton in asking that question. Because of Mr Gallagher's desire to retaliate against the Victoria Police for breaking the picket lines on the Omega station in east Gippsland, the Builders Labourers Federation imposed bans on police sites this year as follows. On 2 February a ban was imposed. On 10 February the bans were expanded. On 22 May, bans were lifted. On 3 July, the ban was imposed; on 13 July the ban was lifted; on 20 July the ban was reimposed; on 4 August the ban was lifted. How far can one go? Mr Landeryou said that "Norm" is an honest type, one can rely on his guarantees. His guarantees are not worth a pinch of salt. As has been said to this House, this man has no morals and no scruples. I take up the issue raised by Mr Landeryou! He said that negotiations have been going on and Mr Gallagher was quite happy to lift these bans; all he wanted was reasonable terms from the Government.

The Minister of Public Works wrote to the Federal Secretary of the Builders Labourers Federation on 21 October, two months ago, and sent a copy of

the letter to the Trades Hall Council. The letter read:

Dear Sir,

As a result of the demarcation dispute between your federation and another union and consequent industrial action, bans have been placed on police work by the federation. These bans have existed for some months and have now been extended to cover other areas including two schools.

Insofar as my department in concerned, these bans by your members have seriously disrupted important public works. My department is neither a direct nor indirect party to your dispute over the coverage of work on transmission line tower construction, yet its work has been seriously affected by bans.

I believe it is important from the point of view of all parties affected that normal work resume on these public projects as soon as possible. In this respect, I would be happy to arrange a meeting of all parties concerned upon receipt of an indication of your willingness to participate.

As I said, that letter went to Mr Gallagher on 21 October, and a copy went to the Trades Hall Council seeking support of that body, but there has been no reply to that request by a Minister of the Crown to talk about these issues. I have given a litany of bans imposed and bans removed. It reinforces what the Minister and other honourable members have said: Mr Gallagher is out of control; nobody controls him. Even if Mr Landeryou were Minister, he could not guarantee what Mr Gallagher would or would not do. Mr Gallagher does not know from one day to the next what he is on about, except for one thing—he is set on destroying the fabric of this society. Anyone who doubts that ought to read the literature put out by his friends. It is there chapter and verse. They do not want police stations or schools built, nor do they want this Parliament to operate; they want complete chaos—a recipe for anarchy. This House should, and will reject it.

I have no compunction whatsoever in supporting this Bill. It proposes to put this union on the same footing as everyone else. The Government wants responsibility, and it wants action against this union, and I am sure everyone will support this Bill.

**The Hon. H. G. BAYLOR** (Boronia Province)—This is a very one-sided debate. It is extraordinary that Mr Landeryou has been the only speaker on the Australian Labor Party side, and apparently not one of his colleagues is prepared to get up and support him.

Government members also are having the rare privilege of being listened to without interjection. I must say that I have great difficulty sometimes in even asking a question in this place without an interjection from Mr White. Mr White is sitting there as quiet as a mouse tonight. It must be extraordinarily difficult for members of the Opposition, and how frustrating for Mrs Coxsedge who has to be called to order regularly for her unruly interjections. She is sitting there now. I wonder how she can bear it. I see that Opposition members are all very toey. They are going in and out of the Chamber, smoking cigarettes outside, and no wonder: They have great reason for feeling dejected. Look at the great white hope of the Labor Party, Mr Walker. His head is buried in an ancient *Hansard*. It is a wonder he is not down on his knees hiding behind his little slim desk with embarrassment.

This Bill is about one man, an outlaw, a brigand, a gangster. He is nothing but a bully who has tried to bluff people, and, like all bullies, he himself has at last met his match. There have been a number of initiatives launched by this man who has set himself up in this State to be some kind of a God. Mr Landeryou has a lot in common with Mr Gallagher. I will not go into personal attacks like some of our opponents, Mr White in particular, but I leave honourable members of this House, members of the press, and anyone else who might read these remarks, to draw their own conclusions when I make that statement—there is a great similarity between Mr Gallagher and Mr Landeryou.

Mr Gallagher, this outlaw, this gangster, has set himself up as the arbiter of good taste in this State—extraordinary though that may seem to anyone who sees him, listens to him, hears him speak. When 95 per cent of the citizens of Melbourne wanted the *Yellow Peril* removed from the City

Square, this arbiter of good taste said that it must stay. When the administrator of the City of Melbourne had it removed, carrying out the decision of the Melbourne City Council, next morning in the papers Mr Gallagher is reported as saying, "Put the peril back", as if his word is law in this State. Admittedly, he is used to being the law to the union members, to members of the Australian Labor Party—whatever he says they jump. and they are carrying out his instructions right now. But it is nonsense that this man can decide whether or not a sculpture like the *Yellow Peril* should or should not stay. It was not for him to make that decision, yet by his crude and uncouth blackmailing methods, he demanded that it stay.

Because his wishes were not acceded to, Mr Gallagher decided to impose all sorts of black bans on buildings around Melbourne. Victorians have heard him pontificate from time to time on the worthiness of the preservation of certain buildings in Melbourne. Far be it from me to say that any citizen should not hold his own views and should not take pride in the city and its buildings, but when Mr Gallagher talks about preserving buildings, his words do not ring true with many people. It is simply a means to an end for him and has nothing to do with the beautification of this city. If any man has been responsible for desecration and destruction in the city of Melbourne, it is Mr Gallagher. It is absolute nonsense for him to come out with these sorts of statements as he has done in the past. He has been the cause of untold hardship to the people of Melbourne and Victoria.

The Government knows from the enormous feedback it has received—and I suggest that members of the Opposition take note—that the community is 100 per cent in support of this measure. People are sick to death of the inconvenience and loss that this person, this Mr Gallagher, and his Builders Labourers Federation have been responsible for. The community is united against the actions of this union and will support all the measures currently being taken—and they have been reiterated here—against this union.

Mr Landeryou told honourable members tonight that this whole problem at Loy Yang was on the point of being settled last Friday and the Government messed it all up by introducing this Bill. I ask you! That is really the most pathetic argument and the poorest case I have ever heard the Leader of the Opposition put forward. It is extraordinary that this dispute, which had dragged on for years at such cost, was on the very point of settlement on the very day the Government introduced the Bill. It is too much of a coincidence and nobody buys that. It is nonsense.

My colleague, Mr Hauser, stated that the matter of the Builders Labourers Federation and Loy Yang was already receiving mention in the newspapers 27 months ago. How Mr Landeryou could expect anyone to swallow that nonsense, I do not know. Mr Landeryou told the House tonight that he was anxious to sit down and negotiate, but his record in regard to settling disputes is appalling.

The figures issued by the Australian Bureau of Statistics indicate that the State of New South Wales—which has had the misfortune of having a Labor Government for two terms—has lost more man-hours due to industrial disputes than Victoria. I do not know what Mr Landeryou is trying to convince us of. Victorians have not seen very much success as a result of his close association with this union and his willingness to sit down and come to settlements of disputes. We certainly have not seen any success in the State of New South Wales under a Labor Government and neither has any help from Mr Landeryou been obvious in regard to the settlement of disputes in Victoria. The dispute at Loy Yang has lost millions of dollars to this State, as has been well and truly stated. Irresponsible action has been taken and it will affect future power supplies in this State, and it is not to be tolerated. The actions of

the Builders Labourers Federation call for the strongest possible measures. I wholeheartedly support the Bill.

**The Hon. ROBERT LAWSON** (Higinbotham Province)—One hundred thousand dollars every working hour of the day; $800 000 every working day; $4 million every week. Those are extraordinary figures and they illustrate the tremendous burden that the Builders Labourers Federation is laying on Victoria. If these losses cannot be staunched, the Victorian Government will have no choice but to close down the project at Loy Yang and give away any hope of industrial progress in this State.

As a member for Higinbotham and as a member of this Parliament I deeply resent the industrial brigandage of the Builders Labourers Federation that has brought about these losses. Like any other honourable member in this House, I have a list of projects that require to be undertaken in the province I represent. Any member of this House has a shopping list of various projects that should be carried out in the interests of the province that he or she represents, and that is true of members of the Opposition, just as it is true of supporters of the Government and members of the National Party. As an example of what can and should be done in the province I represent, I mention the East Bentleigh community health centre. If the Builders Labourers Federation would work for a week, that would save Victoria $4 million and perhaps with that money the East Bentleigh community health centre could be built. Cheltenham needs a new court house. If the Builders Labourers Federation were to work for one day, that would save the State $800 000, and perhaps Cheltenham could have its court house. If the Builders Labourers Federation were to work for a month, perhaps construction could commence on the third railway track to Frankston. I use those projects merely to illustrate what is going on in this State and what it is costing the various honourable members of this House in lost opportunities for the provinces they represent. I repeat that it is equally true for honourable members on both sides of this House. In their provinces various projects need to be done and those things are not being done because of a lack of money. Here is a ready-made opportunity to save the State $4 million a week, $16 million a month and so into futurity.

As a consumer of electricity, I resent the future price rises that will be brought about by the actions of the Builders Labourers Federation. I resent the blackouts that will occur because Loy Yang is so far behind schedule.

As a citizen who relies on the police for protection in the quiet enjoyment of my home and neighbourhood, I resent the action of the Builders Labourers Federation in imposing bans on the erection of various police stations around Victoria. The Builders Labourers Federation has a disgraceful reputation of attacks, of people bashing, if I may so describe it. Members of the Opposition accuse members on this side of the House of being union bashers. I say that the Builders Labourers Federation and its like are people bashers.

I particularly noticed the way Mr Landeryou kept praising the Leader of the House and saying what a splendid fellow he was. Being praised by Mr Landeryou would be like being kissed by a rattlesnake. The creature may have the best intentions in the world, but one would rather it did not! I think my Leader must have felt the same way.

The Labor Party is in a dilemma. Its members know the truth of what the Government is saying, as well as we do. If Mr Landeryou and the Labor Party are in a dilemma now, how much worse will that dilemma be after the next election if the Socialist left finally gains a majority in the Parliamentary Labor Party, as it will do if all of its candidates are successful? I have quite a list of people who are hopeful of being elected at the next election, all Socialist left candidates. They are David Hassett of Dromana, Lou Hill of Warrandyte, Kay Setches of Ringwood, Max McDonald of Eve-

lyn, Tony Sheehan of Ivanhoe, David Gray of Syndal, July Dixon of Boronia, Tony Van Vliet of Waverley and Paul Martin of Warrnambool.

Their names ring like the toll of doom, and it will be doom for Victoria if the Labor Party, by some ill chance, becomes the Government after the next election.

However, it is most unlikely because, by their actions—and you may have noticed this, Mr President—it is obvious that every few years something comes over members of the Labor Party and they seem to lie back and practically beg to be pack raped by the electorate. As they appear to be on heat once more, their chances of winning the next election are becoming more and more remote all the time.

Contrary to what Mr Landeryou has said, the people of Victoria will not be divided by this measure; they will be united behind it, because if there is one union in this State that is hated, detested and despised by the people, it is the Builders Labourers Federation. If, by our actions tonight, that union can be called to book, if it can be stopped and the haemorrhage of money it is costing Victoria can be staunched, we will have the universal applause of the people of Victoria.

**The Hon. H. R. WARD** (South Eastern Province)—This is one of the most important debates that has ever taken place in this Chamber and the measure is one of the most important measures ever introduced into it. When the debate began, Mr Landeryou and four of his colleagues, out of thirteen, represented the Labor Party. Mr Landeryou began his contribution to the debate by proclaiming negotiation. He set himself up, yet again, as Bill the Fixer, but he was attempting to save his skin by the use of treachery, slur, innuendo, misquotation and misrepresentation. He dealt disgracefully with the Ministers of Education and Water Supply and then, by an aside, apologized.

Above all, he carried out an exercise in Parliamentary political treachery, by innuendo and trickery. This master puppeteer set out to break the tenuous ties that are so vital to the management of Parliament. Of course, his style was Shakespearean, but this Mark Antony has set the scene for his own political murder. He breached the confidentiality of negotiations and talks betwen himself and the Leader of the House. Those sorts of negotiations should never be discussed. I am sure that Churchill and Stalin, two of the great political leaders of the world, would never have revealed the compromises and negotiations reached between them.

I charge that the Honourable Bill Landeryou deserves to be called the Dishonourable Bill Landeryou, because he has broken the political ties and has exposed, by aside or innuendo, the important, unsaid and unquoted negotiations, that are necessary to any Parliamentary programme. Trust between leaders—odd as it may seem to many people—is essential to the running of modern politics and to a democracy.

Then we had the great Bill and Norman twosome. Bill Landeryou and Norm Gallagher are in the same camp, but even worse, they are in the same camp bed. The real question is: What is the aim of their particular brand of political homosexuality? Is it a union between the centre and the left of the Australian Labor Party, with John Cain being the next victim of their abnormal lust for destruction? To believe in the Australian Labor Party fighting for industrial peace is like trusting Mr Landeryou's confidentiality about negotiations—and that was fully revealed tonight. We all heard what was said about the Minister of Water Supply, and we will no doubt see what happens to John Cain toromorrow. How can he survive?

The word "cheap" has been used during the debate, and that was certainly the style of Mr Landeryou's comments. The word "political" was also used; of course it is political, because politics are the management of the State and the management of the people. It was suggested that the Bill was a stunt; the dictionary reveals that a stunt is a short, spectacular episode

meant to achieve success. Anyone who believes that is an accurate assessment of the measure should examine the results it has already achieved and the support it is receiving from the community.

There will certainly be a bill for tonight, and I just wonder what the price will be for Mr Landeryou to set himself up as the great fixer. Will he fight, if he ever gains the sort of power he wants, to remove the important secret ballots legislation, which achieved so much success recently, the vital projects legislation, the essential services legislation and this proposed legislation, which will be enacted following its passage through the House tonight? There is no doubt that Mr Landeryou has a political price and someone must pay it. Will it be John Cain? Was it previously Frank Wilkes? Who will be next in his progression up the ladder of success, or his slide down it?

Strikes in Victoria are being organized by intellectuals, by cunning shop stewards and by anti-Australians. Unions, particularly the Builders Labourers Federation, have emaciated our economy, crippled management and hobbled the law. This has been achieved by people with a vast knowledge of the law, who have set out to destroy this country. We ought to track them down. For years the unions have choked the voice of the community.

For the Government, the buck has stopped right here. This is the end of it. Since his great speech earlier this evening, made by innuendo and interjection, Mr Landeryou has wandered around with a sneer like the result of an advanced cerebral vascular accident or stroke. He offered a miserable defence. That great white hope of the Australia Labor Party, the Premier of New South Wales, said that the backbone of the Australian Labor Party is the trade union. Do members of the Opposition believe that is the case with the Builders Labourers Federation? It is the type of union that would pretend to support John Cain but really support his destruction.

Can we, as members of Parliament, allow $18 000 million worth of construction in Victoria to go down the drain at the hands of those villains, the members of the Builders Labourers Federation? Victoria has 94 per cent of its population in employment, but the unions do not want that percentage to rise. The Government wants to provide job opportunities. It wants to complete the project at Loy Yang and it wants to do so properly. This Bill is a Victorian Bill and it is for the community. I implore the House to support it unanimously.

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

| | |
|---|---|
| Ayes .. .. .. | 26 |
| Noes .. .. .. | 11 |
| Majority for the motion .. | 15 |

AYES

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

NOES

| | |
|---|---|
| Mr Butler | Mr Walker |
| Mrs Coxsedge | Mr Walton |
| Mr Eddy | Mr White |
| Mr Landeryou | *Tellers:* |
| Mr Mackenzie | Mr Kennedy |
| Mr Sgro | Mr Kent |

PAIRS

| | |
|---|---|
| Mr Saltmarsh | Mr Trayling |
| Mr Storey | Mr Thomas |

The Bill was read a second time.

**The Hon. A. J. HUNT** (Minister of Education)—By leave, I move:

That this Bill be now read a third time.

In doing so, I shall respond briefly to some of the matters raised during the second-reading debate, mainly for the purpose of setting the record straight on some of those issues. Like Mr Ward, I have always considered that industrial

negotiations are confidential unless the parties agree that they should be on the record. There are good reasons for this. If negotiations are not confidential, then frank exchange of views and exploratory discussion becomes impossible because one party or the other believes that it may be used against him out of context. What is normally on the record is any proposal that emerges and is taken back to the principals, whether the Government or the board of a company on the one hand or the employees on the other hand.

The alleged contents or lack of contents in some of these negotiations have been discussed openly in the House, and I am therefore forced to respond. I do so against my will because of the principle that those negotiations should be confidential. Certainly, the Leader of the Opposition broached the matter with me, and I indicated that I was willing to help if any acceptable settlement could be achieved. Certainly I indicated that the Government, as part of any settlement, would want guarantees for the future.

Honourable members will note that the proposition which Mr Landeryou read to the House did not contain any guarantees for the future. When I joined Mr Ramsay in the discussions which were taking place with the Secretary of the Trades Hall Council and Mr Marsh, both of whom I trust fully, I pointed out that we would not only need guaranteed undertakings for the future, but also guarantees of performance. Those men believed they could obtain some undertakings for the future, but they could not promise any guarantees of performance. Who could obtain guarantees for the performance of undertakings by the Builders Labourers Federation?

We have had experience of that union before. In this House recently Mr Baxter referred to a case where men were dismissed in circumstances that were, in retrospect, regarded as unfair. On the basis of certain undertakings, the men were taken back and those men who had lost wages were reimbursed. The basis of the agreement was that work at Loy Yang would proceed without interruption. That was a clear undertaking. Was it honoured? No, it certainly was not. Shortly after payment to the men had been effected, the undertaking was broken and bans were imposed once again. That is the sort of dishonourable conduct with which we are dealing, and that is why we need iron-clad guarantees of future conduct. We could not obtain them—no one could!

It has also been suggested that at no time during Friday's discussions was the Bill mentioned. That is completely untrue. It certainly was mentioned. I am forced to refer to what I thought were confidential discussions. I joined Mr Stone and Mr Marsh with Mr Ramsay and immediately made clear that, whatever discussions went on, the Bill would proceed. The Bill had to proceed because no one could guarantee that undertakings given by the Builders Labourers Federation would be honoured.

As I stated before, it had to proceed because this legislation is part of the insurance for this community. If Mr Landeryou doubts that, I invite him to contact Mr Stone and Mr Marsh, both of whom, as I say, are honourable men in whose integrity I have complete faith and absolute confidence. They have never dishonoured undertakings given to me, as I have never dishonoured undertakings given to them and have never breached the confidentiality of discussions.

I regret that I am forced to do so this evening to respond to erroneous material placed upon the record in this debate. It was essential that the record be set straight.

Exploratory discussions did take place and I consulted with senior colleagues. The conclusion was, firstly, that the proposal put was no advance at all on what the position of the Minister of Labour and Industry had been since the bans were reimposed. He had called off negotiations but made it clear that they could be resumed as soon as the bans were taken off. There was also a "fair comparability" provision in the draft Loy Yang agreement which would

become a firm agreement after the lifting of the bans. That had been Mr Ramsay's position at all times, and the so-called new proposal took the position no further.

There were no guarantees, but as to fulfilment of a promise on the part of the Builders Labourers Federation, there could be no binding guarantee. Even if guarantees were given, in the light of previous events, it would have been difficult to rely on them. The Government therefore, thought this Bill was needed for the protection of the community.

I came back and regretfully I informed the delegation which had been meeting with the Minister of Labour and Industry that the view of the Government was that this Bill should proceed and that we ought not to continue discussion on the basis of that proposal put.

That is the very simple position. I would have preferred that it had not been aired in the House because every time matters like this are raised and dispute arises over out of context pieces of the discussion, it creates an atmosphere that makes future negotiations so much harder to undertake with the trust and confidence that previously occurred.

Mr Landeryou alleged quite wrongly that this State has the worst industrial record of any State. I refer to the most up to date information available, and that is the catalogue issued by the Australian Bureau of Statistics in Canberra at noon on 26 November 1981. I do not believe I could get anything more up to date than that. In the eight months of this year, up until August, New South Wales had lost 1·003 million man days through industrial disputes. Victoria had lost 478 700 man days through industrial disputes.

**The Hon. B. P. Dunn**—What was the cost effect on the community?

**The Hon. A. J. HUNT**—I cannot tell Mr Dunn that because I do not have the figure.

**The Hon. B. P. Dunn**—The strikes in Victoria were so damaging.

**The Hon. A. J. HUNT**—Yes, indeed they were. Queensland had lost 338 000 man days through industrial disputes in that period. The result, both in New South Wales and in Queensland, as a quick comparison will show, is that they were worse off than Victoria, having regard to population levels. Currently New South Wales has a population of 5·2 million and is almost exactly one-third greater in population than Victoria, which has 3·9 million whereas Queensland has a population of 2·3 million. It will be seen from those facts and statistics that in both New South Wales and Queensland the current record is certainly worse than that of Victoria. Taking Australia as a whole, in the period of eight months, 2·224 million man days were lost in this country. Victoria is normally regarded as representing one-quarter of the whole of Australia for statistical purposes and if one applies that rule of thumb honourable members will see that Victoria is well below the average for Australia.

Whilst it is not true that Victoria has the worst record, members should bear in mind that the Loy Yang dispute and others involving the Builders Labourers Federation—two issues which honourable members have been discussing tonight—are themselves responsible for a significant segment of that 478 000 man days lost in Victoria. What the Government is doing by this legislation is to attack one of the worst points of irresponsible industrial action in this State.

Mr Landeryou rubbished the legislation and stated that it would take years to utilize. He pointed to what he believed to be the delays which the Builders Labourers Federation could bring about.

**The Hon. W. A. Landeryou**—Or others.

**The Hon. A. J. HUNT**—Or others. Well, I should like to inform the House how the legislation works. The Minister or responsible authority affected by this legislation can immediately go to court and apply for what is known as an interlocutory injunction. That may be granted upon the material presented at that time. Mr Landeryou mentioned a

case taken up by a Minister in another place where, within hours of his affidavits being filed, he obtained an injunction from the court to restrain a black ban. Now, when that interlocutory injunction is obtained, what happens is that the other party is then given an opportunity, some days later, to come along and be heard. So, there is then an adversary type hearing between the two parties. The court can then either convert that interlocutory injunction into an interim injunction, which applies from that date up to the final hearing of the case, or it may discharge it and leave the case to be tried in due course.

In the case to which Mr Landeryou referred, the court confirmed the interlocutory injunction and it became an interim injunction. That is what I would expect here, but the decision could then be challenged by a challenging party seeking to take it to appeal. Unless the appeal was successful, the injunction would continue to apply. There is no prospect that action under this legislation could be staved off for years and years, and the injunction would apply while the challenges that Mr Landeryou envisages were being undertaken.

It may well be that a damages claim could be delayed for quite a substantial period, but the injunction which the legislation envisages would still be available meanwhile to protect the community whilst any challenges were being undertaken or any appeals were being pursued.

The Government believes this legislation is based upon a sound principle which has existed for a long time. It is an extension of a principle which applies under the common law and which has been used to protect many people over the years, although it has been little used in recent years.

The principle is designed to protect the community from blackmail and conspiracy, and for those reasons the Government considers it will be appropriate and efficacious in the dispute which has been the subject of discussion this evening.

*The Hon. A. J. Hunt*

**The PRESIDENT (the Hon. F. S. Grimwade)**—Before the Leader of the Opposition begins, I remind him that he is speaking to the motion for the third reading of the Bill.

**The Hon. W. A. LANDERYOU** (Doutta Galla Province)—As did the Leader of the Government.

**The PRESIDENT**—Indeed, and if Mr Landeryou wanted to canvass matters relating to clauses he could refuse leave to proceed to the third reading and the Bill could be dealt with in Committee. I intend to restrict Mr Landeryou to the motion, "That the Bill be now read a third time".

**The Hon. W. A. LANDERYOU**—Certainly. The same stricture should apply to all honourable members.

**The PRESIDENT**—Order! I reply to that suggestion; it has been the tradition in this House that the Minister involved with the Bill is given the right to reply to matters that have been raised in the second-reading debate. This normally occurs during discussion on the second clause in the Committee stage.

**The Hon. W. A. LANDERYOU**—The Minister chose not to do so.

**The PRESIDENT**—Indeed, and it has now become a tradition of the House that on the third reading the Minister has that chance. If the Leader of the Opposition wishes to refuse leave, the House can go into Committee. Does Mr Landeryou refuse leave?

**The Hon. W. A. LANDERYOU**—Of course not. No Leader of the Opposition has been more co-operative with the Government in the history of this House than I have. I just want to canvass aspects of the Bill at the third-reading stage. You, Mr President, anticipated that I was going to speak out of order. It is very rare for me to be found speaking out of order in this House.

I put it to you again, Mr President, as I put to the House, that the position the Minister of Education has tried to defend at the third-reading stage is that which he was not able to justify at an

earlier stage of the proceedings. What the Bill does—and the Minister admits it—is to create a new situation in the formal Parliamentary law that confirms that which exists in the common law. I can understand the embarrassment of the Leader of the Government on two major counts. The first is that his Leader in another place has said that this is a stunt. The second is that he concedes that the Government, although it refers to employment and unemployment statistics in terms of industrial disputes around the nation, has the worst record of any employer in Australia.

What the Government does not do in the Bill is to apply its mind to the situation and ask the Parliament to apply its mind to seeking a solution to the problem. It is of no use for the Leader of the Government to complain about breaches of confidence if the first breach occurs as a result of what fell from the lips of the Minister of Labour and Industry, Mr Ramsay, tonight in another place. Let him take his complaints to Cabinet!

What the Bill does not do is to advance the cause of industrial peace at Loy Yang or anywhere else one step further. The Minister knows that if it had been left to the Minister and me to negotiate a settlement alone on Friday, we could have achieved that. He knows it! I know it. This Bill strikes a blow not for industrial peace but against industrial peace. Nevertheless, I still regard it as absolutely irrelevant. The major protagonists in the current conflict will in substance ignore it.

As my Leader in another place has done and as constitutional lawyers have this afternoon argued in the context of the Premier calling it a stunt, a constitutional challenge will be issued to this law once it is passed by the Parliament and agreed to by the Crown. It is in that context that press secretaries and political advisers ought to be ignored. This game ought not be to be about political point scoring. The Bill does just that, and that is what the Leader of the Government is embarrassed about.

**The Hon. A. J. Hunt**—I am not embarrassed.

**The Hon. W. A. LANDERYOU**—I understand his embarrassment, because if it had been left to him, with his capacity and his considerable skill, the matter would have been resolved. He knows that; I know that, and everyone who was present on Friday also knows that.

The extraordinary thing about the Bill is that it does not advance the settlement of the dispute one iota. What could have happened on Friday—and the Leader of the House knows it—is that the Government could have walked away with a deal which locked in officers of the Trades and Labour Council, the Builders Labourers Federation and the Victorian Parliamentary Labor Party. If anything that happened was embarrassing, or if the Government had retreated from that which could have been agreed to on Friday, it would have been able to score political points. With the support of the Trades Hall Council, the Leader of the Opposition and the officers of the Parliamentary Labor Party, that is what happened. That is what the Minister of Education is embarrassed about, and I understand that embarrassment. There is no embarrassment on our side of the House.

This proposed legislation aims not at trying to settle the dispute. It is purely a political move; Ken Stone, whom people have described as a man of honour and integrity, described it as a cheap political trick. The Government will pass the legislation. It has other weaponry in its arsenal, but it has not used it in the past and will not do so this time, because the barristers will follow the passage of this law and the Government will not be able to implement it. That is what the Government is giving away, and it cannot be forgiven for that. It can paint Gallagher as black as it wants to paint him. The Government could have had a deal which locked him in during the lifetime of this project, and it was supported by officers of the Trades Hall Council, the Labor Party and his organization.

The Government knows this to be so. The Premier conceded on national television tonight that it was a stunt. That is what this Bill is. The Minister knows it and the Government knows it. Those who are on the front bench of the Government side of the House know it. Press secretaries, political advisers and other slaves of the Liberal Party machine cannot change the fact.

I shall conclude with the words of Ken Stone, the chief advocate for the trade union movement, who described this Bill as nothing more than a cheap political trick. What the people of Victoria want of their Government is the capacity to see that which is real and to negotiate in this situation. The Government could have done that at any stage from the time when the Bill was first introduced by the Minister of Labour and Industry, Mr Ramsay, until last Friday. To pretend that that chance did not exist last Friday is a lie, and to pretend that next Thursday officers of the Government will not sit down with the unions involved and negotiate a deal is also a lie. It is going to happen and we have had discussions about it. The Minister knows it; the Government knows it. I am sorry that most of the back-benchers are so dumb that they cannot understand the basic facts.

The motion was agreed to, and the Bill was read a third time.

## BUILDING CONTROL BILL

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

## ADJOURNMENT

### Teachers in excess — Small country primary schools—Mosquito eradication programme—Newcomb High School—Epping High School

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

That the Council, at its rising, adjourn until tomorrow, at eleven o'clock.

I shall indicate the times of sitting for the rest of the week. It is hoped to finish tomorrow at about this time. It is intended to sit at 11 a.m. on Wednesday and Thursday. On Thursday, it is difficult to predict the time of finish. If it becomes necessary to sit on Friday, it would be proposed that the sitting commence at 10 a.m.

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 a matter for the attention of the Minister of Education. It deals with excess teachers. Is the Minister aware that some schools, in complying with the Education Department's stringent staffing policies which seem to treat teachers like pawns on a chess board, are adopting the course of declaring in excess teachers who are absent on overseas leave? Many of those teachers are upgrading their qualifications or broadening their experience which will ultimately benefit the student but because they are overseas they are unable to defend their positions or have any say in where they are sent. As this is causing much distress not only to them but also to their families, will the Minister urgently investigate this matter to prevent this discriminatory practice?

**The Hon. J. W. S. RADFORD** (Bendigo Province)—I raise a matter with the Minister of Education representing the Minister of Educational Services. I refer to the representations that I have previously made to the Minister about the Echuca Village, Nanella and the Muskery and Tooleen primary schools. As the Minister would be well aware, these schools have community interest in the Bendigo educational region and not in the Shepparton or Benalla educational regions. I thank the Minister for the consideration that he has given past representations that I have made and I should like to draw to his attention that with the school year coming to an end, there is concern in the communities about their fate next year. I ask the Minister to have flexibility in the minor adjustments of

boundaries so that small country schools are not sacrificed to the juggernaut of rigid adherence to regional boundaries.

**The Hon. K. I. M. WRIGHT** (North Western Province)—I raise a matter for the Minister representing the Minister of Health. It concerns the mosquito eradication programme and the fact that this year Victoria has had conditions conducive to the disease encephalitis. The problem has been that the programme of the municipalities and other Government instrumentalities has been hindered by the indecision of the various authorities concerned. Apparently the Commonwealth Government made $125 000 available but because of difficulties in other States, the amount given to Victoria was much less than it should have been. Approximately two months ago another $20 000 was made available. The State matched that $20 000, and I understand that shortly Victoria will receive a further $30 000, making a total of $70 000. As yet councils have not yet been advised of the funding that will be available for the testing programme and other activities and I urge the Minister and the Government to make available further funds sufficient for the programme, and to advise the councils of what will happen.

**The Hon. R. A. MACKENZIE** (Geelong Province)—I refer the Minister of Education to the proposed removal of the teacher aide in the audio-visual section of the Newcomb High School. Some six years ago about $100 000 worth of audio-visual equipment was installed in the high school and, after many problems, the school finally found someone to look after the equipment and introduce into the curriculum units based on audio-visual equipment. When the programmes got under way, the school council expended about $20 000 over a five-year period in projectors, receivers, reel to reel recorders and other equipment. Apparently the teacher, Mrs Merrigan, is to be removed from the school. In view of the fact that such a large amount of money has been spent on the equipment and that ten units in the curriculum are now being used with much success by Mrs Merrigan, does the Minister believe it is sound business practice for this equipment to remain idle because of the lack of a teacher aide to operate it?

**The Hon. R. J. EDDY** (Thomastown Province)—I remind the Minister of Education of a visit that he made last year to Epping High School in the Thomastown Province when he was shown around the school and witnessed the first stage of the building and the work of the contractor. The Minister will remember that parts of the concrete work were removable and that the roof had collapsed. It was the fault of the contractor. In March of this year, the Speaker in another place, the honourable member for the electorate and I showed the Minister of Public Works what had happened. He stated that he would follow up the matter, investigate the problems that arose with the contractor and have them attended to. I know the Minister is honest and I respect the work that he does in relation to schools around the State. Will he be good enough to check with the Minister of Public Works to ascertain what has transpired in respect of the investigations into why these faults have not been remedied?

**The Hon. A. J. HUNT** (Minister of Education)—On many occasions in this House I have dealt with the subject of teachers in excess and the reasons why they may be in excess and I do not think the House would wish me to go over those reasons in detail at this stage. It suffices to say that teachers may become in excess for one of many reasons. The objective of identifying teachers in excess is to enable them to be transferred to areas where they are needed and where there is a shortfall in establishments. That does not apply for a teacher who is on leave and overseas. I am unaware of any practice of the kind suggested by Mrs Coxsedge. I invite her to give me the details and I will certainly investigate those cases. On the surface I will determine whether there is a reason and whether it is a good reason. I will consider the practice and whether it does not achieve anything, which it does not appear to,

with one teacher overseas, who is in excess, and who cannot be transferred to another school while overseas. I thank Mrs Coxsedge for raising that point.

Mr Radford raised the matter of boundaries affecting the Echuca region. He will be aware that in adopting regional boundaries one unified decision has to be made in the whole of Victoria. That was a difficult decision, but it was made. It was impossible to reconsider the broad bases of the decision and many people relied on it. It was possible to consider boundary anomalies, but the conclusion that my colleague and I have reached is that we ought to adhere to two somewhat fundamental principles, firstly, that whole municipalities should be in a whole region and that municipalities should not be broken into two regions and, secondly, that the regional boundaries for State decentralization should be the boundaries. These conclusions have allowed the Government to recognize that although in special cases around the State local people consider there are border anomalies, the interests of the State are better served as a whole by adopting and maintaining a clear pattern, rather than departing from known boundaries.

Mr Mackenzie raised a matter concerning a teacher aid at Newcomb High School. I am unable to recall whether Newcomb High School was on the list of disadvantaged schools, or has been removed from it. I notice Mr Mackenzie is shaking his head to indicate that it was not on the list. It may have been a little outside those guidelines. It may have been under the special needs programme, even if not as a disadvantaged school. I will investigate the case and let the honourable member know. I do not know the intimate details of every individual school.

I regret to hear that Mr Eddy is still having some problems with the Epping High School construction work. I will take up the matter with my colleague, the Minister of Public Works, and determine whether he can give a prompt reply to Mr Eddy.

**The Hon. W. V. HOUGHTON** (Minister for Conservation)—The remarks of Mr Wright on mosquito control in his area have been noted and will be passed on to the appropriate Minister.

The motion was agreed to.

*The House adjourned at* 12.5 *a.m.* (*Wednesday*).

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## *QUESTIONS ON NOTICE*

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### HOUSING COMMISSION HOUSES

(Question No. 68)

**The Hon. K. I. M. WRIGHT** (North Western Province) asked the Minister for Police and Emergency Services, for the Minister of Housing:

(*a*) How many new homes for rent are to be built in country Victoria in the current financial year?

(*b*) How many of those are to be built in the Shire of Swan Hill and what will be the categories of residences (e.g., low income, single persons, and so on.)?

(*c*) What proportion of the Housing Fund will be available for second mortgage subsidies for housing?

(*d*) What proportion of the fund will be available in the current financial year for new home purchase in the shire?

(*e*) Will the Minister indicate the reasons supporting his answers to the foregoing questions?

**The Hon. F. J. GRANTER** (Minister for Police and Emergency Services)—The answer supplied by the Minister of Housing is:

(*a*) It is proposed that 169 villas and 310 elderly person units be completed between 31 August, 1981, and 30 June 1982.

(*b*) Will be dependent upon funding.

(*c*) $650 000 has been provided this year by the State Treasury for second mortgage finance subsidies made available through the Home Finance Trust.

(*d*) An amount of $210 000 has been allocated to the Swan Hill and District Co-operative Housing Societies from the Home Purchase Assistance Account. The funds may be used to purchase established or new homes.

(*e*) Given more funding it is anticipated that rural Victoria will receive more Government housing. However, availability of funds is crucial.

## DESTROYING DOGS WITH FIREARMS

(Question No. 93)

**The Hon. B. P. DUNN** (North Western Province) asked the Minister for Minerals and Energy, for the Minister for Local Government:

(*a*) Can a proper officer enforcing the Dog Act 1970 destroy a dog within residential and built-up areas, by the use of a firearm?

(*b*) Is such an officer permitted to carry a firearm for that purpose?

**The Hon. D. G. CROZIER** (Minister for Minerals and Energy)—The answer supplied by the Minister for Local Government is:

(*a*) No. The Firearms Act prohibits the discharge of a firearm "in a town or populous place or on any street, road, lane, bridge, thoroughfare or place open to or used by the public for passage with vehicles". Exemptions to this prohibition are granted only to "any member of the police force, to any special constable or to any person encountering or in pursuit of an offender". The Act provides a defence to prosecution if the defendant proves that he discharged the firearm with the permission of a justice or the officer in charge of the nearest police station.

(*b*) The Firearms Act prohibits the carrying of a loaded firearm in a town or populous place other than by police or security guards. An unloaded firearm may be carried by the holder of a shooter's licence or other authority under the Act.

## REVENUE FROM ANNUAL REGISTRATION OF POWER BOATS

(Question No. 162)

**The Hon. ROBERT LAWSON** (Higinbotham Province) asked the Minister for Police and Emergency Services:

(*a*) What revenue is collected from the annual registration of power boats?

(*b*) Is the police boating squad financed by revenue from power boat registration fees, and is any remaining revenue from this source used to assist in financing the operations of the Transport Regulation Board?

(*c*) What is the cost of collecting those fees?

**The Hon. F. J. GRANTER** (Minister for Police and Emergency Services)—The answer is:

(*a*) Revenue collected from the registration of motor boats for the 1980–81 financial year was $1 116 384.

(*b*) (i) The Police Boating Squad is financed from revenue from power boat registration fees to the extent of the squad's involvement in enforcing the Motor Boating (General) Regulations. In 1980–81 these costs were $453 138.

(ii) The cost of collection of motor boat registration fees is reimbursed by the Transport Regulation Board from fee revenue.

(*c*) The cost of registration fees collection in 1980–81 was $228 098.

## SUBDIVISIONAL LOT SIZES

(Question No. 180)

**The Hon. CLIVE BUBB** (Ballarat Province) asked the Minister for Minerals and Energy, for the Minister for Planning:

(*a*) What is the most common minimum subdivisional lot size for allotments in rural general farming zones under the various planning schemes, interim development orders, &c., in force in Victoria?

(*b*) What is the minimum subdivisional lot size for rural allotments under the recently approved Geelong Regional Planning Scheme?

(*c*) Are there lot sizes in this scheme above the most common size; if so, is it proposed to amend the scheme to bring it into line with the majority of other schemes in Victoria; if not, why?

**The Hon. D. G. CROZIER** (Minister for Minerals and Energy)—The answer supplied by the Minister for Planning is:

(*a*) There is no "most common minimum" subdivisional lot size prescribed in rural zones of the various planning controls in 200 of the 211 municipalities which exercise planning control across the State.

This situation is usual, and correctly so, when the many variable factors on a Statewide basis relating to subdivision are considered, namely:

topography;
land capability;
agricultural quality;
water resources;
mineral and stone potential;
drainage patterns;
vegetation coverage and types, and its practicability for clearing;
fire hazard;
traditional farming practice in a locality or district;

access to land;
availability of services and community facilities; and
council's (as responsible planning authority) aspirations for the development of its municipality.

Given the above variables, the "most common minimum" subdivision size in rural parts of the State varies from 16 ha. to 40 ha. with the figure being as high as 100 ha. in a number of isolated instances.

The Melbourne Metropolitan Planning Scheme provides a basic 40 hectare minimum in the General Farming A Zone. The recently exhibited amendment 150 to the MMPS proposes that parts of this land be incorporated in a new general farming B Zone, with a basic minimum of 80 hectare.

It is important to add, however, that notwithstanding the minimum figures quoted above, virtually all planning controls make provision for departures below this minimum where circumstances would so justify, at the discretion of the responsible authority. The most usual circumstances are for the excision of the site of an existing house; for provision of a site for a second house being for a manager, sharefarmer or family member; the enlargement of an existing allotment; for creation of a site for a public purpose or for any other purpose, other than a house, which the responsible authority may permit.

In summary, while reasonably high but variable, minimum subdivision sizes for rural areas are prescribed in planning controls, with the aim to preserve the rural use and character of the rural area, and therefore to curtail inappropriate uses, flexibility is also provided to accommodate genuine and reasonable aspirations of landowners and public alike.

(*b*) The recently approved Geelong Regional Planning Scheme includes the following Rural Zones:

Rural General Farming.
Rural Intensive Farming.
Rural Natural Features.
Rural Landscape.
Rural Future Urban.
Rural Residential.
Rural Floodland.

The most extensive of these is the Rural General Farming Zone.

The details of subdivision provisions are set out in clauses 16, 17 and 18 of the Geelong Regional Planning Scheme Ordinance. There is no absolute minimum size for allotments in the Rural General Farming and Rural Intensive Farming Zones—within these zones the council administering the scheme may after reference to the commission, allow creation of allotments of any size for the purpose of agriculture or animal husbandry or any other purpose related to the keeping of animals or birds. Other provisions applicable to all rural zones allow for excision of house lots, subdivision to allow consolidation of land, and provision of community facilities. These are necessarily complex to allow for landowner equity consistent with the principles of the scheme, and reference should be made to the ordinance.

Where none of these situations apply, land shall not be subdivided into allotments lesser in size than the following:

Rural General Farming—60 hectare.
Rural Intensive Farming—20 hectare.
Rural Natural Features—60 hectare.
Rural Landscape—10 hectare.
Rural Future Urban—50 hectare.
Rural Residential—1·75 hectare average;
1·25 hectare minimum.
Rural Floodland—60 hectare.

(*c*) The problems in setting a "most common" allotment size have been described in the answer to Part A, and the allotment sizes for the Geelong Regional Planning Scheme are set out in the answer to Part B.

There are no current proposals to amend the Geelong Regional Planning Scheme in this way because:

(i) The scheme as approved has been taken into account and is based on extensive research by and on behalf of the Geelong Regional Planning Authority and Geelong Regional Commission. Particular attention is drawn to the report "Regional Characteristics of Geelong Agriculture" (R. N. Phillips and Associates Pty. Ltd., for the Geelong Regional Commission, 1978).

(ii) There is no indication that a "standard" or "most common" minimum lot size approach applicable across the diverse country of Victoria would produce a rational basis for planning provisions. Detailed investigation to develop controls appropriate to a particular region is more appropriate.

(iii) The scheme includes ample flexibility as described in part (*b*) of this answer to allow for farming situations consistent with the overall intention of the scheme; and

(iv) There is no indication that any other particular subdivision provisions would be more appropriate than those in the scheme.

## VICTOUR OFFICES

(Question No. 182

**The Hon. K. I. M. WRIGHT** (North Western Province) asked the Minister of Education, for the Minister for Planning:

(*a*) What is the address of each of the new Victorian Government Travel Authority offices to be opened interstate, and what annual rental, &c., is payable on each?

(*b*) What staffing is to be provided, and what is the name of the prospective manager in each case?

(c) What range of business activities are envisaged?

**The Hon. A. J. HUNT** (Minister of Education)—The answer supplied by the Minister for Planning is:

(a) The Victorian Government Travel Authority is to open new interstate offices in Perth, Canberra and Hobart. Office accommodation has not been finalized but negotiations are proceeding through the Public Works Department. It is anticipated the Perth office will open in early February and the Canberra and Hobart offices in early March.

(b) Each office will have a staff of two; a Manager and a secretarial-clerical assistant support.

Staff appointed to the management positions at these locations are as follows:

Perth—Mr B. Oatley.
Canberra—Mr R. Beere.
Hobart—Miss C. Brady.

(c) The principal activities of these offices will be to develop tourist traffic to Victoria. This will be done by marketing Victoria's tourist attractions, facilities and events through travel agents, travel operators, tourist organizations and the media.

# Legislative Assembly

**Tuesday, 15 December 1981**

**The SPEAKER (the Hon. S. J. Plowman)** took the chair at 2.7 p.m. and read the prayer.

## GOVERNOR'S SPEECH

### Presentation of Address-in-Reply

**The SPEAKER (the Hon. S. J. Plowman)**—I have the honour to report that, accompanied by honourable members, yesterday I waited upon His Excellency the Governor and presented to him the Address of the Legislative Assembly, adopted on 26 November last, in reply to His Excellency's Speech on the opening of Parliament. His Excellency was pleased to make the following reply:

Mr Speaker, Ladies and Gentlemen of the Legislative Assembly:

In the name and on behalf of Her Majesty The Queen I thank you for your expressions of loyalty to our Most Gracious Sovereign contained in the Address you have just presented to me.

I fully rely on your wisdom in deliberating upon the important measures to be brought under your consideration, and I earnestly hope that the results of your labours will be conducive to the advancement and prosperity of this State.

## ABSENCE OF MINISTERS

**The SPEAKER**—Order! I have been advised that the Minister of Agriculture and the Minister for Economic Development will be absent from question time today.

## *QUESTIONS WITHOUT NOTICE*

## ADVICE TO SHADOW MINISTERS

**Mr CAIN** (Leader of the Opposition)—Does the Premier intend to follow the lead that has been given by his Federal colleagues in recent years, by directing heads of Government departments and authorities to be accessible to the Leader of the Opposition and to the relevant shadow Ministers between now and the next election scheduled for early next year to ensure that the Public Service is able to inform and advise us as the alternative Government, freely and openly?

**Mr THOMPSON** (Premier and Treasurer)—I will inform the Leader of the Opposition in the right manner at the appropriate time. As a matter of fact, this morning I instructed my departmental head to contact the Leader of the Opposition over a certain matter that he had raised with me.

## MELBOURNE UNDERGROUND RAIL LOOP

**Mr ROSS-EDWARDS** (Leader of the National Party)—Could the Minister of Transport advise the House whether there are any union bans operating on construction work being carried out by the Melbourne Underground Rail Loop Authority, and, if so, what is the extent of those bans and the reason for them?

**Mr MACLELLAN** (Minister of Transport)— I noticed the honourable member for Reservoir was laughing, when the question was asked, but I do not think anyone should laugh at the effects of the bans which are presently being put on work at Parliament station. Originally, there was a demarcation dispute between the Australian Railways Union and the Builders Labourers Federation that brought about interruptions to the supply of concrete and, because concrete was not available, certain carpenters were stood down as there was no work available for them. We now have a ban on the removal of formwork. We have a ban on the filling in of the site at 91 Spring Street—there is a total ban on the entrance there. We have a ban on the starting of new employees. We have a ban on the starting of new sub-contractors. We have a ban on the dismantling of scaffolding; we have a ban on the terrazzo work at the station itself. We have two unions both working at different times, one taking Friday off each alternative week, the other taking Monday off on alternative weeks and a ban by the Builders Labourers Federation on the supply of concrete on Wednesday and Thursdays which means in effect every Tuesday is the only day in the week that there is

an effective supply of concrete. The two unions concerned have, between them, conspired to disrupt a major public project which otherwise would be used by the Victorian public.

## ELECTRICITY SUPPLIES

**Mr TANNER** (Caulfield)—I direct a question to the Minister for Local Government, representing the Minister for Minerals and Energy about the imposition of power restrictions in New South Wales by the Labor Government in that State and the statements that the authorities in that State are seeking additional hydro-electric power. As Victoria and New South Wales share hydro-electric power from the Snowy Mountains scheme, I ask the honourable gentleman to give an assurance that all steps will be taken to ensure that Victoria's power supply is not jeopardized by wasteful and incompetent management by the New South Wales Government.

**Mr LIEBERMAN** (Minister for Local Government)—Victoria and New South Wales have a legal arrangement concerning the share of hydro-electric power and the two States have, on occasion, had to virtually go into an overdraft condition, to over use this capacity or its entitlement because of shortages or difficulties in the respective States. It has been a matter of mutual agreement, and understanding and of course Victoria will continue the arrangement and assist New South Wales during its difficulties.

However, I should indicate that in recent times we are all aware of the grave troubles in New South Wales concerning the state of its infrastructure and also the substantial repair work and replacement work that apparently is necessary in order to ensure that the power supplies to the people of that State can be maintained at a reliable level. Because of the statements made by the New South Wales Minister for Energy, Mr Landa, it is appropriate for Victorians to express concern at the entitlement that Victoria must have from the hydro-electric scheme. Victorians should ensure that steps are taken to provide Victoria with an adequate and secure supply of power. In that regard, it is fundamental to everybody, and honourable members from all parties must support this concept of the Victorian Government, that the construction and completion of the Loy Yang power station is completed without undue delay, and without the blackmailing and delaying tactics imposed by the Builders Labourers Federation.

## RETAIL TRADING HOURS

**Mr SIMMONDS** (Reservoir)—Is the Premier aware that a number of large retailers in the Melbourne central business district are seeking to extend trading hours, and can he give an unequivocal assurance that he will reject any such application?

**Mr THOMPSON** (Premier and Treasurer)—I contacted the Minister of Labour and Industry and found out that no application whatsoever has been received by him in relation to this matter.

## CORELLAS AND COCKATOOS

**Mr McGRATH** (Lowan)—I direct my question to the Minister representing the Minister for Conservation. Due to the fact that large numbers of corellas and cockatoos are attacking grain crops in the western Wimmera and due to the fact that there is large loss of agricultural production, will the honourable gentleman make representation to the Minister for Conservation asking that a poisoning programme be implemented under the control of the Fisheries and Wildlife Division to reduce the numbers of these birds that are attacking these grain crops?

**Mr WOOD** (Minister of Public Works)—I appreciate the problems caused in the Wimmera area by the corellas and cockatoos, and this matter has been raised many times in this House. Many representations have been made to the Minister for Conservation regarding a poisoning programme. The Minister has rejected these suggestions because, as he said, it is not only the corellas and the cockatoos—the

target species—that will be affected, but all manner of birds will be poisoned in such a programme. Therefore the Minister has resisted the proposal.

The Minister has, however, over the past twelve months made a number of suggestions to farmers that on application for a licence they can trap corellas and cockatoos, using nets or caged traps, with the idea that should any other birds be caught within those traps they can be released. The Minister has extended the shooting period not only to farmers but also to employees for an open season on cockatoos and corellas.

I understand also that the Minister has met with the officers of the Fisheries and Wildlife Division to discover whether there is any other avenue by which they can help the farmers in those areas to overcome the problem, but to date he has resisted the concept of spreading poison throughout the farms to poison corellas and cockatoos. However, I will again take up the matter with the Minister.

## BALLARAT RAILWAY STATION

**Mr A. T. EVANS** (Ballarat North)—Can the Minister of Transport report to the House on the restoration work carried out at Ballarat railway station following the disastrous fire last Sunday morning, which destroyed the main portion of the station? I refer in particular to the restoration of the services from that station from the western platform, and also to the restoration of this building, which has been classified by the National Trust, in keeping with that classification.

**Mr MACLELLAN** (Minister of Transport)—There was a serious fire at the Ballarat station, which severely damaged it. It is estimated to me that simple restoration work will cost in the order of $500 000. It will be necessary to put the building into a secure position first, and the railways are taking such steps as are necessary to maintain services and to provide for the other sections of the railway building in Ballarat not affected by the fire to be used for the maintenance of ticket selling and booking services. I have asked the Railways Board to report to me urgently on a proposal for the restoration of the building in keeping with its historic character. It may be better to restore it, secure it and lease it out and to concentrate railway activities in those parts of the station which have not been affected by the fire. However, I will receive a report on that matter in due course, probably within the next few days.

## TROTTING CONTROL BOARD

**Mr JOLLY** (Dandenong)—I direct a question without notice to the Minister for Youth, Sport and Recreation. Is it a fact that the final accounts of the Trotting Control Board were not received by the Auditor-General until 4 December, too late for inclusion in the Auditor-General's supplementary report? If so, will the Minister explain the inconsistency between that fact and his statement in the House, and will he now make an apology to the Auditor-General?

**Mr DIXON** (Minister for Youth, Sport and Recreation)—I contacted the Auditor-General immediately after making the statement, which still stands, and explained to him what had occurred and the correspondence which had been forwarded to me. The following day—from memory, last Friday—the Auditor-General informed me that statements had been forwarded to his office which he regarded as draft statements. He said he would forward them to me, together with a full summary of the affair, so far as he was concerned, and I have not yet received that summary. When I receive it, I will analyse what he has said.

## POLICE CREDIT CO-OPERATIVE BUILDING

**Mr COLLINS** (Noble Park)—I direct a question to the Minister who, in this House, is the representative of the Minister for Police and Emergency Services. Is the Minister aware, as a result of delays in the construction of the Police Association's co-operative facility in Melbourne, a significant number of job opportunities for young Victorians have so far been lost this year?

If he is not aware of that fact, will the honourable gentleman take up the matter, as a matter of urgency, with his colleague, the Minister for Police and Emergency Services, to determine what steps can be taken to advance the completion of this project which will employ many young Victorians and which has been delayed by the actions of the Builders Labourers Federation?

**Mr MACLELLAN** (Minister of Transport)—I am advised that the Builders Labourers Federation has bans on the building of the Victoria Police credit co-operative building and that those bans have delayed the project, although work is commencing. Because of delays in the project, it was not possible for the police credit co-operative to meet the target that it had by way of completion and employment. Necessarily, because of the delays, employment prospects and jobs have been lost to the building industry at a time when they are critically necessary.

## HOUSING COMMISSION LAND

**Mr SIMPSON** (Niddrie)—The Minister of Housing will be aware that the Valuer-General's office recently valued 210 acres of Housing Commission land at Melton at $171 000, as compared with the $770 000 paid for that land by the Government in 1974. Will the Minister request the Valuer-General to obtain an up-to-date valuation of all other broad acre purchases made by the Government in the mid-1970s so that the public of Victoria can be informed of the full extent of the waste and mismanagement of public funds by this Government?

**Mr KENNETT** (Minister of Housing)—The Australian Labor Party is obsessed with comparing facts and situations that existed in 1981 with those in the early 1970s. The honourable member will be aware that his party's allegations regarding the Housing Commission land deals have now been totally refuted by the Frost report. In the early 1970s, Victoria experienced a land boom, as did the rest of Australia.

There is no doubt—and no one on either side of the House would disagree—that much of the land purchased at that time would not attract the same kind of money if it were sold today. On the other side of the coin, many properties throughout Victoria—and I should think the home of the honourable member for Niddrie would be in this situation—if one applied to them the principle now being suggested by the honourable member for Niddrie would have appreciated considerably in value. If he were prepared to sell his property for what it was worth in 1974, one might accept that his argument had some consistency.

As I have said many times, the Ministry is in the process of disposing of the land it purchased, so that that money can be used to provide accommodation. Much of the land will realize a higher price than the amount that was paid, but some of it will not. The important thing is to convert the asset into accommodation units.

I shall not be doing as the honourable member for Niddrie suggests, and ask the Valuer-General to revalue all properties, but the Valuer-General is requested to value individual properties in the normal process as each of them comes up for disposal.

## TALLANGATTA VALLEY TOURIST RAILWAY

**Mr JASPER** (Murray Valley)—Has the Minister of Transport received representations from the Tallangatta Valley Steam Preservation Society and from local members, including the honourable member for North Eastern Province, Mr Baxter, in another place, proposing the retention of the Huon-Shelley section of the disused Bandiana to Cudgewa railway line, rather than the section referred to by the Minister in his second-reading speech on the Tourist Railways Bill, the Bandiana-Bullioh section? If so, what action has the Minister taken on these representations?

**Mr MACLELLAN** (Minister of Transport)—I have received representations from local members and from the Tallangatta Valley Steam Preservation Society seeking to retain a different

piece of the line. In fact, the society wishes to retain some of the eastern section of the line, where it believes the conservation and tourist values are better. It meets the objectives of VicRail, also, in that the line immediately on the western portion is heavier gauge than the other line and, therefore, it can be used for the project of extending the standard gauge line to the Bandiana sale-yards.

Following receipt of the representations, I agreed that the section of the line the local society wishes to retain should be retained and that VicRail should be authorized to take up the heavier line and reuse it for the Bandiana sale-yards project. The society also indicated that it would like the line VicRail intends to remove kept in place while it moves its rolling-stock on to the portion of the line that is to be used as a tourist railway. VicRail will do its best to accommodate that desire, but it will be necessary for the society to secure its rolling-stock early in the New Year so that the sale-yards project is not long delayed. I have received representations from all local members, including the Minister for Local Government and Mr Baxter, who have strongly recommended that the society should be allowed to use the eastern section of the line. I am grateful that it has worked out so well.

## FAMILY LIFE PROGRAMME

**Mrs PATRICK** (Brighton)—Will the Premier outline to the House some of the details of the Family Life Programme he announced today on behalf of the Government of Victoria?

**Mr THOMPSON** (Premier and Treasurer)—I indicated in the announcement that for eighteen months, commencing on 1 January, there would be an additional expenditure of some $3 million in the general family support area. The funds are to be used for the purpose of pregnancy support services, family counselling, emergency accommodation, day care and all those other activities which have been carried out by voluntary organizations that have raised their own funds, which have the effect of supporting family life and encouraging people to bring young lives into the world.

The Government is most appreciative of the work that has been done in the past, particularly in recent years, by those organizations, but they have found that finance has been a major problem. The Government is also pleased to announce that the large allocation of $3 million over the next eighteen months from 1 January is additional expenditure. It may well be that $750 000 is already being spent, on a rough estimate, by the Department of of Community Welfare Services, in particular, in this field at present. This move will represent the largest boost that has ever been given to family support work, pregnancy counselling and day care activities throughout Victoria.

## MYTHIN HOMES AND STAFF PTY LTD

**Mr CRABB** (Knox)—Following the collapse of a company called Mythin Homes and Staff Pty Ltd, which had a reported shortfall of more than $4 million, is the Premier aware that that company failed to supply reports to the Corporate Affairs Office for the previous four years? Can the Premier inform the House about the affairs of that company during that period?

**Mr THOMPSON** (Premier and Treasurer)—I suggest that the honourable member for Knox should address his question to the Attorney-General.

## PRESENCE OF UNION LEADER IN PARLIAMENT HOUSE

**Mr RICHARDSON** (Forest Hill)—I ask the Premier: As a matter of Government administration of the industrial affairs of Victoria, is it a fact that Mr Norman Gallagher the secretary of the Builders Labourers Federation was present in Parliament House on Friday afternoon and, if so, was he present at the request of the Government? If so, what was the outcome of discussions with him?

**Mr THOMPSON** (Premier and Treasurer)—The answer is a categorical, "No", the gentleman concerned was not in attendance at the request of the Government. However, it was apparent that, following the introduction of certain proposed legislation, negotiators and peacemakers were tripping over each other in the corridors. Obviously, the person concerned was alarmed at the strong action taken by Government to stop industrial brigandage in this State.

## CORPORATE AFFAIRS OFFICE

**Mr CATHIE** (Carrum)—In view of the Premier's answer to a previous question concerning the collapse of Mythin Homes and the work of the Corporate Affairs Office, is the Premier aware of the election promise made by the Government in April 1979—just one month before the last State elections—that the investigative section of the Corporate Affairs Office would be expanded to assess financial positions of companies to ensure that problems were identified before they occurred?

If the Premier is aware of the matter, why was action not taken by the Government to provide the office with adequate staff and resources or can this matter be considered as yet another failed election promise by the Government?

**Mr THOMPSON** (Premier and Treasurer)—Action has been taken, at the request of the Attorney-General, to increase the number of staff of the Corporate Affairs Office. That office is performing a most valuable function in dealing with crime, which increases in complexity. Wherever an investigation is commenced, it takes some time to be conducted and much detail must be entered into. Following my discussions with the Attorney-General, I am able to say that action has been taken to increase the support staff as well as the existing staff. On the recommendation of the Attorney-General, a special task force has also been created to liaise with the Police Force. The task force will relieve some of the work carried out by the Fraud Squad of the Victoria Police as well as alleviating some of the burden of the Corporate Affairs office.

## ABORTIONS

**Mr HANN** (Rodney)—Is the Premier concerned about the number of abortions being carried out in Victoria and if so, what action does the Government intend to take to reduce that number? Is the honourable gentleman prepared to debate a motion on the subject, listed under Notice of Motion, General Business, No. 6?

**Mr THOMPSON** (Premier and Treasurer)—The decision whether to debate that Order of the Day will be a matter for the Leader of the House, in conjunction with the deputy leaders of the other parties. In answer to the first part of the question relating to what the Government intends to do to reduce the number of abortions in Victoria, we have introduced the most positive, practical and worth-while programme of any State to encourage young women who are pregnant to ensure that childbirth takes place and, when that happens, to provide mothers with some measure of advice and support where it is needed. This programme would appear to be more effective and far more likely to produce positive results than any debate that might take place in this Chamber.

## INDUSTRIAL ACTION BY MARITIME UNIONS

**Mr CRELLIN** (Sandringham)—Is the Minister of Public Works aware of the armada of ships carrying many millions of dollars worth of cargo that are presently lying at anchor in Port Phillip Bay owing to industrial action being taken by tug crews? Can the Minister advise the House of the number of ships that are affected, the cost to their owners and the damage that is being done to the Victorian economy?

**Mr WOOD** (Minister of Public Works)—The present industrial dispute involving tug operators in the port of Melbourne commenced on Friday, 4

December, when members of the Seamen's Union of Australia decided to withdraw their services. On the following Monday, 7 December, the members of that union decided to return to work. However, on that day members of the Merchant Service Guild, officers who operate the tugs, decided it was time to strike. Hence, the members of that union went out on strike and, therefore, the members of the Seamen's Union could not work.

On Wednesday, 9 December the members of the Merchant Service Guild and the seamen decided to return to work at 11 a.m., but by 2 p.m. the members of both unions were out on strike again.

Last Friday, meetings were held of members of both unions and, I understand, a generous offer was made to induce those members to return to work. The offer was rejected and the members of those unions held another meeting yesterday and decided to continue the strike. A further meeting will be held tomorrow, when it is hoped that common sense will prevail and the port of Melbourne will return to normal activity.

Approximately twelve ships are lying at anchor in Port Phillip Bay and there are 33 ships berthed at the port and six of those vessels are waiting to sail. The terrific costs involved are incalculable. In terms of the interest payable on the value of the goods and demurrage on vessels, the cost to date is estimated at $1·75 million. The present industrial dispute will mean that overtime will have to be paid during the coming busy Christmas-New Year shipping period. There will be congestion on the wharves and within the port of Melbourne. The costs to Victoria and to Australia are incalculable. Every time I speak to an overseas trade delegation, one of the matters raised is the fear that Australia is achieving a reputation of being an unreliable trading partner because of the inability of overseas companies to get goods in or out of Australia.

**The SPEAKER (the Hon. S. J. Plowman)**—Order! The Minister must give facts and not debate the question.

**Mr WOOD**—It is to be hoped that common sense will prevail at tomorrow's meeting and that the port of Melbourne will return to normal business tomorrow. It is to be hoped that the Seamen's Union of Australia and the Merchant Service Guild will realize the terrific damage that their actions are inflicting upon Victoria and Australia.

## RATE PAYMENTS BY CARAVAN TENANTS

**Mr WILKES** (Northcote)—What does the Minister for Local Government intend to do about the report of the decision of the Valuer-General to reject the general rates of the Shire of Cranbourne because of its failure to rate permanent tenants of caravan parks? Is this a indication that the Government intends that families who, through circumstances, are forced to live in caravan parks for lengthy periods should now be charged rates?

**Mr LIEBERMAN** (Minister for Local Government)—I understand that the matter referred to by the honourable member for Northcote relating to the Cranbourne Shire Council has nothing to do with the dispute regarding the valuation of caravan sites, but rather it is a matter to do with the calculation of valuations for properties affected by pipeline easements, so that report is inaccurate. However, it is appropriate that I should inform honourable members that the system of rating in Victoria is based on the concept of sole and exclusive occupation, and that is the system which I understand the Labor Party and the National Party have supported for many years, and I do not think anyone has any argument about that.

The report in the newspaper that the Valuer-General has directed that the rating for caravan use of caravan parks should be based on occupation—I think, from memory, for thirteen weeks or more—is totally erroneous. The Valuer-General has informed me that he has not given that advice or direction to anyone. Indeed, he has confirmed to me his view, which I think is sound, that the question of rating for sole and exclusive occupation should arise only in

the event that the caravan is occupied exclusively and without interruption for twelve months or more, and in that case there is a valid argument that councils should be able to recover some rates from those people living in a community and using community services such as infant welfare centres, libraries and other municipal services paid for by ratepayers and taxpayers.

In no circumstances should the rates for the caravan sites used exclusively for more than twelve months without interruption exceed in the aggregate what the total rates would be for the land if it were occupied exclusively by one person. I have asked my department to carry out an investigation to ascertain whether there is any evidence in Victoria of rates being levied on caravan park sites occupied for more than twelve months which in the aggregate would exceed the rates if occupied by a single occupier. If that is the case, I intend to recommend to Cabinet that a review of the rating law in that respect be undertaken.

## STATE BANK FUNDS FOR HOME LOANS

**Mr BROWN** (Westernport)—I direct a question to the Minister of Housing. What action does the Government intend to take to ensure that adequate State Bank funds are made available to assist low income families throughout Victoria?

**Mr KENNETT** (Minister of Housing)—The State Bank and the Government have always worked closely together to ensure that the majority of people in this community have access to home ownership. The State Bank is perhaps the largest single provider of home ownership opportunities.

**Mr Remington**—It has made the greatest contribution.

**Mr KENNETT**—I take up the interjection of the honourable member for Melbourne that the State Bank has been the greatest contributor in this respect, so much so that the New South Wales Government is now turning its Rural Bank into the same sort of bank as we have in Victoria to extend to the people of New South Wales similar opportunities to those that exist in Victoria.

It is with concern that I note that the Australian Labor Party, in its new housing policy, has indicated that if it were given the opportunity to come to Government, it would look at the feasibility of putting a requirement on the State Bank to set aside a fixed proportion of its home loan allocations, say, 15 per cent, for low income borrowers. Once again the Australian Labor Party research shows that it has totally failed to do its homework. The State Bank already provides a considerable amount of money for home ownership for low income owners.

**Mr Cathie**—What is the cut-off point?

**Mr KENNETT**—The cut-off point is $275 in the Ministry of Housing. Forty per cent of State Bank funds go to low income earners who meet the eligibility criteria of the Ministry of Housing. If a family has four children for whom the family receives $5 each a week, the eligibility point is up to $295 a week, and this accounts for another 9·5 per cent, so 49·5 per cent of the State Bank's funds already go to low income families in Victoria. Under an Australian Labor Party Government——

**The SPEAKER (the Hon. S. J. Plowman)**—Order! The question did not relate to the Australian Labor Party; it was related to Government policy and State Bank loans for low income families.

**Mr KENNETT**—The Government's policy is that it will continue to utilize the State Bank, and if the Government ever thought of using a figure of, say, 15 per cent of the State Bank's funds on low income families, it would be reducing the contributions the bank makes by about two-thirds and restricting and reducing home ownership opportunities in the State to a ridiculous extent.

It is a policy that the Government has always adopted to provide maximum opportunities, and it is one, like

many matters, on which the Australian Labor policy is totally off beam and irresponsible.

## CO-OPERATIVE FARMERS AND GRAZIERS DIRECT MEAT SUPPLY LTD

**Mr FOGARTY** (Sunshine)—At this late stage has the Treasurer received the final statements of accounts concerning the ill-fated Co-operative Farmers and Graziers Direct Meat Supply Ltd for which the State Government acted as guarantor to Barclay's Bank? As the Treasurer is the watchdog for the State Government, can he advise the House what is the final deficit and commitment of the Victorian Government on behalf of the taxpayers of Victoria?

**Mr THOMPSON** (Premier and Treasurer)—I have not received the final details from the receiver to this date. When I receive them I shall be happy to make them available to the honourable member.

## LOGGING IN CATCHMENT AREAS

**Mr B. J. EVANS** (Gippsland East)—I direct a question to the Treasurer. Is he aware that by his decision not to allow logging in Melbourne's catchment areas he is denying the Treasury some $5·5 million in royalties from timber which could be produced in that area?

In view of the fact that those lands belong to the people of Victoria and not just the people of Melbourne, will the Treasurer levy the Melbourne and Metropolitan Board of Works an amount equivalent to the royalty which the State Government should be receiving from that area?

**Mr THOMPSON** (Premier and Treasurer)—The answer is, "No".

## PRIVATE RENTAL ACCOMMODATION

**Mr COLEMAN** (Syndal)—Has the Minister of Housing been able to assess the availability of private rental accommodation in this State and what action does he propose taking to increase the number of accommodation units available for rental?

**Mr KENNETT** (Minister of Housing)—There is no doubt that the availability and provision of private rental accommodation in this State is a major ingredient in housing options in the community. It has always been the policy of the Government to encourage as much as possible small investors in particular to invest their funds in accommodation that can be used for rental purposes. The Government is concerned about and always alert to any proposal which tries to hinder that situation.

A proposal is now circulating in the community that I, as Minister responsible, will try to have fully recognized by the community a proposal which will reduce rental accommodation considerably, by removing totally bonds payable by the tenants and the requirement for landlords to show a just cause for the eviction of tenants. It is of much concern that this proposal to abolish bonds, which give the investor some security against tenants, will reduce the housing options.

I am concerned and the Government is concerned also about an insurance scheme. Any insurance scheme for rental accommodation will increase the bureaucracy. It may be paid by a tenant but for the landlord to obtain any compensation will involve considerable time and cost.

In the time that I have had available to speak to people in the housing industry, and particularly those involved through the rental association, the landlords, there is a great concern, and if either of these schemes were to be adopted the little rental stock in this State would be substantially reduced and that would put more pressure on State departments to provide accommodation through resources. The access to housing must be increased and housing must be made available. Incentives must be given to people who wish to take part in this sort of investment, in the interests of those who do not want to rely on the State Government for assistance and who want to retain some independence for themselves and their families.

## HOUSING POLICIES

**Mr GINIFER** (Keilor)—I direct a question to the Premier in his capacity as Treasurer. In view of the recent direction of the Federal Government not to assist home purchasers to meet with high interest rates and so on, will he join the Labor Party in its criticism of Federal policies and seek a meeting with the Commonwealth Government to renegotiate the Commonwealth-State Housing Agreement with a view to renegotiating the amounts of funds that will be available to this State under the Commonwealth housing arrangements?

**Mr THOMPSON** (Premier and Treasurer)—I am delighted to know that the Australian Labor Party now solidly supports the Victorian Government's obligation to the Federal Government for special assistance to homeowners. Four or five alternative schemes have already been forwarded to the Government and, so far as I know, the Victorian Government is the only State Government in Australia to forward proposals to the Commonwealth Government. The Government is delighted to know that those schemes have the full support of the Opposition.

## MUNICIPAL RATES

**Mr McARTHUR** (Ringwood)—Will the Minister for Local Government indicate to the House whether the State Government under current law is able to reduce municipal rate charges to ratepayers?

**Mr LIEBERMAN** (Minister for Local Government)—As I understand it, the question relates to the power of the Victorian Government to direct that rates be pitched or weighted towards certain levels. I am familiar with the statement made recently by the Australian Labor Party, as part of its campaign to win Government in Victoria, that it proposes to bring in a scale of municipal rates designed to protect the family ratepayer and, in the same publication, if I remember correctly, it also promised to reduce municipal rate charges.

**Mr FORDHAM** (Footscray)—On a point of order, Mr Speaker while you were distracted by the Clerk Assistant, the Minister has chosen to speak solely of the Australian Labor Party policy. Once again, the Opposition is delighted to have the chance to debate its policy here or elsewhere. You, Mr Speaker, have ruled consistently that that is not the function of question time and I suggest that the Minister is out of order in using question time in this way. I ask that he be called into order.

**The SPEAKER (the Hon. S. J. Plowman)**—Order! Now that the Speaker is not being distracted by the Clerk Assistant, I ask the Minister to answer the question as I would wish him to do.

**Mr LIEBERMAN** (Minister for Local Government)—I will endeavour to oblige you, Mr Speaker. The question related to a well-established custom and tradition that is enshrined in the local government legislation of this State, that the amount of rates levied by councils is a matter for councils to determine. They are autonomous, although subject to certain legislative constraints and are able to strike rates according to their judgments. Any attempt to interfere with that long-established custom would have the effect of distorting the responsibility and ability of people living in municipalities to pay for their fair share of municipal services.

In addition, that would strike at the fundamental relationship between the second sphere of Government, State Government and the third sphere of government, local government. Any proposal that would interfere with that tradition would be a matter of grave concern for the 211 municipalities of this State. The other point is that if one were contemplating interfering in this way, as the Australian Labor Party is proposing to do, it would mean that funds for paying municipal services—

**The SPEAKER**—Order! The question does not relate to what the Australian Labor Party may or may not be intending to do.

**Mr LIEBERMAN**—If there were any change in the traditional method and policies of weighting and calculating rates, it means that the revenue to maintain municipal services would have to be found from some other sources. In that case, it is important to point out that the Ausralian Labor Party policy in local government is to introduce a wealth tax on the people of Victoria.

**The SPEAKER**—Order! I remind the Minister that the question did not mention Australian Labor Party policy. Perhaps the Minister did not answer the question as he was requested to do.

I withdraw that last statement as it is a reflection on the Minister and was not intended to be. However, I ask honourable members not to dwell on policies of the Opposition unless it is specifically requested in a question relating to what effect the policies may have. It is not acceptable to debate what the Australian Labor Party's policy will be on a particular matter, as that is a hypothetical issue.

## PETITIONS

**The Clerk**—I have received the following petitions for presentation to Parliament:

### State Electricity Commission

TO THE HONOURABLE THE SPEAKER AND MEMBERS OF THE LEGISLATIVE ASSEMBLY IN PARLIAMENT ASSEMBLED.

The humble petition of the undersigned citizens of the State of Victoria sheweth that as electricity is a necessity, the SEC Victoria is all-powerful when it comes to deciding future policy. The SEC is also a publicly owned organization.

Your petitioners therefore pray that:

account payment facilities that meet consumers' needs be introduced;

an inverted tariff, under which small users pay least for their electricity be introduced;

all bonds should be immediately refunded;

current customers should not be paying for expansion of the power station system to accommodate new customers, especially large energy-intensive industry; and

there be a public inquiry with wide community participation into the administrative and planning policies of the SEC.

And your petitioners, as in duty bound, will ever pray.

By **Mr Culpin** (202 signatures)

### Humanist religion

TO THE HONOURABLE THE SPEAKER AND MEMBERS OF THE LEGISLATIVE ASSEMBLY IN PARLIAMENT ASSEMBLED.

The Humble Petition of the undersigned Electors of the State of Victoria respectfully sheweth:

That factual evidence sheweth that the Education Act (1958) prohibits general religious teaching in State schools and in State school buildings by teachers;
and

That religious education consistent with the Humanist Manifesto II declaration that moral values derive their source from human experience is being promoted in State schools both by the Health and Human Relations Education Guidelines, Principle 3 ("The values and beliefs upheld within the school community, the local community and the society within which they exist must necessarily influence both the content of the studies and the nature of this involvement") and also the "Comments on Controversial Issues" as published in the Education Gazette of 27/1/77.

Your petitioners therefore humbly pray that:

The Legislative Assembly in Parliament assembled will take urgent positive action to prohibit unlawful education in the humanist religion in State schools and by teachers in State school buildings.

And your petitioners, as in duty bound, will every pray.

By **Mr Collins** (16 signatures)

### Secondary school for Hoppers Crossing

TO THE HONOURABLE THE SPEAKER AND MEMBERS OF THE LEGISLATIVE ASSEMBLY IN PARLIAMENT ASSEMBLED.

The humble petition of the undersigned citizens of the State of Victoria sheweth that it is not possible for our children to receive State secondary education in our immediate area and that these children are disadvantaged by being forced to travel away from the area by bus to attend State secondary schools.

We therefore pray that a secondary school be established in Hoppers Crossing within two years to cater for the needs of this growing community.

And your petitioners, as in duty bound, will ever pray.

By **Dr Coghill** (2466 signatures)

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

## COMMAND PAPER

**Mr MACLELLAN** (Minister of Transport) presented, by command of His Excellency the Governor, an interim report of the board of inquiry into the Richmond council elections.

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:

Building Societies—Report of the Registrar for the year 1970–80—Ordered to be printed.

Educational Administration—Report of the Institute of Educational Administration for the year 1980–81.

Explosives Act 1960—Reports of the Chief Inspector of Explosives for the year 1979 and 1980 (two papers).

Forests Commission—Report for the year 1980–81—Ordered to be printed.

Health Commission—Report for the year 1980–81—Ordered to be printed.

Inflammable Liquids Act 1966—Reports of the Chief Inspector of Inflammable Liquids for the year 1979 and 1980 (two papers).

Law Reform Commissioner—Report for the year 1980–81—Ordered to be printed.

Liquefied Gases Act 1968—Report of the Chief Inspector of Liquefied Gases for the year 1980.

Melbourne University—Report of the Council for the year 1980; together with Statutes approved by His Excellency the Governor during 1980.

National Parks Advisory Council—Report for the year 1980–81.

Police Regulation Act 1958—Determination No. 355 of the Police Service Board.

Statutory Rules under the following Acts:
Fisheries Act 1968—No. 491.
Marine Act 1958—No. 493.
Public Service Act 1974—No. 490 and PSD. No. 186.

Victorian Council of the Arts—Report for the year 1980–81.

Victorian Government Travel Authority—Report for the year 1980–81.

Victorian Solar Energy Council—Report for the period ended 30 June, 1981.

## APPROPRIATION MESSAGES

**The SPEAKER (the Hon. S. J. Plowman)** announced that he had received messages from His Excellency the Governor recommending that appropriations be made from the Consolidated Fund for the purposes of the following Bills:

Victorian Economic Development Corporation (Amendment) Bill.

Local Government (Board of Review) Bill.

Petroleum (Submerged Lands) Bill.

## ADJOURNMENT

**Mr MACLELLAN** (Minister of Transport)—I move:

That the House, at its rising, adjourn until tomorrow, at half-past nine o'clock.

The motion was agreed to.

## MINES (AMENDMENT) BILL

**Mr LIEBERMAN** (Minister for Local Government)—I move:

That this Bill be now read a second time.

Provisions in the Bill are designed against a background of previous experience and an enormous upsurge of interest in mining, particularly gold mining. The opportunity has been taken of updating the Act and of making some alterations to adjust some of the conditions which apply to miner's rights, exploration licences and leases.

Briefly, the major purposes of the amendments are to establish the legal right of ownership of gold and minerals won by a prospector in the course of prospecting under the miner's right document; to repeal the requirement that such a prospector must obtain the consent of the holder of an exploration licence over the area before his application for a miner's right claim or a gold-mining lease can be processed; following the traditional principles of mining law, to re-establish the right of a prospector holding the miner's right document to mine a gold deposit which he has located, and to undertake and employ the practical works and facilities necessary for such an operation; to replace the blanket protection given to an exploration licensee through the consent requirement by specific protection of an area around each actual exploration site; to introduce various provisions for the use and control of modern mining techniques; to introduce a system of bonds and securities and a mines reclamation fund to ensure that mining operations and subsequent reclamation, including reafforestation, will be properly supervised and carried out; to ensure that Crown lands reserved following the adoption of Land Conservation Council recommendations will not become exempted from occupation for mining

purposes under the miner's right, and to retain pre-existing exemptions; to repeal provisions for the granting of licences to search for gold and minerals, "search licences"; to improve control over the granting and transfer of "exploration licences", and to provide for smaller areas for such licences.

Until 1975, provisions in the Mines Act for prospecting and mining tenements were firmly based on the solid foundations of a century or more of major activity and hard experience. They had been proved to be basically sound. However, three major factors have adversely affected those provisions during the past six years, resulting in an imbalance in the operation of the Mines Act.

Following the second world war there was a marked decline in mining activity, and it had quite reasonably appeared that the day of the small miner was over. As a result of this there was a scaling down of the operations concerning miner's rights and a consequent misuse by those rights by a few individuals, the Act was therefore amended in 1975 to sort out a number of those problems.

The exploration licence system was introduced in 1965 and was designed to encourage the mineral exploration of the State. In December 1975 this was extended to also require holders of miner's rights who wished to mine for gold in a small 1 hectare area of the larger claim had to obtain the consent of the exploration licensee. This, of course, meant that the licensee had a prior right to mine those minerals for which he was exploring.

Large tracts of Crown land have been, or are to be, reserved under section 4 of the Crown Land (Reserves) Act 1975. This has meant that all Crown lands which have been applied to any public use or purpose are exempted from occupation for mining purposes under any miner's right—this includes some 72 000 hectares in north-central Victoria alone.

During the past five years, there has been a dramatic resurgence of interest, notably by individuals and small parties, in prospecting and mining, especially for gold. A substantial increase in the market price of gold, coupled with the advent of modern, technologically sophisticated, yet relatively cheap prospecting equipment, has made small mining economically viable again. This is reflected in the rapid increase in the number of applications for miner's right claims, which have multiplied forty-fold to nearly 1000 per annum. Clearly the day of the small miner has not passed.

However, the small miners face the legislative barrier which requires them to obtain the consent of the exploration licensee. Many of the applicants have been refused consent or have had restrictive conditions imposed by the exploration licensees. Currently, a claim is only able to be held for one year and the amount of material removable is one tonne. This Bill will change those conditions for the better for holders of miners' rights.

Explorers at this moment maintain a high interest in exploration licences. Most of the State is under licence; 978 per cent with the doubling of the area held in the past twelve months to 223 000 square kilometres. It would seem that there are some unnecessary problems facing the people involved in mineral exploration at this stage which honourable members will appreciate there is a need to correct.

The Government believes a flourishing, decentralized, small mining industry is not only possible alongside continuing exploration by exploration licensees, but that it forms an essential part of its "New Directions for the Eighties" policy.

The Government therefore proposes to restore the right of prospectors and small miners under the miner's right to operate without the consent of exploration licensees, and to provide an alternative protection system for the investments of exploration companies in exploration sites. In addition, because goldfield areas are already known, their locations do not necessitate exploration. The Government therefore proposes to free applicants for gold mining leases

from the need to obtain consent from an exploration licensee. At the same time, the legislation will be amended to remove the threatened withdrawal of Crown land following the adoption by the Government of Land Conservation Council recommendations.

Care has been taken to ensure that the restoration of the right to mine under the miner's right document will be accompanied by better control of registration, operation and rehabilitation procedures. Provisions include the lodging of a bond for rehabilitation of land, and deregistration procedures should a claim remain unworked, or be worked in defiance of the conditions imposed on that claim. Since a claim will become easily available to an applicant, it is proposed to increase the fine for unauthorized mining significantly.

Provisions for the use and control of modern mining techniques for all sections of the industry form a significant proportion of the Bill. Private land alienated from the Crown prior to 1 March 1892 poses a problem for the exploration for and mining of those minerals not declared to be Crown property which occur on and in that land. Such "prior" land, as it is commonly called, was frequently, if not always, alienated together with the ownership of some or all of those minerals, so that the owner of "prior" land legally owns some or all of the minerals which attach to his title to that land. Gold, silver, uranium, thorium and petroleum, however, are owned by the Crown.

It is the responsibility of the Government to ensure that the mineral wealth of the State should be available for mining, and equally to ensure that owners of "prior" land shall not be deprived of their possession of minerals without due recompense. The existing legislation deals with this difficulty in sections 292 to 298 of the Mines Act 1958, and was introduced in 1944 as a war-time measure. The existing process to be followed for mining on "prior" land involves an initial petition to the Minister by any person, followed by a declaration by Governor in Council.

As a result of the renewed interest in exploration, the problem has arisen with regard to prior land. Some owners of prior land have been privately mining their minerals, particularly coal and gypsum for many years and others intend to start mining at some future date. On the other hand, exploration is expensive and although the holder of an exploration licence is at present able to explore prior land, explorers do not have the sole right to mine deposits they find. While, in general, the explorers should have the sole right to mine any deposit they locate on prior land, it is not desirable that they should be able to deprive any existing or potential private mineral miners of present legal rights.

One direct solution to the "prior" land problem would be for the Government to declare all minerals to be Crown property, and be done with it. That, however, is expropriation of private property, and the Government utterly rejects such action. Some other, more equitable, solution is called for. The Government proposes to reconcile these conflicting interests by modernizing the existing provisions in sections 292 to 298 of the Mines Act. Two changes will be made. Firstly, the present, unrestricted right of any person to petition the Minister will be restricted to either the landowner or the holder of an exploration licence over the area. Secondly, the existing right of the landowner to himself mine his privately-owned minerals will be retained. However, if an exploration licensee petitions the Minister and the Minister accepts and acts on that petition, the landowner will be enabled to deal only with that explorer, and not with any other party as at present. Explorers will therefore be certain that if their petition is accepted, they will have the sole right to mine any deposit which they find.

I turn now to a brief explanation of the clauses. Ownership of gold and minerals won during prospecting is specified in clause 8 (*a*). Restoration of the miner's right claim as a significant mining tenement results from repealing the consent requirement, clauses 9 and

106, and restoring the right to possess, occupy and mine a claim on Crown land, clauses 8-12.

The alternative protection system for exploration sites is detailed in clauses 101, paragraph (*d*8) and 106 (3) and (4). Note that an exploration licensee still retains sole right to apply for a mineral lease within the license area, clause 106(1), coupled with the sole right to apply for a mining lease, gold or mineral, underneath a claim during the first year of that claim, clause 9 in part. Gold mining leases will, however, be freed from the consent requirement, clauses 106, 526(2).

The land conservation council reserve problem is met in clause 3. Clauses 98 to 109 generally provide for amendments to the present exploration licence system. Licences will be granted by the Governor in Council, in parallel with mining leases, clause 97. A minimum licence area of 5 square kilometres will meet the needs of companies who frequently require relatively small areas for exploration, clause 98 (*a*).

Consent of the Governor in Council will be required for any transfer of interest in a licence, clause 98(6), and for extensions of the licence, clause 103(*d*). Provisions for consent to explore, and for compensation by explorers to landowners, are clarified in clauses 104 and 105. A revised rental system is proposed in clauses 99 and 100. Licences to search for gold and minerals "search licences" are provided in the Mines Act 1958, sections 63 and 64. In view of the provision for smaller exploration licences, search licences are now considered by both small miners and companies to be redundant. These provisions are therefore repealed in clauses 19 and 20.

Modern mining needs are met in a variety of ways: Clause 6, dealing with mining under roads, extends the provisions of section 11 to include races, drains and pipelines; clause 22 clarifies and extends the provisions of section 66 for a "mining purposes licence" to include all private lands, to include plant, reservoirs, pipelines and storage facilities on the licensed area, and to provide for access, drainage and ventilation; and clause 47 includes the cost of removal of mining debris as a new item for which private landowners be compensated.

Clause 54 enables more extensive prospecting on private land already applied for as a lease. Clause 63 provides for easements over private land for conveying slurries or solutions, in parallel with existing water easements.

Clause 67 introduces the system of "bonds and securities" for the carrying out of rehabilitation and stabilization of land after mining, for making that area safe for the public and, by regulation, for reafforestation, and provides for a "mines reclamation fund" for this and other purposes.

Clause 72 replaces section 379 of the principal Act with a clearer and more inclusive section empowering the chief mining inspector or his delegate to control mining operations on all claims and leases.

Clauses 87 to 92 deal primarily with alluvial mining by making the Sludge Abatement Board into a statutory body. Interpretations and regulatory powers pursuant to these and other provisions are provided in clauses 2, 37, 42, 69, 74 and 87.

Clarifications, consequential amendments and removal or change in outmoded references take up another large proportion of the Bill. They occur in clauses 4, 5, 13, 16 to 18, 21, 23, 24, 26, 27(*c*), (*d*), and (*e*), 30 to 35, 38, 44 to 46, 51 to 53, 55 to 57, 60 to 62, 64, 65, 68, 70, 71, 76, to 86, 93 and 94.

Attention is drawn to clause 27, proposed section 77c, relating to the interface between mining and the provisions of the Town and Country Planning Act. Clearly local Government must be concerned with effects of large-scale mining on virtually permanent mining leases, the construction of essentially permanent buildings and roads, and traffic control. However, long experience has shown that small mining operations taking place on claims do not

have any major impact on the local community. The bonding system and the imposition of special conditions related to the particular circumstances of each particular claim which are proposed in the Bill, will ensure that all small mining operations are fully controlled during, and at the conclusion of, mining. Clause 27, section 77c, recognizes this reality.

Clause 46 excludes the value of gold and Crown minerals in any private land from the assessment of compensation for that land, and does no more than specify what is in fact the actual position at present. Clauses 76 to 83 amend the provisions of sections 401 to 409 in the principal Act relating to engine drivers and boiler attendants. Clause 77 replaces a board of examiners for engine drivers by the chief mining inspector at the issuing authority for permits, which will replace the existing certificates.

The other clauses modernize the provisions regarding the use of winches, winders, hoists and cranes. Other provisions in the Bill not included under any of the preceding headings are as follows:

Clause 15 introduces a new section 46B which will enable the Minister to authorise activities on previously mined Crown or private land, not held under a current mining lease, which are designed to attract public interest in all aspects of mining. This complements similar provisions in section 46A of the Mines Act for such activities on land held under a current mining lease.

Clauses 25 and 26 enable realistic extensions of time for the processing of applications for mining leases. Clauses 28 and 29 provide for the voiding of a mining lease or the cancellation of a licence if the lessee or licensee becomes bankrupt or does not use the lease or licence in a bona fide manner.

Clauses 41 and 85 prohibit the holding of any interest or shares in a mine in Victoria by mining officers and inspectors of mines, their spouses or their dependent minors. A three month transition period is provided in the Bill to enable those holding such shares or interests at present to divest themselves of the same.

Clauses 14 and 48 limit the maximum area of a gold mining lease to 26 hectares. At present, there is no area limit, and clearly one should be provided. In our past mining history, fortunes have been made from mining leases less than one-tenth of this area. A larger area may be obtained at the discretion of the Minister.

The Bill proposes amendments to some other Acts. The Petroleum Act 1958 is amended by clause 113 to include the application of heat and chemical processes to the treatment of hydrocarbons. The Forests Act 1958 is amended by clause 111 to require consultation before the Forests Commission finalizes regulations on mining in forest reserves.

Fees, charges, rentals, fines and the like are raised appropriately in clauses 7, 14, 17, 34, 36, 39, 40, 41, 49, 50, 58, 63, 66, 71, 73, 75, 84, 88, 90 and 91. The attention of honourable members is drawn to the increase in the maximum penalty for unauthorized mining on Crown land from $500 to $10 000 as specified in clause 40. At the same time, the maximum penalty for unauthorized prospecting using hand-held equipment is maintained at the existing maximum level of $500. While on the one hand the unauthorized use of machinery calls for a heavy penalty, the family outing with a metal detector where a person is found without a miner's right document authorizing his activities clearly requires a more lenient approach.

The Explosives Act 1975 is amended in clause 115 consequentially to regulatory amendments in clause 74.

In conclusion, the Government proudly recalls that in 1855 Victoria led the way in providing the miner's right, which became part of the mining legislation in all other States of Australia and indeed in many other nations. In the past few years, that right has disappeared in all but name from most mining legislation.

The Government clearly recognizes this fact, and regards this restoration of the right of the individual and of small parties to co-exist with large companies, as a watershed in mining legislation. It certainly expresses that concern for the individual which forms an essential part of our new directions for the eighties policy.

The Government believes that the restoration of the miner's right to a meaningful document with valuable rights will be a popular measure. It also believes that this and all other proposals in the Bill will meet the practical needs of the exploration, prospecting and mining industries, and will establish a stable framework for their operations within the traditional principles of mining law for decades to come. That belief is underlined by the recent expression of support by the mining advisory committee of the principles embodied in the Bill.

I should like to express my appreciation to the mining advisory committee and its Chairman, Mr Neil McLaren. Also, I would particularly like to thank Dr Doug Kemsley for his work, not only with the committee, but also with the Prospectors and Miners Association of Victoria who gave such valuable assistance with the compilation of this Bill. Mr Speaker, I commend the Bill to the House.

On the motion of Mr EDMUNDS (Ascot Vale), the debate was adjourned.

**Mr LIEBERMAN** (Minister for Local Government)—I move:

That the debate be adjourned until tomorrow.

**Mr EDMUNDS** (Ascot Vale)—On the question of time, last week the Premier stated that the House was to rise tomorrow night. The honourable gentleman stated that the House would meet today and Wednesday and I presume that means until midnight tomorrow. The Minister for Local Government has introduced a Bill that not only rewrites the Mining Act, but also affects three other Acts of Parliament. Of course, it also returns the basic miner's right and the Opposition does not cavil at that, but the Bill contains much other detail. The Opposition also commends those who have worked on framing the Bill, but I submit that no competent person could make a learned dissertation on it by tomorrow just by examining the Bill and not knowing anything about it. That is beyond the powers of reason and I suggest to the Minister for Local Government that if he will not agree to a longer period of adjournment, then at least he be prepared to make available to the Opposition and the National Party all of the resources of the department so that the leading speakers for both parties can go through the Bill to ensure that it does what the Minister has indicated it does and that the Prospectors and Miners Association has not been duped in any way in the wording of the Bill.

It is ridiculous for the Government to introduce a massive piece of rewriting, such as this, on the afternoon before the last afternoon before the Parliament rises and expect both the National Party and the Opposition to be able to contribute meaningfully on the subject tomorrow.

**Mr B. J. EVANS** (Gippsland East)—In normal circumstances I would certainly have to endorse the comments made by the honourable member for Ascot Vale because the Bill is certainly far reaching. In my experience, mining legislation seems to be generally fairly complex in endeavouring to interpret the effects it will have on people interested in mining and exploration.

However, I am in a position of having had a little bit of coaching on the effect of the measure and from my observations, it is true to say that in effect it corrects mistakes which the Government introduced into the principal legislation in 1975. If honourable members look back to that time, they will ascertain that I criticized the actions of the Government on that occasion for removing the miner's right, to all intents and purposes. In view of the fact that this Bill is restoring the miners right, which I believe should never have been taken away by the Government, and despite the fact the

Government has been patting itself on the back for all of the actions it has been doing for the community, in effect the Government created the problems in the first place and that must not be overlooked.

Further, I must point out that the second-reading speech of the Minister does not tie in with the Bill because during his speech the Minister referred to clause 8 (*a*) and I defy anybody to find clause 8 (*a*) in the Bill. Therefore, I do believe the Bill has to be studied fairly closely, but I also believe in view of the situation with which the Parliament is faced and the wish of the Parliament to rise either tomorrow or the day after, the National Party cannot oppose the adjournment of the debate until tomorrow.

**Mr FORDHAM** (Footscray)—I support my colleague, the honourable member for Ascot Vale, concerning the question of time of adjournment of the debate. The Bill contains 112 clauses in 48 pages and it provides for a complete rewriting of major legislation. The Opposition accepts that the principal legislation needs to be rewritten and the general thrust of what the Minister is attempting to do is not in argument with the Opposition, but it is obviously unfair to honourable members on all sides of the Chamber to be given 24 hours and be expected to consider a measure as far reaching and as wide-ranging as this.

The Opposition will endeavour to consider it fully, but it is unfair. Members of the Opposition wonder whether the Bill has been introduced so late in this sessional period because of Government incompetence or else something has precipitated the issue!

However, as I have indicated, the Opposition will endeavour to be ready, but if it is found that it is not possible, in the time being given by the Government, that is between now and tomorrow, to come to a final policy decision and to consult with those organizations and bodies that would want to be consulted, then the Opposition will indicate accordingly on the resumption of the debate.

**Mr LIEBERMAN** (Minister for Local Government)—(*By leave*)—Of course, the Minister for Minerals and Energy would happily arrange for any further meetings and consultations. It is my understanding that the form of this particularly important measure has been the subject of probably record consultation. Mining legislation should be mainly beyond party politics and this Bill is an opportunity for honourable members from all sides of the Chamber to contribute to the debate. As I have indicated, I understand and I am confident that honourable members will have the opportunity for further briefing sessions to study the Bill overnight and that will reinforce their commitment to share with the Government the need to bring this exciting, innovative legislation into laws in Victoria.

The motion was agreed to, and the debate was adjourned until next day.

## WRONGS (PUBLIC CONTRACTS) BILL

The debate (adjourned from Decvember 11) on the motion of Mr Thompson (Premier and Treasurer) for the second reading of this Bill was resumed.

**Mr CAIN** (Leader of the Opposition)—This Bill seeks to provide that the State can sue unions, or officers of unions, for damages. Damages will be payable if a loss occurs because an employee is induced to breach his contract of employment with a contractor engaged on a project and, in turn, the contractor being engaged by the Government for a public authority.

As I understand the concept, it enables the State to sue where the State is a stranger to the contract and would not otherwise be entitled to sue. There is provision in clause 3 (3), referred to as a deeming provision, which eliminates much of the formal proofs that would be required in a matter of this kind.

There is also an averment provision in clause 6 that removes the need for a number of other proofs. Averments are not a process commonly used in State legislation. They are resorted to

with great regularity by the Commonwealth, particularly in revenue legislation, but it is an unusual provision in State legislation.

The Bill puts trade unions, and officers of trade unions in a different position from the rest of the community. It should be said, at common law, as I understand it, a party to a contract of this kind, not a stranger could take action for damages if it chose. I do not want to go into the history of these sorts of actions and the responses that have come from various parts of the world over the years, but suffice to say, in this State and in most States of the Commonwealth that remains the common law position.

It is interesting that this Bill seems to cut across what I understand to be the function of the Government's new Industrial Relations Commission. It is also noted that there is no provision in the Bill to deal with the issue that gives rise to the industrial action itself; that is apart from the machinery that is laid down in the Bill to provide the process for suing.

It is also interesting to note that no light is thrown on the application of this Bill and its machinery process to the Loy Yang project, which I understand is the subject of a Federal award. Again, I do not want to go into the constitutional complexities that may arise, but the point should be made.

The Bill received a dramatic introduction last Friday and, as I have said, a tough deadline was laid down for the debate. That makes one ask: What is the purpose of this Bill or a Bill of this kind? To get some enlightenment on that I turned to pages 4 and 5 of the second-reading notes circulated by the Premier, which he did not read into the record on this issue. At the foot of page 4 and the top of the page 5, the notes state:

> The purpose is to recover on behalf of the people of Victoria losses or damage caused by workers being induced to breach their contract of employment.

Aside from the constitutional question to which I made some brief reference, my understanding is that an action for damages of this kind for breaches of contract would take something in the order of eighteen months to get before a court and be heard. That assumes that there were no impediments on the way through. Any judgment that was obtained would have to be enforced like any other judgment debt. There is some misunderstanding amongst those who have considered this Bill on what the Bill does. It creates a right to damages, and it should be seen as separate and distinct from the sanctions of the criminal law that might be imposed by other provisions that are available.

I also should emphasize that there seems to be some popular myth that if a judgment is obtained in this sort of area, the person or persons responsible for not meeting the judgment can then be gaoled. That is not true. There are provisions for the imprisonment of fraudulent debtors, if it can be established that a person has a judgment debt against him and he refuses to pay, having the ability and the capacity to pay, whereby gaol can be the ultimate sanction. However, it should be made clear that this is a claim for a civil debt, like any other debt, and the capacity for enforcement is no better than the capacity for enforcement of any other judgment debt.

That brings me to the question: What is the real purpose of this Bill at this time? It seems to me it is to endeavour to create an issue around the Bill itself, and what the Bill does, and not on the issue it purports to resolve. The Bill is provocative, it is pre-emptive, it gives special power to the Government in respect of a particular matter, and it is quite sectional in its application.

If the Government is concerned about this whole issue, other legislation is presently available on the statute-book. If I can offer a judgment—perhaps it has more direct consequences of the kind that the Government says it is concerned about—that is the Vital States Projects Act. If the Government is concerned about the result, it is there to be used.

In addition, there are penal sanctions for breaches of bans which are quicker and more effective than civil remedy.

I mention that to reinforce my view, which I put before, despite the strident noise from the Government members. There are remedies, whether or not the Opposition agrees with them, presently available to the Government. So I come back to the question of what this Bill is seeking to achieve? The answer is that it is endeavouring to create an issue around the legislation itself. Anybody who has any experience in the industrial relations field knows that it is posturing, it is quite pointless, and there is a danger, and there remains a danger, that it will provoke a reaction from people that it seeks to provoke. It is provocative in that sense. The political result is the prime purpose. At present the Government is scared witless that it will lose the next election. It wants to create an issue.

**The SPEAKER (the Hon. S. J. Plowman)**—Order! Government members will have an opportunity to make their own points in the debate, and I ask them not to do so by interjection.

**Mr CAIN**—The Government wants to create an issue—Loy Yang, Mr Gallagher, and the Builders Labourers Federation—is seen as that issue, and that is what this proposed legislation is about.

The Opposition has said on more than one occasion that the Royal Commission into the Builders Labourers Federation, the deregistration proceedings, will not aid the cause of industrial harmony in this State. That is not to defend the Builders Labourers Federation in all that it does. The Builders Labourers Federation, the Federated Iron-Workers Association of Australia and the Government, are all responsible in varying degrees for what has occurred over the past few months.

The Bill creates an industrial and legal minefield that would mean problems for the building unions as well as for employers. The Government is attempting, and is prepared, to provoke and antagonize the whole of the Victorian building industry to score a political point on Norm Gallagher.

The Opposition's stand is clear and has been clear for a long time. The public interest must be fully protected; conflicts should not be propagated and the Labor Party for its part, unlike the Government, will continue to encourage, propagate and facilitate a settlement of this and other disputes. That has occurred. As a result of a negotiated agreement between the Master Builders Association and the Builders Labourers Federation that has been consummated in the past two or three hours, all effective bans at Loy Yang imposed by the Builders Labourers Federation, the carpenters and the painters have been removed. As I understand it, the wages and hours issue has been resolved and there is no impediment to negotiations that were stopped last August on matters between the Government and the union being continued.

In the long run, all disputes are resolved by conciliation and/or arbitration. Any action that makes such resolution more remote or difficult is rejected by the Labor Party and always will be, and the Bill does just that. Direct negotiations should be undertaken at all times between the State Government and representatives of the trade union movement. In the case of the Builders Labourers Federation, we in the Parliamentary Labor Party have tried to bring this about for some weeks. Some time ago we attempted to do this; we made that clear to the Builders Labourers Federation and to the Government. The Minister of Labour and Industry is aware of our efforts. They took place before last Friday. The Minister of Labour and Industry knows that; the Minister of Housing, who interjects, may not.

Last Friday, a firm proposal to resolve the Loy Yang dispute was put by Mr Ken Stone and Mr Peter Marsh on behalf of the Trades Hall Council. So that honourable members are aware of what was proposed, I will read the terms of the proposal.

*Honourable members interjecting.*

**Mr CAIN**—Members on the Government benches make it clear that they do not want to hear the terms of the proposal. It was simply this:

"That the Builders Labourers Federation will lift all bans and limitations on State Government projects subject to the following—

(*a*) That if the proposed shorter working week agreement for metal tradesmen is ratified by the Arbitration Commission, the State Government agrees to implement the terms of the agreement to all employees at Loy Yang.

(*b*) The above agreement is in line with the fair comparability of wages and conditions concept which applies at Loy Yang.

(*c*) Following the lifting of the bans, the Government immediately re-open the Loy Yang negotiations which were suspended in August this year, with the view to finalization of the negotiations and payment of monies prior to the Christmas close-down."

Last Friday, the Government had the offer of lifting all bans and limitations and that those bans and limitations would stay lifted. The proposition bound not just the Builders Labourers Federation but the Trades Hall Council, which had put the proposition and conducted the negotiations, and the State Opposition, which had had the capacity and the concern to bring the parties together. The Government chose to throw out the proposition last Friday on the basis that it wanted this Bill passed.

I make it clear that my information is that no mention had been made of the Bill up until the time those negotiations were conducted. I make it clear to the House that the Loy Yang dispute could have been solved several weeks ago. It certainly could have been settled last Friday and, in fact, it was settled by a negotiated agreement between the two parties a few hours ago. Unfortunately, last Friday's proposals were rejected by the Government, not on their merits, but on the ground that there would be no talks until the Bill had been passed.

The Opposition rejects that attitude and remains, as it has been for a long while, ready to do all in its power to aid negotiations in the matter, and the Opposition did just that.

**The SPEAKER (the Hon. S. J. Plowman)**—Order! I have appealed to honourable members on the Government benches to cease interjecting. I again ask the honourable member for Syndal, the honourable member for Bennettswood and the Minister of Housing to cease interjecting.

**Mr CAIN**—The Bill is opposed by the Opposition. It is pointless, provocative and quite stupid when one analyses what its consequences will be. My party does not propose to delay the Bill by long debate but I want to state the Opposition's attitude on the whole principle of civil actions for tort. As I have already said, it is rejected in other parts of the world—in America, Canada and every country where a collective bargaining system operates. To attempt to apply it here may well lead to a breakdown of our entire system. It could destroy the conciliation and arbitration system which has been nurtured in this country. Despite all the shortcomings of this system and the difficulties in conjuring up interstate disputes in order to invoke Federal powers, the system has worked well and could be destroyed by legislation of this kind.

Norm Gallagher apart, the whole concept of the increased use of damages and punitive powers in the field of industrial relations has always rebounded on conservative governments. A Liberal Federal Government had to back off on the penal powers issue in the O'Shea case in 1968. The Federal Government's present industrial policeman, the Industrial Relations Bureau, has proved an expensive flop. It has not satisfactorily assisted in settling one single dispute; it has been condemned by employers and unions alike. Honourable members on the Government side of the House know that to be true.

While the Government has been posturing for a political benefit perceived by it as its last big play, the Builders Labourers Federation and the Master Builders Association have been negotiating on the matter for the past week. Today, those negotiations have come to fruition. Contemporaneously, the Government has introduced a Bill that will

actively disrupt and destroy the hopes of employer and union co-operation throughout this State. I believe the Premier, who has behind him a long career, would not want to end that career by plunging this State into industrial chaos for political gain. Even the political gain he might expect is ephemeral. On that point, the *Age* had this to say:

> The general purpose of industrial legislation should be to promote harmony and to deal sensibly and sensitively with areas of conflict.

The Opposition recognizes that conflicts are inevitable in a free society. It is a measure of one's maturity, how one resolves those conflicts without recourse to repression. Two of our institutions are responsible for the mature and rational pursuit of the means of resolving conflicts. Trade unions, employers and Government each have a responsibility. If any one of them behaves like a malevolent child instead of like a mature adult, the task is so much harder. If they do, it is the community that suffers and not the participants. It is not the Government, the managing directors or the trade union secretaries who suffer; it is the whole community, the families of the people in the community whose lives are disrupted. For the sake of the community, the Government should turn back from this course of confrontation. Instead, it ought to pursue what has been demonstrated to be the only way in which these matters can be resolved, that is, by sensible discussion, not confrontation.

The future of this State is more important than political point scoring, but political point scoring is being pursued by a desperate Government in the run-up to the State election. The Opposition does not want this State's future to be jeopardized by industrial conflict and confrontation, as has been the case over the past four years. For all the people of this State, I ask the Government to turn back from this course before it is too late. The proposed legislation can achieve nothing and the Government knows that. I urge it to turn back from a course that is nothing more than political posturing.

**Mr ROSS-EDWARDS** (Leader of the National Party)—The National Party supports the proposed legislation. Members of the National Party believe it is in the public interest and, therefore, it should not only be supported, it should also be expedited.

The Leader of the Opposition said, "Norm Gallagher apart". It is just not possible to keep Norm Gallagher apart, nor it is possible to keep the Builders Labourers Federation apart. They are the underlying reasons for the proposed legislation. The Bill concern Loy Yang; it concerns Norm Gallagher; and it concerns the Builders Labourers Federation. That is what it is all about. Anyone who suggests that that Communist can be kept apart from it, is simply wrong. That is just not possible.

I am disappointed with the attitude of the Opposition, which is contrary to the wishes of the overwhelming majority of the people who support the Australian Labor Party. I am not talking about Norm Gallagher and his associates. I am talking about the majority of the people who support the Australian Labor Party. This type of measure has the overwhelming support of the people of Australia. The public is crying out for the national interest to be put first, not the interests of a handful of union radicals and Communists—and that is what we are talking about, Communists. The public wants Governments, State and Federal, as the legally elected Governments, to govern. They are crying out for Governments to show leadership and to get out in front and lead.

They want them to uphold the law of the land and not to tolerate the standover tatics of unions such as the Builders Labourers Federation, which is Communist controlled. That is not just an expression taken off the shelf, because the Builders Labourers Federation is controlled by a self-avowed Communist of approximately 30 years' standing. It is a union that has no respect for the legal processes and is intent on destroying the democratic structure. The Opposition is throwing away its credibility by associating itself with and supporting Norm Gallagher.

The Australian Labor Party has consistently, at least publicly—although I know some members of the Opposition will no have it in private—expressed an attitude of support for the Builders Labourers Federation.

The proposed legislation is not anti-union, not anti-unionists and certainly not anti-labour. It is not industrial legislation. It does not seek to make law in respect of conciliation or arbitration. The best legal advice I have assures me that it is not inconsistent with the Commonwealth legislation. What will it do? It will place the Builders Labourers Federation, in respect to the Loy Yang project, in exactly the same position as the rest of the community. It will make the union accountable for damages resulting from breaches of contract for which it is responsible. Exactly the same obligation that you, Mr Speaker, and I bear. We have to be accountable for breaches of contract for which we are responsible.

It is relevant to look at the history not only of Loy Yang but also of other projects around Victoria, but firstly I shall deal with Loy Yang. There have been countless demonstrations, disputes, bans and limitations since the commencement of the project. Since 1980, the contractors have dismissed some 600 members of the Builders Labourers Federation because of the effects of the concrete batch dispute and as a result of the High Court decision on Omega, the demarcation dispute between the Builders Labourers Federation and Ascom on the erection of transmission lines.

Other projects that have been affected are the Victorian Arts Centre, the World Trade Centre and various Melbourne City Council projects. Of course, police stations have been severely affected. The bans on police projects were first applied in mid-June 1980, in retaliation for the police upholding the law in respect to picket lines. The police were doing that job on behalf of the people of Victoria. The effect of the bans has been to delay renovations, extensions and constructions of police stations. I ask the honourable member for Ascot Vale, the shadow Minister for Police and Emergency Services, to listen to these remarks. These bans have been applied intermittently since then but there has been not one word of criticism from the Australian Labor Party. Some of the bans on police stations have, I understand, now been lifted, although there are bans on other police projects throughout the State, but there has been silence from the Australian Labor Party about the bans on police projects. It is inconceivable that members of the Opposition should not have spoken out in the interests of law and order, but apparently the Builders Labourers Federation has a greater influence on them than any other consideration.

Under the present law, only a contractor may take civil action against a union because of a ban. Of course, no contractor would do so, for two reasons: The first is a quite genuine and justified fear of reprisal. No individual or company in Australia—up to and including corporations the size of Broken Hill Proprietary Co. Ltd.—could take on a union for fear of bankruptcy. The second reason is that, in major public projects such as Loy Yang, the contracts between contractor and client invariably include a clause stipulating that costs incurred because of such matters as union black bans are the responsibility of the client—and in this instance, the client is the State Electricity Commission, but in reality it is the public of Victoria. It is the public who pays, and Loy Yang is costing more than $4 million a week and has been costing that since 5 August 1981. There was no mention by the Leader of the Opposition of the fact that it has been costing more than $4 million a week since 5 August and that that cost is continuing and that it is additional to the original cost.

The measure will cover a situation in which a breach of a contract of employment has been induced or deemed to be induced by any organization—in this instance the Builders Labourers Federation—or an officer of an organization—and the No. 1 officer of this organization is Norm Gallagher. It provides that the statutory body in ques-

tion—in this case the State Electricity Commission—can make recovery through the Supreme Court and that the Supreme Court—and this is an important provision—may issue an injunction restraining the organization from inducing employees to breach their contracts of employment.

It was predictable that the Leader of the Opposition would base his opposition to the Bill on the fact that the onus of proof is to be changed, but the Leader of the Opposition well knows that there are many precedents for that. The onus of proof is changed in Federal legislation, such as the tax law, and also in Victorian legislation that deals with such things as puff bag and breathalyser tests, radar apparatus, pay-roll tax and so on. There is a whole host of precedents. There are many precedents because the House is dealing with something far more important than matter previously mentioned. The Leader of the Opposition went on to say that legislation will not bring harmony to the building industry. That is true, but we do not have harmony now and for years there has not been harmony in the building industry.

In the past few months in particular the building industry has been in a state of anarchy. The delays to major construction projects in Victoria are having a serious effect on the economy of Victoria. The Opposition states continually how bad the economy is but the major reason for the economy slipping is the dreadful union problems and the strikes from which Victoria has suffered.

If the Government had given way to demands of the unions, Newport would not have been built. If it had only wanted harmony, Newport would not have been built. An Opposition member stated some years ago that Newport will it never be built? But it was built because the Government showed some strength on that occasion, which has happened too seldom. No more serious crisis is facing the State than the delays to major construction projects, which are having a serious effect on the economy.

Victoria has a self-avowed Communist to deal with. I am not putting it too strongly when I state that he is a self-opinionated, Communist crank who is determining the industrial decisions of Victoria. It is an intolerable situation for the present Government, or any future Government and, if the Opposition regards itself as the alternative Government, it also should not tolerate the present industrial situation. The Opposition must take a stand against an organization such as the Builders Labourers Federation, but the Leader of the Opposition has not stated what he intends to do; he will only negotiate. I had hoped that he would have publicly disowned Norm Gallagher and the Builders Labourers Federation and stated that a principle was involved and that he would therefore oppose the proposed legislation. If he had said that, he would have earned the respect of all honourable members but he muttered not one word of criticism of Norm Gallagher or the Builders Labourers Federation.

The National Party not only supports the proposed legislation but also wishes to get the message clear to the Government that it should act on the proposed legislation and not stop half-way. This will be the moment of truth for the State. The measure will sort out the men from the boys. If the Government hesitates, it will be finished—its future will depend on how it handles the situation.

The measure is sound in law and can be made to work. It is a tough, punchy measure and it could well turn the tide of industrial relations in Australia. If the Bill is passed, no doubt other States will follow the lead taken by Victoria.

This Bill results from a thousand particulars or thereabouts, containing allegations against the Builders Labourers Federation in the Federal Court by the Victorian and Federal Governments, and Victoria has awaited the application to deregister the Builders Labourers Federation. One talks about patience; the Government has shown patience beyond belief.

Threats have been made that Alcoa will be built but that there will be no electricity delivered to Portland. Who will bear the cost of that? To a great extent, the Victorian public will bear the cost, not some grand person involved in an industrial enterprise. Safeguards are inbuilt in the proposed legislation but at present they apply only to Loy Yang. If it is applied to any other major projects in Victoria, a resolution will be needed from the Legislative Assembly and the Legislative Council, in other words, a separate resolution is needed from both Houses of Parliament. There should be no division between members on this proposed legislation. If there is a division, it should be only on detail but there should be no division on the attitude held by honourable members to Norm Gallagher and the Builders Labourers Federation after their behaviour in recent months and years. It is inconceivable that a division will occur on this attitude. I suggest that 90 per cent of Labor Party supporters in Victoria will agree that some action should be taken against Norm Gallagher and the Builders Labourers Federation.

This measure is in the best interest of Victorians and the Labor Party should support it for the practical reason that, should it be elected to govern, it should take action against the Builders Labourers Federation, or the Builders Labourers Federation will bankrupt the State. The Builders Labourers Federation will destroy a Labor Government as it has tried to destroy the Liberal Government and any other Government. In New South Wales, the Premier, Neville Wran, "bought" the power workers. He negotiated with and pandered to the power workers, giving them everything they asked for, but the situation now is that they are dissatisfied and there are "summer blackouts". That is what Neville Wran achieved.

I condemn the Opposition because it has not produced an alternative. The Government has tried every conventional method and still has not achieved success. Norm Gallagher cannot be trusted. This is a tough measure for a tough Communist. For the Opposition to gain some credibility on this matter, it must at some juncture say, "stop" to the industrial anarchy.

I invite honourable members to consider the past few months. Six months ago Victoria was faced with a milk tanker strike. That strike was criticized by the New South Wales Premier, Neville Wran, who said it should stop; nothing was heard from the Victorian Leader of the Opposition. Several weeks ago Victoria was faced with a strike by hospital employees that affected the well-being and lives of infants, aged persons and the dangerously ill. Was a statement made by the Opposition condemning the hospital workers? No! From a political viewpoint, had the Opposition publicly condemned the strikers it would have earned the respect of Victorians and all honourable members.

I suggest to the Opposition that it opposes the strongly-held views of the silent majority. The Leader of the Opposition is going into bat for a power-hungry Communist who has no concern for the community or the principle of the rule of law. The only criticism the National Party has of the Government is that the measure should have been introduced long ago, but it is here and the National Party supports it.

I have never been more certain of any proposed legislation coming before the House as I have of the Bill. It has the everwhelming support of the majority of decent Australians who do not want to see this country wrecked by Communists and their fellow travellers. I commend the Bill to the House.

**Mr MACLELLAN** (Minister of Transport)—In his brief remarks in this debate, the Leader of the Opposition tried to suggest that the Labor Party had taken some initiative which could have brought the matter to resolution. What he did not say, of course, when he was speaking of the facts, was that the bans have now been magically lifted. What the Leader of the Opposition did not say was that this measure was introduced last week, that Mr Gallagher

and various other members of the trade union movement raced to Parliament House and conferred with the Leader of the Opposition and other members of the Opposition and when they perceived what the legislation proposed, we suddenly find that the bans are lifted.

The Bill was introduced last Friday and the bans are gone today, and they should have been gone months ago. Mr Speaker, I know the rule that one does not refer to honourable members by their proper name but by their Parliamentary title, but Cain's silence will be the death of the Labor Party in this State. Not one word of condemnation about the harrassment of the public interest that has gone on year after year, month after month, week after week at the expense of the public and the electricity consumers of this State.

A condemnation of the Bill! The Labor Party does not support it—I understand why and so does every other honourable member. Honourable members know that members of the Opposition are the captives of the very people that have been producing the problems and the difficulties. Honourable members can imagine why members of the Opposition wish to absent themselves from the debate; they must find it difficult to stomach the attitude their party has determined on this issue. Not a word of condemnation on the actions of those that ban public projects, that destroy the economy and destroy the hopes and futures of this State. Not a word about that!

On the contrary, honourable members hear the reconciling words of the over-concerned Leader of the Opposition who wants us to get together and have a chat. Well, the Minister of Labor and Industry, to his credit, had discussion after discussion and took action after action to seek to bring the parties together to have the site agreement for Loy Yang finalized, but the only thing that was holding up the site agreement, for final consummation between the Trades Hall Council and the Government of Victoria, representing the people of Victoria on both sides, was the fact that the Builders Labourers Federation decided to impose black bans and that is why the site agreement was not finally agreed to.

On occasion I sat in the room with the Minister for Labour and Industry whilst we tried, with union officials representing the Trades Hall Council and indeed representing the Australian Council of Trade Unions, to put forward rational and sensible arguments and decisions to try to resolve the issue of the Loy Yang dispute. Time after time, and at meeting after meeting, it was all sabotaged and frustrated by one megalomaniac who decided to put his bans on rather than reach agreement around the table.

Magically, when this Bill came in, things started hopping. The Leader of the Opposition states that it is political point scoring. Honourable members know who has been trying to score a few political points! The Leader of the Opposition tried to show that the introduction of this legislation would make it more difficult for parties to meet. However, I remind honourable members that this measure was introduced on Friday of last week and on Tuesday of this week it has led to the lifting of the bans. Therefore, it has got the bans lifted as the State Electricity Commission has been informed. One can only imagine why Mr Gallagher decided to pull the mat out from under the Leader of the Opposition, but doubtless that is the type of thing that goes on in the Labor Party. However, Mr Gallagher has done a nice job on the Leader of the Opposition and I hope when he is in a reconciling mood, the Leader of the Opposition finds the time to reflect on what Mr Gallagher has done to him this week because what he did was to storm up here last week and today he decided to lift the bans, subject, I am told, to a meeting regarding the site agreement being held within the next 48 hours.

Who asked for the meeting within the next 48 hours? Not some reconciler from the Parliamentary Labor Party or the Trades Hall Council. I suppose every honourable member in this House remembers the press statement or the press report by the Leader

of the Opposition that he was going to get tough with the unions. He was going to repeal the Essential Services Act and the Vital State Projects Act and repeal this measure, I suppose, although he did not say so. He was going to use reconciliation as a means of achieving results but then the Leader of the Opposition has the nerve to state in this House: Why does the Government not have this legislation but use the Vital State Projects Act? The Leader of the Opposition stated that in the House today; that the Government should be using the Vital State Projects Act which his party and he himself are committed to repealing.

There was not a mention of the Essential Services Act, not a mention of the fact that when we had the Transport Workers Union having their little hiccup the Government used the Essential Services Act and was able to get all the food, milk and everything else working again because the undoubted acceptance of our community is that people want to serve the public interest and not to deprive or defy it. However, there are union officials who have got themselves into positions and who time after time can only see the justification for their existence by the number of disruptions they cause.

The Leader of the Opposition should be the first to convince them that the Australian Labor Party, if it is to have any relevance at all to representing the views of the ordinary working person—it must be remembered that the ordinary working person does not want to be on strike, does not want to disrupt, does not want to black ban and does not want to cause hardship on business and on any other persons in the community. Honourable members know why the Labor Party is silent on this issue. The silence is because its members owe it to these very people to secure their continued existence. Members of the Opposition have given up all hope of tying into the main stream of our society by supporting those people who live to disrupt it, and disrupt it they do, despite all the efforts to bring rational discussion and rational resolution of disputes.

I am sure the Leader of the National Party was giving honourable members a message of the views of a large section of the community when he stated in effect that the Government was too patient—too understanding—to seek to try to get solution by discussion, negotiation and by arbitration.

The Government has gone to the Arbitration Commission. It has sought to have a bans clause inserted, but every move that has been made has produced a counter move by Mr Gallagher, a legal manoeuvre to try to use every provision that exists in the legal system in this nation, and some that do not. Mr Gallagher also uses some manoeuvres that do not legally exist and when he cannot get his way by using those methods, he will use any legal manoeuvre to try to get time to bludgeon the community into agreeing to his demands.

The only issue in dispute which could be described as an industrial relation matter is whether or not there should be a shorter working week. Surely that is a question which should be determined by a national wage fixing authority according to the principles of the national wage fixing authority. I see that New South Wales has now come back and indicated that we ought to have indexation, that there should be a national system and that no longer should there be the chaos that has emerged as one after another group of unions seeks to get advantage for its members and leave others trailing behind.

What a tragedy to be Leader of the Opposition today, to be forced by a party to stand up and mouth the words that come down from the union. What a miserable day for the back-bench members of the Labor Party who have to sit there, apparently silent by their own vows of silence not because they have nothing to say on this issue, but because to speak on this issue might be a challenge to the imperial megalomania of Norm Gallagher.

There are very few people in our community who are willing to defend what Norm Gallagher has done to our society, but by its silence it seems

that the Parliamentary Labor Party is one group in the community that is willing to do it.

**Mr Ross-Edwards**—The only group.

**Mr MACLELLAN**—It may be that the Australian Labor Party is the only group, and if so, it is a tragedy for the Labor movement, because let us assure members of that movement that the Trades Hall Council and the Australian Council of Trade Unions have been doing their darnedest to try to resolve the matter and bring it to a conclusion. They have been working; they have been seeking solutions to the matter. They have even been encouraging the Government, on occasions, to take some action that would resolve the matter. The Labor Party is silent from start to finish.

Whether it is striking hospital nurses or Transport Workers Union members saying, "No milk" while they move the cash of the bookmakers—it does not matter how absurd, how ridiculous, how unreal the claim—members of the Labor Party will shut their mouths rather than criticize the structure and forces which own them, body, soul and voice.

Today they say to their Leader, "You are the Leader; you stand up and say it, and the rest of us will keep quiet, because you are there by two votes; you are out front and it's your job, mate". That is a dishonourable position in which to put their Leader, but they left him right out front, and dear Norm Gallagher has pulled the rug right out from underneath them by, on the brink of this debate being resumed, lifting the bans which could have been lifted last week, last month or a year ago, with the same effect. If that had been done ,discussions could have been resumed through the arbitration and conciliation processes or direct negotiations subject to approval by the conciliation and arbitration process.

The Minister of Labour and Industry went to the Conciliation and Arbitration Commission and asked for a deputy president to be appointed to take over the matters in the Latrobe Valley. It was his initiative that did it. This Minister sought the help of the Australian Council of Trade Unions and the Trades Hall Council. He exercised his initiative in the matter. The Minister has had meeting after meeting with the parties to try to resolve the matter. He used his initiative, and it was only one bloody-minded individual, Norm Gallagher, that prevented the resolution of the matter by a whole series of discussions and agreements, urged on by the silence—the discreditable silence—of the Labor Party whose members, apparently, do not have a thing to say because they will not defy one of the power structures within their organization.

If they wish to belong to an organization that is riddled with that sort of power structure, they do not deserve to be regarded any longer as a serious political force in our community. Doubtless in due course they will be replaced by a moderate social democratic force which will push at least half of these members out of this place and replace them with people who are attempting to represent the mainstream forces and the mainstream ideals of our community.

It is a sad day for the Opposition in this State. It is a sad day when Norm Gallagher can buy and sell, ban and unban, snap his fingers and show his contempt for the Labor Party, and show that when somebody stands up to him over legislation like this, reality dawns and work can resume.

**Mr RAMSAY** (Minister for Economic Development)—I do not propose to contribute at length to the debate. The silence from the Opposition benches condemns members of the Opposition in their own right. But I cannot allow to go without explanation the claim made to the House by the Leader of the Opposition that an approach was made to me by the Opposition some weeks ago which could have resolved the Loy Yang dispute. I should like to give you, Mr Speaker, and the House chapter and verse of that approach.

It is true that Mr Landeryou rang me two or three weeks ago indicating that he believed he had managed to persuade Norm Gallagher to lift his bans provided that I would be prepared to meet with him and to indicate that a shorter working week would be introduced at Loy Yang the minute it was introduced as part of the general building trades award. Mr Landeryou went on to say that he had also arranged with Mr Gallagher that he would indicate to me his good faith in this regard in that he would immediately lift any bans that the Builders Labourers Federation had on any police work around the State. He asked if I would be prepared to meet with Mr Gallagher under those circumstances.

I indicated to Mr Landeryou that it did not sound like much of a deal, and that, of course, if shorter working hours were introduced into the general building trades award, that would flow to the people working under the relevant awards at Loy Yang, so what did Mr Gallagher think he was up to? I indicated that, in any case, if there were any approach to be made from the trade union movement, I should be perfectly happy to receive such an approach from the Secretary of the Trades Hall Council, a situation which I had indicated to the Secretary of the council many weeks before, when I said that if there were any possible way of lifting the bans at Loy Yang, I should be pleased to hear from him. Mr Landeryou said, "Right, I will speak to Ken Stone and he will be in touch with you".

I received no telephone call from Ken Stone until last week, when Mr Stone was in my office on other matters relating to labour and industry and the trade union movement. At the end of that meeting he said to me, "Jim, I have not rung you over that matter that Landeryou was speaking about because clearly there was nothing to say". That is the status of negotiations and the offer that flowed from the Australian Labor Party.

Normally I would regard such conversations as privy and not something to be put on the public record, but if the Leader of the Opposition is going to claim in the House that ways and means of achieving the lifting of bans at Loy Yang have been available, I am not prepared to remain silent on matters such as that, and it is necessary for Parliament and the people of Victoria to know exactly what is going on.

The truth of the situation is that in the Secretary of the Builders Labourers Federation we have the bully boy of the trade union movement. He has been carrying on like a bully boy time after time after time.

I remind the House that the current bans that have been so miraculously lifted today were imposed on 5 August following a telephone conversation between the Assistant Commissioner of Police and Mr Gallagher, when Gallagher told the Assistant Commissioner of Police that if the police moved against his pickets—his unauthorized pickets that did not have the backing of the Trades Hall Council—at the Ascom works, the police could forget about getting any work done on their police stations in Victoria. He added, "What's more, you can tell the Government that they can forget about Loy Yang". That is where these bans and limitations come from. Gallagher has changed the grounds on which he claimed the bans had been imposed, but the one thing he has not been prepared to do has been to lift those bans.

When finally on 10 November, now more than a month ago, this Government moved to have a bans clause inserted in the builders labourers award because of the continual frustration at Loy Yang and the huge cost it was adding to Victoria, the immediate move by Mr Gallagher was to appeal against the bans clause and to claim it was inserted improperly and incorrectly. That matter has been taken to the Full Bench of the Arbitration Commission which at this stage has reserved its judgment.

The Builders Labourers Federation has found ways and means of retaining those bans. It is clear from conversations in the Latrobe Valley that many of the members of that union do not understand what it is all about. Many of them are being obliged to abide by the bans and they themselves are the victims of the bully boy of the trade union movement. The Government, the people of Victoria, the Opposition, and members of the trade union movement and members of the Trades Hall Council are all subjected to these bullying tactics. We are dealing with a person who will leave no stone unturned to achieve his way. That is the reason for the Bill. The people of Victoria deserve the protection that the Bill gives which will enable the Government, when the occasion requires, to move against people who indulge in tactics to frustrate the important work that goes on in this State.

I do not want this House to think that in some way this matter could have been resolved months ago if I had been more reasonable. That is what the Opposition is trying to suggest. The Leader of the Opposition knows what the position has been. I look to the Opposition, even at this stage, to recognize that the community needs this Bill. The Opposition would be doing the trade union movement of this country an enormous service by supporting the measure.

**Mr BORTHWICK** (Minister of Health)—Over the past month or two much of the media of this State has referred to the Leader of the Opposition as the son of a former Premier of this State. However, can any person who can recall the 1950s and 1940s ever remember an Australian Labor Party Leader who would not marshal his troops and argue on a subject such as this? I ask that question of the Opposition. Here is a Leader deserted in his first few months of leadership and not standing up to the standard of Australian Labor Party leadership that one has seen in this State over the years. It is a disgraceful state of affairs. I should like to know how much the people of Victoria must put up with from that union, how much they will have to pay and bleed, how many people will have to be put out of work and how many decent unionists will have to be affected before the Australian Labor Party will speak up. It is an unbelievable situation.

I was Acting Premier at the time of the Ascom dispute. I received the telephone call from the Chief Commissioner of Police who told me exactly what had occurred. How can one know what was said on that occasion and not stand up for the people and for the law of this State? The Leader of the National Party has said that Mr Gallagher is a self-confessed Communist who is on record as saying that his intention is to bring down this country, and the order and structure of society. That person turns around and thumbs his nose at the police and blackmails them. Who spoke up on that occasion? Did the Labor Party or the Opposition speak up? The Government had no alternative but to say to the Chief Commissioner, in what was not a strike situation but a demarcation dispute, that in view of the action against a firm that was not directly involved, the Government had no alternative but to demand that the vehicles be removed and that the people be allowed to go about their lawful work and duty. When it was suggested that that be done, what was Gallagher's answer? It was: "If you move those pickets, move that vehicle and let people go about their work, you can forget police stations in this State". It was a direct threat aginst the Chief Commissioner of Police. "You can forget the building of Loy Yang."

The Leader of the Opposition talked about all the work that he and others have done to resolve these Builders Labourers Federation disputes. As late as 21 October, the Minister of Public Works, not involved in the transmission line matter or demarcation dispute, wrote to Mr Gallagher and even suggested that he, the Minister, call a round table conference to try to get people back on the job at police stations. At the same time he wrote to the

Trades Hall Council and today he still has not received an answer.

The commonality between the Opposition this afternoon and what Mr Stone said to the Minister of Labour and Industry is worth noting. Just a moment ago the Minister of Labour and Industry reported to this House that the Secretary of the Trades Hall Council had nothing to say. That is exactly the position of the Opposition today. It has nothing to say in the interests of its fellow unionists and of all Victorians. Members of the Opposition know as well as anybody else that at the Loy Yang site today there are people who have been wanting those bans lifted and they have been heavied week after week to keep the bans on. They are ordinary blokes who want to go about their proper work but they are not even receiving the support of that party, this Opposition, which owes its position in Australian politics to the union movement.

If anybody in this State is petrified, it is the Leader of the Opposition. He is frightened out of his wits that the people will ultimately see the real truth, that he is just a front guy for the extremists in Australian politics. It is historically true that in the Socialist side of politics in Australia this State has always been the most extreme. The Socialist left moves one way and then another to hide its ultimate ambitions. What the results would be if those machinations ever came true, I hesitate to imagine. These tactics are being used in the most hypocritical and cynical way, as the Leader of the Opposition was used on Friday in this very building. To suggest that during the months and years of suffering of the people of this State through the activities of the Builders Labourers Federation he has tried to resolve that situation just does not stand up, and is not true. The Leader of the Opposition is petrified that the people will find out what he is—a tool of the premises of this State who have behaved so badly year after year. Not one word is said by him today in this House in what must be one of the most disgraceful performances or lack of it that the State has ever seen.

The Opposition is branded for conniving with the Builders Labourers Federation by its very silence today. Let the Opposition deny it! The Opposition is hopeful that the Government will let this occasion go by without debate. Since Friday, the Opposition has been frantically trying to hide its shame, weakness and disgrace. In my 21 years in this House, I never thought I would witness a situation of this sort. As the Leader of the National Party said, the people of Victoria have been wanting someone to do something about this matter. The Opposition scorns the Royal Commission into the Builders Labourers Federation and scorns deregistration procedures, but who scorns the union and Mr Gallagher? Who stands up for the ordinary people? That is the question that the people of Victoria ought to be asking.

If the Opposition cannot answer that question now, it will not be able to do it in six months' time and it knows it will not do it. I would like to know what was said behind closed doors in the room of the Leader of the Opposition last Friday; that would be one of the really telling points. It would certainly not be the kind of stuff that is put out in Opposition press releases. Somebody said that today is a watershed situation. If ever the Victorian people had the opportunity of seeing the Opposition, which is a coalition of the extreme left, led by the honourable member for Bundoora, in its true colours, it is here this afternoon.

**Mr THOMPSON** (Premier and Treasurer)—This debate has probably been the most extraordinary debate that I have witnessed in my many years in Parliament. The Opposition has completely deserted its Leader. Honourable members have noticed the unity ticket between Gallagher and Cain once again in operation. We have seen this Cain-Gallagher coalition once again leave the people of Victoria for dead. No matter

how irresponsible, damaging, ridiculous and costly the actions of the Builders Labourers Federation are and have been to the people of Victoria, not once have we heard the Leader of the Opposition complain about it, protest about it or object to it in any way.

Honourable members heard the Leader of the Opposition make his contribution today in which he was completely unwilling to criticize Mr Gallagher in any way. This has been one of the most extraordinary periods in the long history of the State of Victoria in which a group of industrial brigands plan to break the economy of Victoria. Wherever one goes in this State and other States, one hears someone refer to Mr Gallagher, saying it is about time someone stood up to him. The Government is prepared to stand up to him with this Bill and will continue to be prepared to stand up to him, despite the threats, innuendoes and weak protests of the Opposition.

The extraordinary situation has been reached in which police officers, going about their normal duties protecting other unionists, who were being bullied, and having their own physical well-being threatened, and being told if they went ahead with their duties no more police stations will be built. That state of affairs cannot be tolerated. We were told that if the police continue with their lawful duty in this way, the Loy Yang power station will not be built. That state of affairs cannot be tolerated. The silence of the Opposition today will be noted by the people of Victoria.

On Saturday, I was approached by a unionist who said, "Mr Thompson, whatever you do, don't ease up on the Builders Labourers Federation; this is the best legislation that has been introduced into Parliament for many a long day". I consider that is the opinion of a great majority of the people of Victoria. I do not claim this measure as a victory. The Government does not claim it as a victory. However, we believe it is a victory for the people of Victoria.

The House divided on the motion (the Hon. S. J. Plowman in the chair).

| | |
|---|---|
| Ayes .. .. .. | 46 |
| Noes .. .. .. | 30 |
| Majority for the motion .. | 16 |

AYES

| | |
|---|---|
| Mr Austin | Mr McClure |
| Mr Balfour | Mr McKellar |
| Mr Birrell | Mr Mackinnon |
| Mr Borthwick | Mr Maclellan |
| Mr Brown | Mrs Patrick |
| Mr Burgin | Mr Ramsay |
| Mr Coleman | Mr Reynolds |
| Mr Collins | Mr Richardson |
| Mr Cox | Mr Ross-Edwards |
| Mr Crellin | Mrs Sibree |
| Mr Dixon | Mr Skeggs |
| Mr Dunstan | Mr Smith (*South Barwon*) |
| Mr Ebery | Mr Smith (*Warrnambool*) |
| Mr Evans (*Ballarat North*) | Mr Templeton |
| Mr Evans (*Gippsland East*) | Mr Thompson |
| Mr Hann | Mr Trewin |
| Mr Hayes | Mr Weideman |
| Mr Jasper | Mr Whiting |
| Mr Jona | Mr Williams |
| Mr Kennett | Mr Wood |
| Mr Lacy | |
| Mr Lieberman | *Tellers:* |
| Mr McArthur | Mrs Chambers |
| Mr McCance | Mr Tanner |

NOES

| | |
|---|---|
| Mr Cain | Mr Miller |
| Miss Callister | Mr Remington |
| Mr Cathie | Mr Rowe |
| Dr Coghill | Mr Sidiropoulos |
| Mr Crabb | Mr Simmonds |
| Mr Culpin | Mr Simpson |
| Mr Edmunds | Mr Stirling |
| Mr Fogarty | Mr Trezise |
| Mr Fordham | Dr Vaughan |
| Mr Gavin | Mr Walsh |
| Mr Ginifer | Mr Wilkes |
| Mr Hockley | Mr Wilton |
| Mr Jolly | |
| Mr King | *Tellers:* |
| Mr Kirkwood | Mr Ernst |
| Mr Mathews | Mr Spyker |

PAIRS

| | |
|---|---|
| Mr McGrath | Mr Roper |
| Mr McInnes | Mrs Toner |

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

## MOTOR CAR (DRIVERS' LICENCES) BILL

The debate (adjourned from December 11) on the motion of Mr Borthwick (Minister of Health) for the second reading of this Bill was resumed.

**Mr CRABB** (Knox)—The Bill was introduced in the House last week, and the Labor Party supports much of it. The issuing of drivers' licences by a more efficient method than exists at present is one that all sensible persons would approve. Certainly, those persons who wait a long time to obtain licences through the antiquated processes of the Motor Registration Branch will support the measure.

With the limited time that has been available to peruse the complex provisions of the Bill, I have not had sufficient opportunity of studying it meticulously and, therefore, I take on approval, as it were, the words of the Minister that the clauses do exactly what he says they should do.

The idea of drivers' licences being plastic documents rather than flimsy paper documents is good, as is the idea that drivers' licences should be issued through branches of banks because that measure will enable motorists to personally renew licences locally rather than face the difficulties of attending the Motor Registration Branch.

The one matter where the Labor Party and the Government differ is the optional inclusion of a photograph on a drivers' licence at an extra charge of $5—that is plainly ludicrous. It is difficult to understand why anyone would want to pay an extra $5 to include a photograph on the licence, although those persons with egos the size of the Minister will be able to meet that expenditure. I am quite sure that the honourable member for Syndal, who is interjecting, would not want his photograph on his driver's licence if he could avoid it.

Photographs should appear on drivers' licences without the extra charge and significant community support for that was demonstrated this year in a Gallup poll conducted throughout Australia that showed that 85 per cent of adults answered "Yes" to the question of whether drivers' licences should have photographs of drivers on them. In the light of that community support, it is not surprising that organizations like the Jaycees at their national conference five years ago pressed State Governments to introduce this practice. The resolution of the 1976 Jaycees conference was that the Australian Jaycees supported the principle of passport-style photographs and blood groupings to be included on drivers' licences.

This matter has been considered before in the House. I recall the Chief Secretary at the time, Mr Rafferty, on 21 November 1978 saying that, although he was unaware of the matter of photographs, he would make it his business to find out and pursue the matter. As long ago as September 1977, the honourable member for Mitcham directed a question to the Minister representing the Chief Secretary, and the Minister for Special Education, Mr Scanlan, in those days, told the House that he was happy to take the matter up with the Chief Secretary and stated that there was merit in the suggestion and an intention to pursue it. All those years have passed and now there is an excellent opportunity with the introduction of the Bill to include a provision for photographs of drivers to appear on all drivers' licences—yet, the Government has squibbed the opportunity of making that much-needed improvement. Principally, the value of the inclusion of a photograph is security.

The Police Force has stated that there are an inordinate number of unlicensed drivers on the roads. Of course, if a driver loses his licence for a road offence, it is plainly inappropriate that he should be continuing to drive a vehicle, and yet that inappropriateness occurs on the roads day in and day out.

The case for photographs of drivers to appear on licences has been well made in analyses in other States, in submissions from the Police Force and submissions from others concerned with road safety. The introduction of a photograph on a driver's licence will not noticeably infringe upon any civil liberties. It is now common practice for students at colleges of advanced education to have their photographs included on their identity cards. Indeed, many people in

the work force who perform different occupations have their photographs included on their identity cards and it has not been suggested that there is any difficulty in that area.

I foreshadow an amendment during the Committee stage to challenge the Bill on the matter of blood groups. The amendment, if adopted, will allow people to have their blood groups included on their driver's licences. That would be of some assistance in the event of road accidents. I have been informed that, in the event of a serious road accident where the victim requires a blood transfusion, a surgeon would require a sample of the blood group and would not merely rely upon the entry on a driver's licence. One should not have a blood group printed on a licence, unless that licence contains the driver's photograph, otherwise one could envisage people borrowing licences, being involved in road accidents and receiving wrong blood groups during a blood transfusion.

For more than five years the Government has toyed with the idea of photographs on driver's licences. That is yet another example of the Government's incapacity to deal with matters that are open to discussion. This House should take the opportunity to bite the bullet and legislate for the compulsory inclusion of photographs on driver's licences.

**Mr B. J. EVANS** (Gippsland East)—The National Party supports the Bill in principle. However, there are some matters I should like to raise by way of comments and to seek some clarification of.

There does not appear to be any provision for those people who hold current drivers' licences to immediately obtain the new licences. On my reading of proposed sub-section (4A), where the board grants a licence referred to in sub-section (3) the board shall issue a new form of licence to the licensed driver.

I ask the Minister of Transport to clarify the meaning of that sub-section. On my interpretation, it is an unnecessary restriction. Presumably the new form of licence will apply only to licences being granted in the first instance. I hope that my interpretation of that provision is incorrect.

I query the use of the words "new form". What will happen once the Bill has been proclaimed and it has been in existence for approximately four years? Would those words not be redundant in an Act? In any event, would not "new forms" of licence be obtained? Surely those words are redundant.

It would be sufficient for the Transport Regulation Board to have the discretion on when the new licences would be issued.

**Mr JASPER** (Murray Valley)—I join with the honourable member for Gippsland East and support the Bill. On behalf of the National Party, I congratulate the Minister of Transport on the positive steps that have been taken to amalgamate the Transport Regulation Board and the Motor Registration Board. The Government is to be commended on rationalizing the issue of motor registration papers and the development of new Transport Regulation Board offices throughout Victoria. Those offices will, in many cases, take over those functions that have been performed by officers of the Victoria Police Force.

In many cases. officers of those bodies are unsure of the name of the office that has taken over the functions of the Motor Registration Branch. I assume that it will come under the name of the Transport Regulation Board. The Minister of Transport is nodding his head in assent. In the past, members of the Police Force have been involved in the mundane operations of licence testing and the registration of motor vehicles. The amalgamation of the Transport Regulation Board and the Motor Registration Board has meant that those members of the Police Force have been released to perform those duties they have been trained to undertake. Indeed, in answers to questions I have asked, the Minister has indicated that this rationalization has released a large number of police officers to perform normal police work.

In those areas where there are no Transport Regulation Board offices, members of the Police Force will maintain those services previously provided, that is, the registration of motor vehicles and licence testing. Those functions have been maintained on an area basis. For example, the Transport Regulation Board office has been established in the Wangaratta region. However, on certain days of the week in Rutherglen, Yarrawonga and Myrtleford, licence testing is undertaken by officers from the Wangaratta Transport Regulation Board office. The Bill represents a further rationalization of these operations.

The Bill will simplify the issue of drivers' licences. However, during the second-reading speech, the Minister indicated that the new facilities will mean the payment of licence renewal fees to agents of the board, for example, through the banking system. I ask the Minister what banks will be included in that proposed arrangement. I assume it will be through the State Bank of Victoria. However, will all banks provide this proposed facility? The final operations of the proposed system have not been determined.

The National Party would like the Government to indicate from where people will be able to obtain their licence renewals. This matter has been brought to the notice of members of the National Party, and people would like to know whether the renewal of motor registration fees will also be available through the banking system. Honourable members know that the registration and reregistration of motor vehicles can be undertaken at offices of the Transport Regulation Board throughout Victoria, and at police stations in smaller areas, but I would like the Minister to clarify this matter.

This Bill states that computerization will be introduced in the renewal of drivers' licences. I hope that also will be carried over into the reregistration renewals of motor vehicles. The Motor Registration Branch, as part of the Transport Regulation Board, has an enormous task in the registration of vehicles.

The Minister in his second-reading speech stated future motor licences will be in the form of a plastic card. That will be a great advantage. The present paper licence has to be retained for three years and, with the effluxion of time, this paper deteriorates dramatically, particularly when a person must have this licence in his possession at all times when driving a motor vehicle. People who drive articulated and heavier type vehicles use their driver's licence on numerous occasions and they are in a deteriorated condition at the end of a three-year period.

It is also noted that a photograph can be attached to these licences, at the option of the licence holder, for a fee of $5. Also there will be the use of graphic equipment by contract. This may be a much cheaper method of operation than having the cards printed by the new Transport Regulation Board set-up. It may be cheaper in the long run to have these cards produced under contract by private enterprise. The National Party welcomes the proposal that the expiry date will be at the end of a certain month. People operating motor vehicles in Victoria will know that if their licence fee is due in say October, it will be due at the end of October or at the end of the relevant month.

The Minister also refers in his second-reading notes to tractor licences that will be continued for a twelve-month period for under-age drivers between sixteen and eighteen years of age. The proposal is applauded by the National Party, because there are many sons and daughters of primary producers who, at the age of sixteen years will qualify for a tractor licence, and they will now be able to operate a tractor on the farms and roads around the properties. There is one problem about which I have had correspondence with the Minister. Some of the tractors being used by primary producers weigh more than 3 tonnes and technically, under these arrangements, a person between the age of sixteen and eighteen years cannot obtain a licence to drive a tractor over 3 tonnes. This technicality needs to be examined.

Once a person reaches the age of eighteen years, he can obtain a normal motor car licence and then have that licence endorsed for the driving of heavy vehicles. I suggest to the Minister that an amendment to the regulations may be effective in allowing a person aged sixteen to eighteen years who holds a tractor licence to drive a tractor weighing over 3 tonnes.

Another matter of concern to the National Party is the rationalization in the obtaining of licences. It is not completely relevant to the Bill, but it is relevant to the obtaining of all motor vehicle licences. If a person aged seventeen years wishes to obtain a motor car licence, he will book to obtain a permit. That booking would cost $5, the test $10, making a total of $15. He then would have to pay a fee for the permit of $5, which is a total of $20, to obtain a learner's permit. At the age of seventeen years nine months, if this person wishes to obtain a motor cycle licence, he would then again pay a $5 booking fee, $10 for the test, another $5 for the permit fee, which is $20 in total. Then, when he attains the age of eighteen years, he will repeat the procedure, and will have to pay $5 for a motor car licence booking fee, $10 for a test, and $30 for the licence fee, which is a total of $45. Then if he applies for a motor cycle licence, he will pay a booking fee of $5, $10 for the test and $30 for the motor cycle licence, making a total of $45.

The charges in all are two fees of $20, making a total of $40; add to that another $45 for the motor cycle licence, another $45 for the motor car licence, and the total charge for all those bookings, tests, and various licences amounts to $130. That is an exorbitant cost, and demanding of the time of the people doing the testing, the booking and the issuing of the licences. There should be a rationalization in the issue of licences so that a person can take one test that will cover all the licences that he or she wishes to obtain. Perhaps the Minister would like to comment, firstly, on what progress is being made in the rationalization of the charges and, secondly, in the rationalization of the tests that are undertaken.

There is an opportunity to rationalize these charges now that a computerized system and a plastic card for motor licences is being introduced. This card could show the various denominations on the one licence, whether it is for a motor cycle, a motor car, an articulated vehicle or a heavy vehicle.

The regulations will provide for some signification on the motor car licence, that the holder is authorized to drive a heavy vehicle and then an articulated vehicle. That is a progressive move in the rationalization of the duties of the Transport Regulation Board and the Motor Registration Branch. The National Party considers the provision in the Bill a progressive move in relation to the transport system, and the people who drive motor vehicles in Victoria. The National Party supports the Bill.

**Mr GAVIN** (Coburg)—The Bill deals with a number of simplifications and improvements to driver's licences. As has been pointed out by the previous three speakers, most matters dealt with in the second-reading speech have been well canvassed, and the Labor Party strongly supports the Bill.

However, I wish to bring one matter to the attention of the House. In future, licences will not be made of paper; they will be of similar material to a Bankcard. The Opposition suggests that licences should be more comparable with student cards on which a photograph is also included. The Labor Party considers that important because serious accidents have been caused by unlicensed drivers. The parents of a spouse of a member of Parliament were killed in two separate accidents, in which the drivers of the cars were unlicensed.

The number of unlicensed drivers who drive vehicles on the roads is significant. Unless a photograph is included on the licence, it is easy to evade the need for a licence because, if a person were picked up by the police, he could always give a false name and address and, a week later, go down to the

local police station and present someone else's licence. The chances of his being caught are slim and I should imagine the Minister of Transport has heard stories about people who engage in that type of activity. I am aware of the problem and I am sure other honourable members know of the practice. It is not something of which the Labor Party approves. The fact that the parents of the spouse of a member of Parliament were killed in separate accidents indicates that apprehending persons without licences could be a serious problem. If an unlicensed driver killed someone, he would be caught in the end, but many people may, for many years, get away with driving without licences.

There is strong support for the concept of photographs being included on drivers' licences. The Morgan Gallup poll group conducted a survey, which indicated that 85·1 per cent of voters agreed that a driver's licence should have a photograph of the driver on it. A total of 82·8 per cent of Australian Labor Party voters indicated that they agreed with the photograph licence system; 88·7 per cent of Liberal Party voters agreed; and 89·7 per cent of National Party supporters supported the concept of photographs being included on drivers' licences.

In the Minister's age group, 40–49 years, 90·4 per cent of voters supported the concept. If that were broken up into male and female, as one would expect, females were more strongly in favour, but the percentage of males, 81·6 per cent, is significant.

Given the overwhelming support for a photograph licence system—more than 85 per cent of the population—where the voters from all three parties support the concept, the Minister should also support it. I am surprised that the Minister is saying that, although the option of having a photograph on one's licence will be available, those who choose to accept that option will be required to pay an extra $5. It is not costly, but it is ridiculous that a person who wishes to have a photograph included on his licence should have to pay an extra $5. Photographs should be included on all licences and the licence fee of $5 could be imposed across the board, but it is ridiculous to charge only those who choose to have a photograph included on a licence. There should be a photograph licence system. It would also help to have the blood grouping on licences because, in the event of a serious accident, it could be crucial to saving lives. For those reasons, the Minister should accept the amendments the Labor Party has foreshadowed.



**Mr MACLELLAN** (Minister of Transport)—I thank the Opposition and the National Party for their support of the Bill. There are approximately 2·2 million licensed drivers in Victoria. The Transport Regulation Board records approximately 800 000 driver convictions and 500 000 driver demerit points and sends out approximately 700 000 annual renewal notices and, of those, 600 000 licences are renewed. Therefore, it is a large task. There are approximately 190 000 changes of addresses on licences and approximately 100 000 new licence-holders annually. Approximately 70 000 suspensions or cancellations are recorded annually and, in the drivers' licence area alone, the Transport Regulation Board receives approximately 600 000 items of inward mail and sends approximately 1·2 million items of outward mail.

The change rate is 45 per cent over a 3-year period. To those honourable members who have received complaints—and I am well aware of them myself—about the difficulty of carrying out Transactions with the Motor Registration Branch and now the Transport Regulation Board, the number of inward mail items is some 12 000 daily; the number of outward mail items—when Australia Post is working—is 28 000 daily, giving a total of 3 million mail items coming into the system and 8 million items going out each year. In addition to that, approximately 20 per cent of transactions are conducted at the counter—Those facilities are being extended to give access through regional offices. There is an expiry date, but some people simply do not trust the mailing system

—I do not mean that they do not trust Australia Post but the ability to open, collect, file, register and so on, all the mail that comes in. With more than 11 million mail items going through the system annually, one can understand that it is a daunting task.

The Bill proposes a change, not only to a more convenient and durable form of licence, but also a change in providing access through commercial agents for those people making payments and receiving receipts, rather than requiring them to mail their payments and wait for their licences to be returned people will still need to wait for licences to come back, but I hope there will be a delay of only ten days in returning their licences to them. The renewal of licences will be effected upon payment at, say, a bank. The honourable member for Gippsland East asked whether the provision would apply to new and renewed licences. The answer is, "Yes, it does". The Bill covers both renewal of licences as well as new licences.

**Mr B. J. Evans**—How do you tell by looking at it?

**Mr MACLELLAN**—It will be different, because, it will not be a paper licence. If one is renewing a licence—there is an expiry date on it—one will receive a notice inviting one to provide the particulars, which will enable the issuing of a new one. It will be a new form of licence but not a new licence.

The honourable member for Murray Valley asked which bank would deal with renewal of licences. I am not in a position to advise the honourable member as to which bank it will be, but discussions are still continuing. We are looking for two things: Firstly, a bank that will offer the service at a reasonable price and, secondly, a bank that has the facility to be able to record the payments received through its own computer system, which is compatible with the computer system that we will be using.

The intention is that it be one or several banks, but I am hoping that it will be as many banks as possible. However, even if only one bank were used by the Transport Regulation Board, payments could be made at other branches of other banks, subject to the usual transfer fee—which is lower than the cost of a postage stamp anyway—say, from the State Bank to the Australian and New Zealand bank or whichever bank is used by the Transport Regulation Board. So, all branches of all banks will really become receival points, so long as one bank becomes the major customer.

In relation to the 3-tonne limit on tractors and whether this is a matter for regulation, I will examine the matter and ascertain whether the regulations can be changed. I may have to consult with the Road Safety and Traffic Authority and the Victoria Police to see whether they have any strong objections, but I will investigate the matter.

I agree that there ought to be a rationalization of fees, permits, tests and so on. It is something of a dog's breakfast at present, with tractor licences, motor cycle licences and various other licences. They will be rationalized as soon as possible and we will try to ensure that people can obtain a licence that will cover the full range. Without being too careless with the revenue, we will also try to find a fee pitch that will not deprive the Government of revenue but will allow people to pay a standard fee, rather than the fees being different. I agree that the situation is in need of change.

Concerning the amendments the Opposition proposes to move during the Committee stage, seeking to make it mandatory to have photographs on licences, I indicate that at this stage the Government is not persuaded that that is a sensible thing to do. It will be satisfied if the 85 per cent of people who support the idea of having photographs on licences choose to do so. However, those people who choose not to do so ought to have the option of not doing so at this stage.

I do not doubt that in a few years it will become the fashion and will be accepted. The younger generation are familiar with photos on identification cards, which they need for libraries, educational institutions and so on, but there are other generations in the com-

munity who are sensitive about these sorts of issues. I do not believe it is sensible for the Government to confront those few people in the community who, for whatever reason—and one can think of many, both good and bad—do not choose to have their photograph on their driving licences. One only has to speculate on the situation of, for example, an actor who has grown a beard for a part. Should he delay getting his licence or should he have to present a different photo? There are many matters that require consideration and there are difficulties about it. At this stage, the Government is not prepared to make it mandatory. I understand that students accept photographs on identification cards for educational purposes and so on, but they do so for short periods, often not as long as three years, and the Government also does not wish to have to ask people for new photographs every three years.

The Government does not object to the proposed amendment concerning blood grouping, but it is the Government's intention to examine the whole range of medical questions and the question of whether voluntary medical records might be stored on the register.

On the question of a fee for a driver's licence bearing a photo, $5 is the maximum fee possible. Whether a fee will be prescribed is a matter for decision by the Government. The option to have an additional fee has been left open, should it prove necessary, but at this stage the Government presumes that a little more than 50 per cent of the population will voluntarily have photographs on their driver's licences, in which case, there may be no need for an additional fee for the service and the provision will simply be an enabling provision in the event that it is needed to maintain the revenue payments to the Country Roads Board and other beneficiary funds.

There is an irony about driver's licence fees. A considerable amount of the revenue collected from those fees goes to the fund called the Municipalities Assistance Fund, which, in turn, makes an allocation to the Melbourne and Metropolitan Tramways Board to maintain a strip of road just outside tramlines. It also makes payments to municipal councils, generally speaking for the erection of toilet blocks on recreation reserves. It is unfortunate that driver's licence fees seem to be used for many purposes other than to bring about better trained drivers. I expect in the not-too-distant future to be returning with proposed legislation that will direct itself to using driver's licence fees to improve the training of young drivers. That should be the first consideration.

If any members of the Parliamentary Road Safety Committee are in the Chamber at present, I would welcome the support of that committee in trying to make sure that a better job of training young drivers can be done, because I believe that is one way in which positive inroads could be made into the road toll. It is overwhelmingly the younger driver of up to 25 years of age who is most vulnerable to severe motor accidents. It is a shame that money that could be use for the better training of young drivers is being used for other purposes, but it is not appropriate to make the change in this Bill.

I welcome the support for the proposed legislation and hope it will be possible for the Government to introduce the system expeditiously, so that it can do better in providing service to the community through the Transport Regulation Board.

The motion was agreed to.

The Bill was read a second time and committed.

Clause 1 was agreed to.

Clause 2 (Amendment of No. 6325 s. 22)

**Mr CRABB** (Knox)—I move:

Clause 2, page 4, lines 18 to 21, omit all words and expressions on these lines and insert—

"(13) Each person—

(*a*) shall have a photograph of himself; and

(*b*) may have his blood grouping—

incorporated in a licence under this Part."

I have already addressed this matter briefly and I shall again address it briefly and raise matters I did not raise during the second-reading debate. It was on 27 August 1980 that the present Premier, the then Acting Premier, made a promise to the people of Victoria that they would have licences with photographs included on them. An article in the *Sun* of 27 August 1980 states:

> Victorian motorists are likely to have new driver's licences—complete with photographs—within a year.
>
> . . . . . .
>
> Mr Thompson virtually ruled out the use of fingerprints on the new licences, as is done in some countries.
>
> He said he could see civil liberties objection to fingerprinting, but not to the use of photographs.

Despite that commitment of eighteen months ago, the Minister of Transport now says the Government still finds it too hard to introduce mandatory photographs on licences. Back in 1979, when I raised the matter with the then Chief Secretary, Mr Rafferty, in a letter of 27 February 1979, the then Chief Secretary said:

> Proposals for the incorporation of photographs on licences have been the subject of detailed investigation in Victoria. A report on the subject was submitted for the consideration of Cabinet in 1975 and it was decided not to proceed in the matter.

Apparently in 1975 Cabinet decided not to go ahead on two grounds: Firstly, the cost of implementation of the system; and secondly, the possibility of adverse public reaction. However, the cost of establishing a system is what the Bill is about. It seeks to establish a system which imprints a range of information on laminated cards. It is no more expensive to have a black and white photograph or any other black and white material added to that card. No extra cost is involved in imprinting that information although it may be an optional photograph for some people.

The second reason given for delay was the possibility of adverse public reaction. My colleague, the honourable member for Coburg, has already indicated that 85 per cent of the population supports the mandatory provision of photographs on drivers' licences. The Minister replied that if this were provided for, a small group in the community would object. However, there will always be a small group within the community that objects to anything any Government wishes to do. It is the Government's responsibility to balance that minority group interest against the general good of the community. According to a "guestimate" 20 000 unlicensed persons drive vehicles in Victoria on any one day. My colleague, the honourable member for Northcote, interjects that it is even higher than that.

The problem is substantial, and evidence given to the Lure inquiry into motor transport in New South Wales in 1979 indicated that the New South Wales police were unable to serve more than 2000 summonses in a two-week period because of the lack of information on drivers' licences. The conclusion in the New South Wales report was that it was preferable for drivers' licences to carry clear photographic identification. The chairman of the road safety council in South Australia stated that 60 per cent of suspended drivers continue to drive. His conclusion was that a need exists for the mandatory carrying of licences containing drivers' pictures.

Queensland police recently discovered an operation involving 14 000 forged drivers licences as a result of the ease with which the simple paper licence can be forged. The Queensland police had made representations to the Transport Minister for licences to be along the style indicated in the Bill, except that a photograph be included. If the Government is honest about reducing the road toll and increasing road safety this is a method by which bad drivers can be kept off the road. People who have been caught driving when drunk or driving dangerously and who lose their licences as a result ought not to be driving. Under the present arrangements it is

easy for the person to continue driving. If 20 000 people are driving without licences there is a danger to pedestrians, children and other motorists. The Government ought to tackle the problem by accepting the amendment and include photographs on the proposed licences as a mandatory provision without any extra charge.

**Mr JASPER** (Murray Valley)—The National Party takes account of the amendment proposed by the honourable member for Knox as well as the comments made by the Minister of Transport. The Minister put forward the rather nebulous argument that a person may have a beard when the photograph is to be taken and may have to wait some months before the beard is removed for a photograph to be taken for the licence. By the same token, the National Party understands the thrust of what the Minister said and feels that older people may be concerned about having a photograph on the licence card.

The National Party believes that once the system has been in operation for a period of time it will be generally accepted in the community and then the legislation can be altered accordingly. The National Party does not support the charge of $5 per year included in the licence fee. If the Motor Registration Branch, operating within the Transport Regulation Board, is responsible for providing a method of fixing the photograph to the card the cost should be paid by the person who seeks a licence. However, at present it would be a cost against the Motor Registration Branch, and the National Party believes that this will reduce the funds available to the Country Roads Board and in turn be detrimental to persons using the road.

The National Party supports the second part of the amendment which provides that a person's blood grouping be incorporated on the card. It is unfortunate that the National Party supports only half the amendment. Taking into account the remarks made by the Minister and the honourable member for Knox, the National Party will not support the amendment.

The Committee divided on the question that the expressions proposed by Mr Crabb to be omitted stand part of the clause (Mr Richardson in the chair).

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|---|---|
| Ayes .. .. .. | 43 |
| Noes .. .. .. | 28 |
| Majority against the amendment .. .. | 15 |

AYES

| | |
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| Mr Austin | Mr McClure |
| Mr Balfour | Mr McKellar |
| Mr Birrell | Mr Mackinnon |
| Mr Borthwick | Mr Maclellan |
| Mr Brown | Mrs Patrick |
| Mr Burgin | Mr Ross-Edwards |
| Mr Coleman | Mrs Sibree |
| Mr Collins | Mr Skeggs |
| Mr Cox | Mr Smith (*South Barwon*) |
| Mr Crellin | Mr Smith (*Warrnambool*) |
| Mr Dixon | Mr Tanner |
| Mr Dunstan | Mr Templeton |
| Mr Ebery | Mr Thompson |
| Mr Evans (*Gippsland East*) | Mr Trewin |
| Mr Hann | Mr Weideman |
| Mr Hayes | Mr Whiting |
| Mr Jasper | Mr Williams |
| Mr Jona | Mr Wood |
| Mr Kennett | |
| Mr Lacy | |
| Mr Lieberman | *Tellers:* |
| Mr McArthur | Mrs Chambers |
| Mr McCance | Mr Reynolds |

NOES

| | |
|---|---|
| Mr Cain | Mr Mathews |
| Mr Cathie | Mr Remington |
| Dr Coghill | Mr Rowe |
| Mr Crabb | Mr Sidiropoulos |
| Mr Culpin | Mr Simpson |
| Mr Edmunds | Mr Spyker |
| Mr Ernst | Mr Stirling |
| Mr Fogarty | Mr Trezise |
| Mr Fordham | Mr Walsh |
| Mr Gavin | Mr Wilkes |
| Mr Ginifer | Mr Wilton |
| Mr Hockley | |
| Mr Jolly | *Tellers:* |
| Mr King | Mr Miller |
| Mr Kirkwood | Dr Vaughan |

PAIRS

| | |
|---|---|
| Mr McInnes | Mrs Toner |
| Mr Ramsay | Mr Roper |

The clause was verbally amended, and, as amended, was adopted, as was clause 3.

Clause 4 was verbally amended, and, as amended, was adopted, as were the remaining clauses.

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

## CO-OPERATION BILL

This Bill was returned from the Council with a message relating to amendments.

It was ordered that the message be taken into consideration next day.

## BUILDING CONTROL BILL

The Order of the Day for the resumption of the debate on the motion for the second reading of this Bill was read.

**Mr LIEBERMAN** (Minister for Local Government)—I move:

That this Bill be considered an urgent Bill.

Approval of the motion being put was indicated by the required number of members rising in their places, as specified in Standing Order No. 105 (*a*).

The motion was agreed to.

**Mr LIEBERMAN** (Minister for Local Government)—I move:

That the time allotted in connection with the Bill be as follows—

(*a*) For the remainder of the second-reading stage of the Bill until 8.40 p.m. this day; and

(*b*) for the remaining stages of the Bill until 10.50 p.m. this day.

**Mr KIRKWOOD** (Preston)—The Opposition did not take the question to a division because it believes it to be important not to lose any debating time. People associated with local government throughout Victoria have not had sufficient time in which to consider the provisions of this Bill, yet the debate is being cut down to a miserable allocation of time, whereas the first three Opposition speakers could have spoken until midnight, and they could have been followed by another six speakers.

I will be serving no purpose by speaking further on the motion, because the Government has the numbers to pass the motion, and I would rather get on with the debate.

**Mr WILKES** (Northcote)—The first part of the report of the Building and Development Approvals Committee on local government was tabled two years ago. The second part of the report, on planning, was made available early this year. A Bill was introduced during the autumn sessional period of Parliament. That was withdrawn and this Bill is the subject of the previous Bill.

Because of the complexity of the proposed legislation and the areas it covers, I should have thought the Government would have allowed more time to debate it, as it is an important measure. The Opposition rejects the Government's proposition on the allocation of time for the debate, but to avoid eating into the time allowed and to enable the Opposition to take maximum advantage of the time allotted, the Opposition will not debate the motion now before the Chair.

The motion was agreed to.

The debate (adjourned from October 30) on the motion of Mr Lieberman (Minister for Local Government) for the second reading of this Bill was resumed.

**Mr KIRKWOOD** (Preston)—The adoption of the motion that the Bill be declared urgent cuts the debate from under the Opposition, because it was intended to move a reasoned amendment to allow the Bill to be held over so that municipal councils could give it further consideration, and to circularize the Bill to people concerned in local government and semi-Government authorities. I am sorry that the Opposition will not now have the chance of putting its reasoned amendment, because it has received backing on the proposal from around the State.

The intention of the Bill is to achieve an administrative structure which will result in, as the Minister said in his second-reading speech, a one-stop permit shop philosophy. The measure will rewrite the Uniform Building Regulations on a performance specification basis. In this case the New South Wales ordinance No. 70 has won out.

Most councils and authorities with an interest in local government forwarded to the Local Government Department and the Ministerial recommendations arrived at as a result of deliberations on the previous Bill which was introduced in December 1980. One sees by

comparing the two Bills that most of the suggestions made by the various authorities have been ignored in framing the new Bill. I make this point on behalf of many councils, because a large number of letters have been addressed to me, to the Leader of the Opposition, the honourable member for Northcote and other honourable members on the subject stating councils' views and setting out what has not been done on their behalf. This applies even to State instrumentalities.

The administrative sections of the Bill dealing with building and planning control, which are intended to centralize approvals in municipalities in which the proposed development is to take place, are most important. The Health Commission of Victoria and the Department of Labor and Industry will be required to divest themselves of their interest in new buildings. I imagine that the Minister will be able to ensure that the Bill contains machinery to enable both those authorities to carry out their various functions within the new regulations.

Some of the requirements relate to public and industrial buildings. Councils now check both the documentation and the on-site construction of these buildings. This is a duplication of work, and the documentation under the present system is wasteful and counterproductive for developers. These responsibilities will provide no additional work load or incur any additional costs for councils and are only common sense.

The manpower saved in the Department of Labour and Industry and the Health Commission could be used effectively to ensure that those in charge of the buildings for which the department and the commission are responsible continue to observe the appropriate regulations. At present the observation of these regulations is not policed because of lack of staff. The period of twelve months is not observed by the various State authorities. Only when the Building Control Bill attempts to overcome this matter to the satisfaction of municipalities will the procedure be discontinued. Only then should councils intercede between State Government authorities and applicants. As the Minister said, a one-stop permit shop will now be available to supply additional information or to satisfy the inquiries of applicants.

In the late 1960s when Dick Hamer was Minister for Local Government, he took the view that all buildings being erected in a municipality should be administered by the local council and that amending legislation affecting such buildings should be brought under the one Act. Most people remember the 1960s and remember Dick Hamer, the former Premier.

**The DEPUTY SPEAKER (Mr A. T. Evans)**—Order! It is customary to refer to former members of Parliament by their titles. The honourable member should refer to the former Premier, not use his Christian name.

**Mr Wilkes**—I do not want to take a point of order, but you are wrong, Mr Deputy Speaker.

**The DEPUTY SPEAKER**—Order! The honourable member should refer to the former Premier by his title and not by his Christian name.

**Mr KIRKWOOD**—The regulations derived from that Act would apply to all buildings, both private and semi-Government bodies. It meant that State authorities, the Department of Labour and Industry and the Health Commission would, through their representation on the Building Regulations Committee, ensure that the building code covered by the regulations pertained to the type of building in which the department had an interest.

Similarly, the Metropolitan Fire Brigades Board would prepare realistic, attainable standards for inclusion in the building code. When these goals had been achieved, the Department of Labour and Industry and the Health Commission would terminate their involvement in the checking of plans for new buildings and would redeploy their respective staffs in the annual checking of standards in buildings before issuing renewal of registration.

It is important for the day-to-day occupancy of public buildings and factories for them to be effectively policed.

All honourable members remember that when the Health Commission and the Department of Labour and Industry established their sections for checking new buildings, municipal councils operated under their own by-laws which varied from municipality to municipality. Not so long ago, persons with no qualifications were administering by-laws in councils. There were probably good reasons for establishing the specialist departments to give attention to new buildings.

Over the ensuing years honourable members all became aware of the fact that there was a building code throughout Victoria. One could call it the Uniform Building Regulations. I again give credit to the Government which pulled councils into line by making them employ properly qualified building surveyors and inspectors. It established a qualifications board for that purpose. Today there is no practical reason why the interests of the Health Commission and the Department of Labour and Industry should not be redirected, in the interests of the community. That step would be in accordance with the wishes of most municipal councils.

Other proposals envisaged by the former Minister and Premier included the reframing of the Uniform Building Regulations and the formation of a board for the examination and accreditation of new materials and methods. Local government does not favour this. It believes more time should be allowed for consideration of this proposal. One of the recommendations of the BADAC report was that a Building Control Act be enacted to replace all existing legislation relating to design and construction of buildings and some aspects of building materials.

The report which I presume went to Cabinet further recommended that all existing regulations relating to design, construction and maintenance of building should be reviewed and, where necessary, revised, and all the requirements be contained in a single Act consolidated and called the Building Regulations Act, and that the regulations should be reviewed at regular intervals.

The committee also recommended the establishement of a State building authority in the form of either a division of the Local Government Department or a statutory authority. The committee envisaged the authority comprising the director of building, the administrative support section, a legislative section, a municipal section, a building advisory committee, a building appeals board, and a building qualifications board. To facilitate the speedy issue of building approvals, the committee said that local government should assume a greater role in the approval process and that each municipality should obtain a development approvals co-ordinator.

*The sitting was suspended at* 6.16 *p.m. until* 8.4 *p.m.*

**Mr KIRKWOOD**—I have pointed out how the Government was not doing its job. It has not given local government and statutory authorities time to consider the Bill. To facilitate the speedy issue of building approvals, the committees to which I have referred stated that local government should assume a greater role in the approval processes and that each municipality should appoint a development approvals co-ordinator.

The duties of the approvals co-ordinator were described as being the recipient of all documents lodged by applicants for an authority to construct, distribution of information through authorities as required and, generally, to co-ordinate the approval process. This is what Government departments and authorities do.

The committee said that a system should be established to accredit methods of construction, design and materials which would remove the need for the exercise of a number of discretionary powers that exist now in local government. In the same report it was recommended that the plumbing regulations should be updated and that the functions of plumbers and gasfitters be transferred from the Health Commission to a new plumbers and drainers board within the ambit of local government.

The committee also reported on the administration of habitation regulations, and I shall mention those if there is time because many municipalities disagree with these provisions in the Bill; they consider that those powers should remain where they are.

The removal of powers for building regulations from the Health Commission and the creation of building referees boards were all recommended to Cabinet, as were provisions for State permit regulations requiring certain types of maintenance of buildings and the requirement that buildings owned and occupied by the Crown observe the regulations, and so on. Again, in the Bill, the requirements of the Crown are quite different from the requirements where a person might want to facilitate the action. This is wrong—they should be on the same footing.

On receiving that report, Cabinet approved the objectives and the general approach without commitment. One might say that does not say a great deal for Cabinet, but, with the details and the appointment of a working party, the Cabinet created what it is now known as the Building and Development Approvals Committee No. 1. The advice to the steering committee of BADAC No. 1 was implemented and the results are seen in the report that has been issued. All honourable members are aware of the steering committee members of BADAC No. 1—they include the permanent head or his deputy of the departments and ministries of Public Works, Police and Emergency Services, the Water Commission, Labour and Industry, Planning and Local Government. However, unfortunately it appears that the former Premier's intention has been lost, perhaps only partly, in the Bill.

**Mrs Patrick**—Where did you get this information?

**Mr KIRKWOOD**—Some of the Cabinet leaks are just as big as other leaks —perhaps not as big as the present Minister for Planning! One notes that power is to be centralized through the Director of Building Control. The Labor Party supports the provisions that the Minister should have adequate powers to ensure that, where the Act and the regulations are not being adequately administered, he can take appropriate steps to remedy the situation.

In addition, the Local Government Department could rectify the situation. Many people in local government do not believe it will be necessary for the proposed Director of Building Control and/or his officers to have the power of entry and to take enforcement procedures in municipalities. However, those provisions exist in the Bill.

Unless there was a complaint about the standard of a building, as envisaged in the Bill, there would be no need for the director to become involved; to do so, would mean a duplication of power. Local government is successfully performing the function. The provisions of the Bill will confuse the building industry, the public and local government. Perhaps the Government is concerned to downgrade local government so that it is secondary to the Local Government Department. Indeed, many officers from the department have told me that is the feeling.

The main thrust of the Bill should be directed to local government and not to the department. The department should only become involved when councils have not performed their functions correctly. However, if the provisions of the Bill are enforced, the troubles and confusion I alluded to earlier will arise.

The Bill provides for the establishment of the Development Approvals Co-ordinator or the Development Approvals Co-ordinating Committee. It shall be the duty of either this individual or committee to receive applications for building and planning approval. Firstly, that provision endeavours to achieve the impossible by ensuring that the planning and building approvals are dealt with concurrently; and, secondly, that copies of the building proposals and documents are forwarded to each authority and the council involved.

**Mr Wilkes**—And if one authority holds them up, that is the end of it.

**Mr KIRKWOOD**—That is absolutely correct. It does not matter which Government department is involved, the documentation has to be completed within seven days. A number of people involved in local government have told me that, under the provisions of the Bill, they will assume the role of messengers by distributing the various documents and receiving comments from the same authorities. Yet the same authorities are required to examine the documents, and, if further information is required, to convey the request back to the co-ordinator, who in turn conveys the information to the applicant. Hence, on the receipt of further information, it is forwarded to the authority with the request that the 28-day period be observed. One can delay action by requesting further information and, under this provision, delay will occur when problems arise. Indeed, there could be extensive delays under this procedure. Of course, if either the approval or the rejection notice is not forwarded to the co-ordinator within fourteen days, the co-ordinator will issue approval for development.

However, the co-ordinator does not have to possess any statutory qualifications. Thus, for example, during a mail strike, like the one recently experienced, the officer is empowered to authorize the erection of a structure. That structure may not necessarily be merely a garage; it could well be a large complex. In the event of structural problems endangering the lives of the occupants of a building, there is no provision in the Bill for the appointment of an officer with skills.

Under the provisions of the Bill, "Co-ordinator" means the Development Approvals Co-ordinator or the Development Approvals Co-ordinating Committee. I have spoken to a number of people on the function of the proposed co-ordinator. Their reading of the Bill and mine is that the co-ordinator would be involved in clerical duties and would not be involved in either decision or policy implementation. Thus, even if the proposed committee could perform some useful function, there is no way in which the committee could undertake the specified tasks and the requirements within the time constraints.

In the second-reading speech, the Minister for Local Government said that he was attempting to streamline the issue of building approvals. However, no significance has been placed on the degree of complexity that could be involved. For example, the development of a shopping complex would require much co-ordination, I cite the example of the construction of Myers Northland in Preston. The construction was delayed for five months because of problems of co-ordination between the Board of Works, Telecom Australia and the local council. There were problems with the installation of traffic lights, the construction of a bridge, the positioning of underground telephone wires and other areas of the development. There is no provision in the Bill that would allow a council officer to streamline the approval of a development.

In direct relation to the degree of difficulty involved with various constructions the Bill provides for the authorization of stage permits to accommodate required needs. The building industry has had knowledge of stage permits for some time. Indeed, the former Melbourne City Council began to use stage permits from their inception. However, the number of days specified fails to recognize the workload that may face either a local council or a building officer from the council involved. Some councils meet every fortnight. For example, if a developer submitted an application for a permit tomorrow to the Preston City Council, that developer would have to wait until early next February. How could the time factor be met? The Bill fails to recognize the factors that could well force councils to employ additional staff.

**Mr Wilkes**—Some councils meet only once every three weeks. The Local Government Department would not acknowledge that because it is too far behind.

**Mr KIRKWOOD**—That is correct. Indeed, many country councils meet only once a month. Rather than a firm time

specification, the provision could be more loosely defined. When one closely examines the Bill, one realizes that with complex buildings and plans, the permit may be exercised under different constraints in the absence of an appeal or the requirement to advertise. There is nothing in the Bill that states one can appeal against a decision. Maybe that will be included in the regulations. There is a requirement to make application to the local council for a permit, and that can take two or three weeks. Will there be a requirement to forewarn people of a development in a certain area? It is unlikely that any complex development will be determined without this Bill. In the past few years the consumer has been brought up to accept situations and dialogue with public authorities is unlikely to affect the position. A building permit should not be approved until there is proper checking to assure the safety of the people in the area.

The previous Premier, Mr Hamer, conceived an idea of a Registration Board. There were no such organizations in the Commonwealth, although the Commonwealth Scientific and Industrial Research Organization, and a building research station at Ryde, in New South Wales, were doing different things regarding aspects of building. Neither was set up to test all types of materials or methods of construction. Today there is the Australian Systems Building Approval Council, which has been established at no cost to this Government, for the purpose of testing material. Maybe it will not be lost on the Government if the Government's intention is ultimately to adopt an Australian business code. Surely good sense will dictate that this organization works for something that will better the whole of the nation. It could be that the funding of this organization will cost so little that Victoria will be only too pleased to be part of it.

Under the Bill there is a proposal for the endorsement of minimum standards for habitation, which will now be the responsibility of local government. This responsibility has been with the Housing Commission for 43 years. It was brought into being, I believe, because of the slum conditions in the city. It is my understanding that the officers who work in this department have acquired considerable skill, that could be applied to people in local government. The port of Melbourne, health inspector, on this aspect, said:

> Where the presently sub-standard housing is removed from local politics by being a State department, local control will place it at the whim of local politicians whose influence could affect the decision of the person charged with declaring houses unfit for habitation or requiring repairs.

A great deal more does not need to be said. Again, changes are likely to happen.

I ask the Minister to examine the cost of establishing the administration to control the Building Control Act. The establishment of this will be probably $10 000 in the City of Preston. Figures were available on this: $6500 for establishment cost, and annual loan ongoing cost of $43 000. That is a lot of money for local government. No one knows what the fees are.

I am not too happy about this and neither is anyone in local government. People will have to await on the Minister's regulations committee, and then we may not agree with that committee. I wonder whether the Minister will consider setting up a special committee and using his powers to co-opt people onto these committees to ensure that there is an input in the areas affected, in other words, local government.

**Mrs Patrick**—He said that.

**Mr KIRKWOOD**—He might have said it. The Opposition is disappointed that it has not been given the opportunity to move its reasoned amendment. It is also sorry that the municipal councils were not given extra time to examine the provisions of the Bill. The Government would have gained if additional time had been given to local government. The people in the City of Waverley are concerned, as well as in other local authorities. It is difficult to imagine how the Government can go ahead with this Bill, knowing there are many people in local government who want something better. These people seem to be of the opinion that they will

never understand this Bill because it is built on regulations. That being the case, I believe at this late stage the Minister, if he wished, could still do something about this problem.

**Mr HANN** (Rodney)—The National Party supports the Bill. It is a step in the right direction in improving both the efficiency and the speed of the issuing of building permits in this State. The National Party hopes it will, in some small way, ultimately reduce the cost of housing, yet one needs to qualify that against the statement in today's media which states that housing costs will rise immediately by $1000 a unit because of the wage rise given to the building industry as of yesterday.

Government's tend to respond in a slow way, because this Bill comes about as a result of the Building and Development Approvals Committee, which was first set up in March 1975. That committee first presented its report to the Government on building controls back in April 1977. In December 1981, this is debating the Bill which basically centres around the recommendations of the BADAC Committee. It is appropriate to pay tribute to the members of that committee and their role in investigating the improvement of building regulation.

It is interesting to consider that the Bill contains a statement of its objects. That is most unusual. The Public Bodies Review Committee could perhaps accept some credit for drawing to the attention of the Government and Parliament, through its audit and reporting consultancy report, the fact that much of the legislation in this State contains no statement of its objects and it is difficult to define the objects of any particular body.

The objects of the Act are:

(*a*) to consolidate and amend the existing law relating to building in Victoria;

(*b*) to provide for the better regulation of building and to improve standards of building;

(*c*) to facilitate and expedite the processing of applications for building approval;

(*d*) to provide for the accreditation of materials methods of construction designs and components;

(*e*) to provide for the better regulation of plumbers gasfitters and drainers; and

(*f*) to provide for the regular review of the provisions of this Act and the regulations made under this Act.

That spells out the objects clearly and concisely. Once the Building Control Bill is passed and the separate building control area is established within the Local Government Department, if the objects of the Act, as set out, are actively enforced in this State, that will facilitate and improve both the standards of building control and the consistency from municipality to municipality as well as facilitating this one-stop shop principle that the Minister expounded in the second-reading notes. Under the Bill, people requiring a building permit need go only to their municipality instead of having to approach numerous bodies, as has been necessary in the past.

However, I still envisage some problems along the way because it is not spelled out at this stage—and the Minister may clarify this in the Committee stage—how the Bill will fit in with problems of flood-prone areas in this State. More and more municipalities in Victoria are having portions of their municipal district declared flood-prone. This Bill will have an impact on those communities. In the City of Echuca at the present time, in the traditional residential areas, people who have lived for many years in areas that are now declared to be flood-prone must go through a complicated procedure to obtain permission even to extend their homes. I know of one instance where a young couple with a number of children wish to add two bedrooms to their home. The council agrees with the proposal but, because the house is in a flood-prone area, approval must be sought from the Minister for Local Government, who must then seek comment from the Minister of Water Supply, and a complicated procedure emerges. I wonder whether the Minister might indicate whether that matter will be resolved in the Bill or whether it will still be necessary for people to go through those sorts of procedures in future.

In presenting its recommendations more than four years ago, the BADAC Committee recommended there should be a Building Control Act to replace all existing building legislation in Victoria.

The committee went on to suggest the establishment of a State building authority and suggested that it may well be a statutory authority. The Minister did not take up that option. He has opted to include a new Director of Building under the Local Government Department and under the direct control of the Minister. I would be interested to know why he selected that option.

At the local government level, the recommendation is for the appointment of a Building Development Approvals Co-ordinator. In addition, the Minister has also provided an option under the Bill for a Development Approvals Co-ordinating Committee. Although I welcome the appointment of the Development Approvals Co-ordinator, comment has been made to me in a submission from the Local Government Engineers Association, North-eastern Group, that this proposal for a committee should be deleted from the Bill.

In its submission, that group points out that the efficiency of a committee is inversely proportional to the number of participants and the time spent on deliberations. I am sure the Minister would be well aware of that situation. The submission of the group goes on to point out that the formation of a Development Approvals Co-ordinating Committee would be at variance with one of the objects of the Bill which is to facilitate and expedite the processing of applications for a building approval.

I would be interested to know why the Minister has seen fit to include the option for a committee and whether he is prepared to reconsider that option. From their experience, all members of this House are aware that committees in this sort of situation are only a complicating process whereas the decision of the Development Approvals Co-ordinator at the municipal level would be much more effective and much simpler. It seems to me that the proposal for the deletion of that provision is quite reasonable.

The question of building standards exercises the minds of members, especially some of the strict standards that have been enforced in recent years, some relating to Australian conditions and others relating to stringent rules which have applied in overseas situations. Building standards need to conform to climatic conditions and to the requirements of the people. One hopes that, with the implementation of the Bill, a more realistic approach will be taken to building control in this State, and that could ultimately reduce the cost of housing and could make some aspects of housing more practicable.

One looks particularly to the public area and the requirements, for instance, of the Health Commission, in public buildings. I have seen some examples of ridiculous requirements imposed by the Health Commission, for example, in relation to ventilation. One would not argue against a need for ventilation. For pre-school centres and general halls, the Health Commission seems to have a standard policy that there must be an air space at the top of windows. In my area there is a pre-school centre where the glass goes up to within about 3 inches of the top of the window and then there is a gap. Although there is provision for the air space, there is no requirement for fly wire. In the summer months, especially at night, insects come in through the gap. That kind of situation applies to a number of public buildings. One would hope that, in considering regulations for buildings and building control, these matters would be given due consideration and that a more flexible and realistic approach would be adopted in regard to public buildings.

It is pleasing that the Government has recognized that its own buildings should conform to the regulations, something that has not necessarily been the case in the past. There are many examples such as the one I have just quoted where, in the case of community buildings, strict regulations are laid down, yet many Government buildings do not conform to the same strict requirements relating to the building area.

Another significant change under the Bill is that the Housing Commission will no longer control housing standards in respect to houses that are considered to be unfit for human habitation. In

future, municipal councils will make the decision on whether a house should be demolished. I have had a number of experiences where people are happy living in their homes and the homes have been reasonably structurally sound, although perhaps not up to the standard that the average community would consider to be reasonable, and the Housing Commission has been prepared to defer demolition orders on those houses while the people are still living in them. I should hope that, when this matter becomes the responsibility of local government, a similar sympathetic approach will be adopted.

The final matter I raise, keeping in mind that this debate will finish in a few seconds, is the cost of implementing the proposals at municipal level. The Government has given municipal councils no indication of any contribution it might make to assist in this area, and I believe that is a matter the Minister ought to consider.

**The SPEAKER (the Hon. S. J. Plowman)**—Order! The time allotted for the debate on this motion has now expired.

The motion was agreed to.

The Bill was read a second time and committed.

Clauses 1 to 3 were agreed to.

Clause 4 (Objects).

**Mr HANN** (Rodney)—This clause, dealing with the objects of the Bill, spells out the real purpose of the proposed legislation. I have already said I am pleased the objects have been listed in the measure, and I hope a similar practice will be followed with all major legislation in the future.

In the final stages of the second-reading debate, I directed attention to the fact that a municipality in the area I represent, the City of Echuca, has expressed support for the provisions of the Bill in general, as spelt out in the objects in clause 4, but has expressed concern about the increased work load municipalities will be forced to bear. The Government has displayed no concern about the increased costs municipalities will incur in this area. The Minister ought to consider this matter because there is no doubt that greater responsibility will be imposed on local government, particularly because of the Government's desire to speed up the building regulation process, which means that applications for permits will be handled differently. There is no doubt that this will mean increased financial burdens for municipalities, which is why the City of Echuca wrote to the Municipal Association of Victoria asking that the matter be raised during the debate and that its concern be expressed.

From time to time members of Parliament receive queries from individuals concerning difficulties they have experienced in obtaining building permits. On several occasions I have had to guide people to the building referees because of the difficulties they experienced, especially problems caused by flooding or their desire to build on flood-prone land. It may be that they have built in existing residential areas but, because new flood levels have been imposed in some municipalities—and I understand they will be imposed in many more before long—there have been complications with gaining approval of applications for building permits. The people involved have had to apply to the building referees, and that process may continue in future, but it is to be hoped that a more realistic approach will be adopted to this problem, particularly bearing in mind the fact that one of the objects set out in the Bill is to facilitate and expediate the processing of applications for building approval.

Members of the National Party welcome that object because we are anxious that people wishing to build should not have difficulties in obtaining building permits. That was one of the main reasons for the establishment of the Building and Development Approvals Committee. It is now some four and a half years since the report of that committee was presented—in April 1977—so there can be no doubt that anyone who was then waiting for a building permit would have been waiting for a long time to have some step taken to expedite the process. It is

pleasing that the proposed legislation is at last before Parliament.

The measure also provides for the accreditation of materials, methods of construction, designs and components, which is most important in a day and age when building costs are escalating rapidly. A number of building firms are trying out new materials and methods of construction, and one can only wish them success. The Government recently endorsed a mobile home project in the Morwell area, which covers the provision of semi-permanent accommodation in buildings of a very temporary nature. That sort of project raises the question of the sorts of standards that will be adopted in building regulations in the future. There is no doubt that greater responsibility will be placed on local government, keeping in mind that there will be an over-all co-ordinating body.

The Bill will also consolidate and amend the existing law relating to building in Victoria, which is another step that is welcomed by the National Party. The process of seeking building approvals has been very complicated and it has been difficult for many individuals to know whether they are conforming with the requirements of the Uniform Building Regulations and the various building controls. Because of the number of bodies that have had to be contacted, the process has become more than a little difficult for the average person. In fact, in some cases people have simply gone ahead and made small alterations to their homes without formal consent, particularly when some small area of red tape has been creating problems.

I am aware of a flat in Rochester, for example, that became very hot because of the hot sun on the western wall. Because the frontage to the street was too narrow, the owner was not permitted to build a small verandah at that end of the building. He was permitted to do so at the southern end of the building, but he did not want a verandah at that end. He eventually went ahead and constructed a verandah on the western wall, which vastly improved the comfort of the building but ran him into a head-on confrontation with the local municipality. Fortunately through compromise and an approach to the building reference he was able to resolve the problem. This highlights the difficulties that have occurred in the past in the practical application of building regulations. One hopes the Bill will simplify the method of obtaining building permits.

Clause 4 (*c*) aims to facilitate and expedite the processing of applications for building approvals, and paragraph (*b*) aims to provide for the better regulation of building and to improve standards of building. Once again, one hopes this will not add greatly to the cost of building because home ownership is already beyond the reach of many young people who would clearly wish to own their own home. It is essential that regulations are kept to a minimum to facilitate home building.

The final object of the Bill is to provide for the regular review of the provisions of the Act and the regulations made under the Act. It is suggested, particularly with the centralized Director of Building Control, that there ought to be a checking system of local municipalities with development approval co-ordinators similar to the audit function of the municipalities whereby from time to time a review takes place at the local level in order to ensure conformity of standards between municipalities. The Minister should take up that practical suggestion. Although it has a number of small matters to raise on further clauses, the National Party supports the Bill. The National Party also supports the objects of the Bill and welcomes their inclusion.

**Mr MILLER** (Prahran)—As has been indicated, all parties support the Bill, which is a most encouraging sign because it is a useful first step in ameliorating many of the problems that have beset the building industry in Victoria. I refer particularly to the establishment of a number of reviews and revisions of the provisions relating to construction in Victoria.

As honourable members know, an enormous amount of money is being spent by Victorians in other States because they have run into so much red tape and difficulty in obtaining the appropriate building permits here. Countless people have complained to me about the difficulties put in their way by this Government when they seek to erect and construct buildings. I support the comments of the honourable member for Rodney about the need for proposed legislation like this, but a number of small imperfections exist. In the spirit of suggestion and useful compromise the Labor Party has recommended to the Minister a number of useful amendments that might be made to the Bill so that the objects articulated in clause 4 might be better achieved.

I refer particularly to the facilitating, expediting and processing of applications for building approvals. This is one area that has been the subject of constant complaints and criticism to the Government and to every member of Parliament. It is a most important first step. The Bill is not perfect in its present form and its imperfections will be highlighted during debate in the Committee stage. The honourable members for Essendon and Albert Park have a number of suggestions which, if the Minister agrees to them, will improve the Bill.

**Mrs PATRICK** (Brighton)—I applaud the fact that the objects are set out in the Bill. I also applaud the objects which make it easy for the lay person and a person who picks up the Bill for the first time to ascertain its purpose.

The clause was agreed to.

Clause 5 (Interpretation)

**Mr MILLER** (Prahran)—Would the Minister consider examining clause 5 to include a definition of the word "party"? One of the difficulties experienced by many people in the regulation of the building industry, particularly on appeals, is the limited definition that has been given by councils, the Planning Appeals Board and others to the word "party". I refer the Minister to clause 54 which states, "a board hearing an appeal shall after hearing any party that wishes to be heard." I suggest that at some later stage a definition of "party" be inserted in clause 5.

**Mrs PATRICK** (Brighton)—It would be extremely difficult to define "party" because there may be all sorts of people interested in the business at hand. The word "party" is difficult to define in any case, and it would be quite wrong to try to do so.

The clause was agreed to, as was clause 6.

Clause 7 (Appointment of officers)

**Mr JASPER** (Murray Valley)—I have received comments on this clause from the Shire Engineer of the Shire of Cobram who has extensively investigated the Bill. I refer particularly to clause 7 (3) which provides for the appointment for one or more departmental building surveyors. The Bill states that the surveyor will report to the Director of building control about building regulations and about how they are administered by councils.

The comments provided to me by Mr Seiffert from the Council of the Shire of Cobram are worth noting. He states that it is fair to say that the standard of building control varies from very poor in some municipalities to excellent in others. He also states that it causes him concern that many builders undertake building works in a number of municipalities and see a great variance in the standard of control apart from the standard of building between various municipalities.

Mr Sieffert refers to the second-reading notes of the Minister where mention is made of the differing standards between municipalities, and he comments that clause 7 should provide for co-ordination of the officers within the Local Government Department. These officers should regularly inspect and visit the municipalities to achieve commonality of standards between building control operations and between the various municipalities right across the State. I hope the Minister will take note of the suggestions.

**Mr LIEBERMAN** (Minister for Local Government)—The comments from such an eminent person as Mr Seiffert are valuable. Clause 7 (3) provides a framework for the suggestion by Mr Seiffert to be put into effect. Amongst other things the departmental building surveyor will be required, as the clause provides, to perform such other duties as the director requests and primarily to assist councils and their officers in ensuring proper observance of the building regulations. Clause 6 (4) (*d*) provides that the director is responsible, amongst other things, for liaising with the municipalities in relation to their functions under this Act or any regulations made under this Act. His duties will be to ensure that the inspectors help, encourage and achieve co-ordination of adequate standards throughout the State.

The clause was agreed to.

Clause 8 (Advisory Committees)

**Mr LIEBERMAN** (Minister for Local Government)—I move:

Clause 8, line 28, omit "after consultation with" and insert "on the recommendation of".

The amendment was agreed to.

**Mr LIEBERMAN** (Minister for Local Government)—I move:

Clause 8, lines 34-35, omit "as the Minister, after consultation with the Minister of Water Supply," and insert "nominated by the Minister of Water Supply as the Minister".

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

Clause 9 (Consultation)

**Mr HANN** (Rodney)—In referring to a similar document mentioned by my colleague, the honourable member for Murray Valley, that is the submission that was prepared by the north-eastern group of municipal engineers, clause 9 (5) states:

The director shall forward a copy of any draft building regulations prepared under this Act for comment to . . . .

(*e*) Every other person or body to whom or which the Minister directs that the draft building regulations be sent.

The suggestion, which once again was initiated by Mr Seiffert, was that the Minister for Local Government should be requested to ensure that the Local Government Engineers Association is one of the bodies referred to loosely in clause 9 (5) (*e*) and I seek an assurance from the Minister in that regard.

**Mr LIEBERMAN** (Minister for Local Government)—I am happy to give that indication to the honourable member for Rodney. The association referred to by the honourable member has been most helpful to myself and the department in preparing this measure and in assisting with some of its fine tuning, and it would be the appropriate people to put on the mailing list and that will be done.

The clause was agreed to, as was clause 10.

Clause 11 (Constitution of Technical Advisory Council)

**Mr KIRKWOOD** (Preston)—The Opposition proposed to move a couple of amendments to clause 11, but as a message from His Excellency the Governor was required, obviously the Opposition has not been able to move its proposed amendments. However, I make the point that when the Minister considers the various people who are to be appointed to the Technical Advisory Council, it is the opinion of the Opposition that there should be one person nominated by the Trades Hall Council to represent building and construction unions. Without the Trades Hall Council being represented, I consider that at times it would be very difficult to have this work properly undertaken.

The Opposition also believes that there should be a representative nominated by the United Firefighters Union as such a nominee would have the interest, knowledge and experience in fire fighting.

The Opposition further believes that there should be a person on the Technical Advisory Council to protect the interests of residents and who could be nominated by the Minister for Local Government. There is no reason why, in another place, the Minister for Local Government could not come to terms with this principle and make the necessary amendments related thereto. If it is not done then, I hope in the near future the Government or the Minister

for Local Government will decide that these three types of nominees are worthy of support.

**Mr LIEBERMAN** (Minister for Local Government)—The comments of the honourable member for Preston are valuable and I have myself decided that I will be recommending, under clause 8 of the Bill when it becomes law in this State, that one of the special advisory committees to be formed to assist the department, the director and the Technical Advisory Council and myself as Minister for Local Government, will be a committee which will be made up of the very specialists of which the honourable member for Preston has spoken.

The United Firefighters Union is a body of people with enormous expertise and experience and I believe that if that body is willing to accept my invitation to form part of a special advisory committee, as provided for in clause 8, that will be of great assistance.

It will also be possible, as the honourable member for Preston would appreciate, for additions to be made to the Technical Advisory Council—to co-opt members is a fairly accurate description—and I can envisage that with time as we require regulations which particularly have regard to fire fighting and safety with respect to the danger of fire, the director would be recommending to me, and I as Minister would be very sympathetic to the concept, of adding or co-opting to the Technical Advisory Council, a representative from the United Firefighters Union. The same comments apply to the Trades Hall Council when dealing with particular problems and the drafting of regulations in these specialized areas.

I believe I can accommodate the wishes of the honourable member for Preston and the two groups he spoke about, but as I stated in the second-reading speech, let us give the Bill a year's trial or so. Let us try its ideas and—I am not locking myself in—I may be contemplating these types of persons as permanent members of the Technical Advisory Council. However, let us have a year's trial, particularly of the concept of advisory committees and see the effect of them. I hope we can achieve success, but if not, I am prepared to consider the remarks of the honourable member for Preston. In the meantime, I thank the honourable member for his suggestion.

**Mr MILLER** (Prahran)—I support the comments of the honourable member for Preston, but I urge the Minister, if he is going to co-opt people to the Technical Advisory Council, that he give real consideration to co-opting a person who can represent the interests of local residents because no community representation *per se* is included on the Technical Advisory Council.

I move:

Clause 11, line 20, before "building surveyor" insert "practising".

I refer honourable members to clause 11 (1) (*b*) which reads, *inter alia*:

One shall be a building surveyor with experience in building in an urban area . . .

Clause 11 (1) (*b*) and (*e*) refers to "practising architect" and "practising engineer". No such requirement is spelt out by prescription for the building surveyor.

I have received fairly strong representations from the building surveyor in Prahran and from a number of other interested persons that the building surveyor provided for under clause 11 (1) (*b*) should not be a building surveyor with that very loose definition. Certainly the particular building surveyor proposed is qualified as being a person with experience in building, but nevertheless a building surveyor can also be an engineer and for this reason I have moved an amendment to insert the word "practising" before the words "building surveyor" so that there is no doubt that clause 11 (1) (*b*) will refer to a person who is a practising building surveyor in the urban area. I foreshadow a further amendment to clause 11 (1) (*c*) which will provide for a practising building surveyor with experience in a rural area.

The amendment will also ensure that the person has more than a theoretical, abstract or academic interest in the field, that he is a person who has a real and pragmatic knowledge of the area. It is a constructive and positive

suggestion and I urge the Minister to give consideration to it.

**Mr WALSH** (Albert Park)—I support the remarks of the honourable member for Prahran for the situation could arise where, if a person other than a practising building surveyor were appointed to the council, there could be two additional engineers on the Technical Advisory Council. It is very important that the building surveyors have representation in their own right on the Technical Advisory Council. I suggest to the Minister that if he will not accept that proposition, what should happen is that these people referred to in clause 11 (1) (*b*) (*c*) (*d*) and (*e*) shall be nominated by the Minister and that the organizations involved should have the right to submit three or four names to the Minister so he can choose basically a representative from that organization. It is a very important concept and I submit to the Minister that it would be wise to accept the amendment.

The honourable member for Prahran is not pushing the situation by introducing his amendment to make it harder, but the problem exists and the position could arise where the member nominated for appointment to the Technical Advisory Council may not be a practising building surveyor, but an engineer, and therefore two engineers could be selected for a position on the Technical Advisory Council.

**Mr LIEBERMAN** (Minister for Local Government)—There is scope under clause 11 for the Governor in Council to make the final recommendations and that will enable the Minister for Local Government to put appropriate suggestions to the Governor in Council. Certainly the benefits of having a practising building surveyor are apparent to me as Minister, and I would keep those benefits uppermost in my mind when making the recommendation.

I also mention in relation to clause 8 (5) in answer to the suggestion made by the honourable member for Prahran that some person representing, I think he said, the community or some other group—I cannot quite recall the word he used—that that situation is accommodated because it is my intention that a special advisory committee be constituted under clause 8 (5). The committee will have an interesting role. I have defined its objects as being to ensure that the regulations produced by the Technical Advisory Council are as simple as possible and that they assist in achieving the objectives of the Act. I thank the honourable member for Rodney for supporting the way in which the Government has approached this Bill by defining objectives. I agree that legislation should state its objectives so that the reasons for the legislation are apparent, and reviews of the legislation are assisted by that.

The honourable member for Prahran will be interested to note that clause 8 (5) (*c*) provides that the regulations should not be too onerous in their application to the community. I meant what I said when I asked for that provision to be drafted. It is important for regulations not to be too onerous.

**The CHAIRMAN (Mr A. T. Evans)**—Order! Is the Minister speaking on the amendment?

**Mr LIEBERMAN**—Yes; my remarks are related to the comments made by the honourable member for Prahran on his amendment. I have almost completed my comments, if I may have your indulgence, Mr Chairman.

The members of the special advisory committee—and I place a great deal of value in this new advisory committee—will be people who, amongst other things, will represent the views of the community as the Minister may appoint. Perhaps the honourable member for Prahran will assist me in looking at a panel of names of suitable people to constitute the first advisory committee.

The amendment was negatived.

**Mr MILLER** (Prahran)—Given that the same arguments apply to the second proposed amendment standing in my name, it is not worth pursuing it because it was consequential upon the acceptance of the first amendment.

However, I ask the Minister to spell out briefly why he does not consider it necessary in either of these two cases

to insert the word "practising", given that the honourable member for Albert Park and I have received many representations on this specific issue.

**Mr LIEBERMAN** (Minister for Local Government)—If the honourable members for Prahran and Albert Park wait until the first Technical Advisory Council is appointed, they will be pleased to see its constitution. The persons on it recommended by the Government will be people who can make a valuable contribution. The building surveyors with experience in building, in the Government's view, will be those people who are the best available.

If the honourable members wait to see the operation of the clause, they will be pleased with it.

**Mr WILKES** (Northcote)—I draw the attention of the Minister to clause 11 (1) (*j*), which states that it is the intention of the Bill to appoint a person with experience in local government who is nominated by the Minister after consideration of panels of names submitted to him under that provision by councils and by bodies concerned with local government. I ask the Minister whom he expects to appoint in this case, because it is a wide field, when one considers the ambit of local government and the number of people available with experience in local government. The Minister ought to state more succinctly the type of person he expects to appoint. The fact that a person with experience will be nominated from a panel of names that will be submitted to him presumes that each of the 211 councils will be asked to submit a nomination to the Minister. This would apply also to the Municipal Association of Victoria or any other body concerned with local government. The Minister will have a broad field from which to choose.

Clause 11 (1) in paragraphs (*b*) to (*i*) inclusive suggests that the members should be nominated by the appropriate Minister after consideration of panels of names submitted to him by the bodies concerned with or interested in building. I want to be certain that that provision applies to each of paragraphs (*b*) to (*i*) and that the organizations concerned would be submitting those names to the Minister. For instance, I expect that the Australian Institute of Building Surveyors would submit a panel of names to the Minister. Paragraph (*f*) states that:

> . . . one shall be a person with experience in plumbing and who is nominated by the Minister of Water Supply . . .

To what extent does the Minister expect to approach the Plumbers and Gasfitters Union to seek its views on the person to be appointed? It is not uncommon in other legislation, nor should it be uncommon in this proposed legislation, to do so because, as the honourable member for Prahran said, this is an important Bill. It changes the whole aspect of building control in Victoria, and therefore I believe that the proposed Technical Advisory Council and the Minister are entitled to appoint people with the best experience that can be obtained.

If the Minister is asking for panels of names to be submitted from all organizations for the nominees mentioned in paragraphs (*b*) to (*i*), surely he ought to take into consideration the whole range of options that are open to him, including the unions and other organizations. The Master Plumbers Association would no doubt contribute, as would the Plumbers and Gasfitters Union.

**Mr LIEBERMAN** (Minister for Local Government)—In answer to the honourable member for Northcote I point out that the way in which clause 11 is drawn gives the Government and the Minister wide scope and flexibility. Certainly I agree with the honourable member that the umbrella provided in paragraph (*j*) is wide. That was done deliberately because of the importance of obtaining an appropriate person with local government experience, and recognizing that the person may or may not at that time be involved in active local government. If the person is not currently engaged in local government, he could have enormous experience in the area.

It is my intention to consult with the Municipal Association of Victoria. I have a high regard for the association and believe it will assist the Government

considerably in making suggestions for a suitable person to be appointed.

It follows that the other professional bodies that the honourable member for Northcote mentioned will also be involved in the formation of the Technical Advisory Council. This proposed legislation, which is being debated tonight with time constraints—and comments have been made by the Opposition regretting that—has probably been the subject of more consultation than most of the legislation in the last decade. The Bill was introduced by me on 30 October 1981 at the second-reading stage. Prior to that I had attended a seminar with leaders of the various groups in the State specializing in an interest in this area, and earlier my officers had also undertaken extensive seminars and discussions.

In addition, I have had meetings with individual groups. Going back in history, I point out that the honourable member for Narracan, when he was spokesman in this House for my predecessor, the Honourable Digby Crozier, read the Bill in its first form on 10 December 1980. That Bill was widely circulated and was finally withdrawn by my predecessor because of the submissions made by interested people. This Bill is the result.

Although I have the highest respect for the honourable members who are handling the Bill for the Opposition, I think in their hearts they probably acknowledge that the present Minister has given them every opportunity for input, and it is time for the Bill to be given a trial. If I honestly thought that Victoria would benefit by leaving the Bill lie over till the next sessional period for debate, I would do so. I ask the Committee to support the Bill because of its importance to Victoria. If this Bill does not become law, it will not be possible to introduce the performance-orientated regulation.

Like other honourable members, I look forward to going into a building department anywhere in this State and asking for advice and guidance on how to build a dwelling or factory. Instead of being informed that what I want is not in the book and therefore cannot be done, I shall be asked what I want to achieve and shall be given the opportunity of being innovated and flexible. If what I wish to build is practical and is cost efficient and the roof does not leak, it will be possible to build it. I look forward to a law in this State that will enable people to build under that umbrella. That is why the Bill is important and why the Committee is debating it now.

The clause was agreed to, as was clause 12.

Clause 13 (Meetings)

**Mr KIRKWOOD** (Preston)—I move:

Clause 13, page 13, line 1, omit "Five" and insert "Six".

Where there are only five permanent members of the advisory council to constitute a quorum it would be possible for the impartiality desired by the Minister not to be present because a member might be forced to show his hand; whereas if the number of permanent members was six, the probability is that this would never occur unless someone was absent. When the Minister reviews this matter, if not now but when he reviews the various bits and pieces, he might consider this area.

The amendment was negatived, and the clause was agreed to, as were clauses 14 to 16.

Clause 17 (Application to Crown)

**Mr KIRKWOOD** (Preston)—I move:

Clause 17, page 15, omit sub-clauses (2) and (3).

I invite the Committee to omit sub-clauses (2) and (3). This is one of the areas in which public authorities should not be required to apply for or to obtain approval for any building. There is no reason why public authorities cannot be treated exactly the same as any other individual or groups of persons. For many years an outlandish attitude has been adopted by the Government even though the previous Premier, when he started his original committee was concerned that Government departments should line up with everyone else. It is not asking too much of the Minister, when re-assessing what is to be done, to consider placing public authorities in the same position as individuals or a group of people forming a company.

**Mr WILKES** (Northcote)—I support the remarks of the honourable member for Preston in suggesting that sub-clauses (2) and (3) be omitted. For instance, if the Housing Commission applies for a permit from a municipality and it receives that permit, even though the building regulations require that the studs should be 1 metre apart or whatever, the Housing Commission can ignore that regulation, and it has ignored similar regulations in the past on its building projects.

There was a time when the former Deputy Leader of the Labor Party, Dinny Lovegrove, and I, went into the Breadmeadows-Jacana area and inspected houses built by the Housing Commission. They did not conform in any way with the Uniform Building Regulations in this State. It is outrageous that an authority can flout the building regulations or bend them to suit its own requirements. That is precisely what happened with the Housing Commission. It is not the only authority that ignores and will be given permission to ignore Uniform Building Regulations or the regulations laid down under this Bill. It makes a mockery of the proposal to set up a standard of regulations for private developers and individuals throughout Victoria and to say to statutory authorities or to any authority that they can ignore these regulations. The local councils will have no control over the development by any public authority in their area if sub-clauses (2) and (3) are accepted. Those sub-clauses provide:

(2) Government departments public authorities and councils shall not be required to apply for or obtain building approval for any building work but shall nevertheless comply with any requirements of this Act and the building regulations relating to the lodging of drawings specifications documents and other information in respect of the building work as if building approval were required.

(3) Drawings and specifications shall not be lodged pursuant to sub-section (2) unless a qualified building surveyor, after making due inquiries and obtaining all necessary reports, has certified the drawings or specifications (as the case may be) to the effect that they comply with requirements of the building regulations.

The Opposition believes whether it is a Government department or a public authority, the building regulations should be applied religiously, as they are to any private individual in the community. Why should there be any distinction?

The case that I have cited in relation to the Housing Commission was to the detriment of people who might purchase Housing Commission homes in the future. I could relate some of the aspects of the Uniform Building Regulations that were ignored by the Housing Commission. They related not only to studs but also to floor joists, fire bricks, fire walls and so forth; in other words, they were dangerous aspects. Local government has no authority over that situation. This Bill is designed to facilitate building control in Victoria, and yet public authorities are to be allowed to flout the regulations before the proposal gets off the ground. The Minister would be well advised to consider the effects of the amendment moved by the honourable member for Preston.

**Mr JASPER** (Murray Valley)—The National Party is inclined to support the amendment moved by the Labor Party, but I shall make one comment on it. It is in relation to the policies that the current Minister of Housing is putting into effect. So far as the Ministry of Housing is concerned, Victoria will not need to worry about regulations because no houses are being built in Victoria. The National Party hopes that the situation will be changed in the future and that Government departments will be responsible for building houses. Comments have been made about clause 17 by the Shire Engineer and Building Surveyor of the Shire of Cobram, Mr Bob Seiffert, who is particularly concerned about the operation of this clause. He is concerned that a public authority does not have to apply and obtain approval for a building. It is just asked to comply with the regulations, which does not seem to be enough. The Shire Engineer also said that the Government departments or public authorities are not even required to pay fees or charges. The National Party considers that to be totally wrong. It is wrong that Government departments do not have to comply with the regulations or apply for approvals; they are just asked to

comply with the regulations. It seems that they should comply with the normal regulations that every building contractor would have to meet within a municipality and meet the requirements and regulations of the building inspector.

They are exempted from the building surveyor's approval and also exempted from the fees. The National Party considers they should not only comply with the regulations,. but should also pay the prescribed fees and then the local building inspector and surveyor will be able to ensure that they comply with the normal building regulations. The National Party will support the amendment moved by the Opposition so that sub-clauses (2) and (3) will be removed. I will be interested to hear the Minister's comments on clause 17 generally.

**Mr MILLER** (Prahran)—I strongly support the views put forward by the honourable member for Northcote and also by the honourable member for Murray Valley. The bush Socialists are strongly supporting the views that the Opposition has articulated on this matter. It is an outrageous proposition that two separate sets of standards should apply, one on Government buildings and another for buildings that honourable members, as citizens, might construct in their municipalities. Not one State school constructed in Victoria since the war has complied with all of the building regulations, fire regulations and health regulations. That is an outrageous indictment when one considers that children in Victoria must attend those schools on 300 days of the year and that teachers and parents should have to suffer in that way.

The recommendations made to the Minister should be adhered to. As the honourable member for Northcote said, the Housing Commission of Victoria has been one of the most flagrant violators of building regulations. The one aspect of the amendment that concerns me is the double standard that the Government has also perpetuated in this International Year of Disabled Persons. It is all very well for the Minister to introduce amendments relating to commercial buildings, but why does the Government not do more than just promote a little tokenism and say that only commercial buildings should comply with regulations? It should set the standard for all Victorians and require that all State Government buildings comply with building regulations and conform with the requirements that it expects of commercial developers in providing access and egress for disabled persons. That would provide an excellent example of a real commitment to that cause. For the reasons articulated by the honourable members for Northcote and Murray Valley, the Opposition strongly urges the Minister to delete those two offensive sub-clauses.

**Mr TREWIN** (Benalla)—The Mount Buller snow resort is situated in the Shire of Mansfield. One matter that was brought to my attention prior to the introduction of the measure and since its introduction, is that municipal officers in the Shire of Mansfield have no control over Mount Buller. It is situated on forest land and controlled by a committee of management. The committee of management decides to issue a permit and the building surveyor or municipal shire engineer has no say in the matter. The largest building on Mount Buller, which is about four-storeys high, was caught in a windstorm in which some of the bricks and roof started to tumble off and one corner fell in. There is no municipal control over buildings on Mount Buller. It is up to the builder to determine whether he considers the building is secure enough. I know that there have been some good builders at Mount Buller and whenever possible they have encouraged the owners of buildings to ensure that the buildings are sufficiently strong and comply with health regulations and fire regulations.

Year after year, this problem is occurring at Mount Buller. New buildings are being built and it is up to the committee of management to ensure that these buildings comply with regulations. As the building officer in the municipal shire and shire engineer said, "It makes us cry to think of some of the buildings being placed there". Fortunately, the school in the area was built by the Education Department. It was pre-cut,

but not to regulations as it was done in a hurry. The point is that Mount Buller has a capacity for 4000 people to stay overnight so that it becomes a little city during winter time at weekends and many of these buildings have been constructed without any building control over them.

**Mr LIEBERMAN** (Minister for Planning)—The comments made by the four honourable members overlooked the fact that clause 17 (1) (*a*) provides that buildings erected for Government departments, public authorities or councils, whether or not in relation to Crown buildings, shall comply with building regulations. The honourable members have claimed that Government departments, public authorities or councils should nevertheless have to apply for a permit. It is important that the debate on this clause be seen in its proper perspective.

In no circumstances does this clause, the Bill or the Government support the idea that agencies of the Crown should be able to erect buildings in this State without complying with building regulations. The Act requires that buildings be erected according to the regulations and, secondly, the buildings and specifications have to be certified by a qualified building surveyor. Clause 17 (3) provides that the surveyor makes due inquiries and obtains the necessary report and certifies that the drawings and specifications comply with the requirements of the building regulations. That, in fairness, ought to be on the record.

The honourable member for Benalla referred to buildings on Mount Buller in the Shire of Mansfield. I am not sure whether I am correct in understanding him, I believe he was suggesting that buildings can be erected by private people on the mountain and built without complying with the building regulations. That is not so. They must comply with the regulations, even if the buildings are erected by a Government department. The committee of management may be the responsible authority on the mountain, which is the distinction.

It is terribly important that honourable members know that the Government buildings must comply with the regulations. Of course, as the honourable member for Northcote pointed out, they need not comply with the by-laws which are made by the council with the approval of this legislative measure —that is true. It is also true that the authorities are not required to apply for a permit from the local council or whichever authority. I can only say to honourable members that it is not unusual in any other part of Australia.

**Mr Miller**—Are we not to be setting standards?

**Mr LIEBERMAN**—Let me put it in perspective. It is a custom of Westminster systems in Australia, and most other States in the Commonwealth have the same custom, that the Crown is not required to apply to an administration or a sector of public administration which is of a sphere different from the sphere of the Crown and there is an expression that the honourable member for Prahran will recall well—the shield of the Crown. It is a tradition of the Westminster system.

The legislative measure contained in the clause has gone a significant way towards ensuring the element of justice that is being raised by honourable members and that is that buildings proposed to be erected and erected by Government departments, authorities or councils must comply with the building regulations—they are not exempted, that is terribly important.

The honourable member for Northcote recalled the bad old times, apparently—before my time in this place —where there were buildings erected that did not comply with building regulations promulgated for good reason for safety, and so on, and I am not familiar with those but I assure the honourable member for Northcote this clause puts to rest that possibility; construction of that type would not be legal because it would not comply with the building regulations and I hope the honourable member for Northcote will feel easier because of that explanation.

I am not accepting the amendment, no matter how well the intention. I appreciate the comments of honourable

members but it is a custom of the Westminster system to which this Government adheres. This legislative measure requires buildings to be erected in accordance with the regulations. In my view, if the Government department did not do so the building erected would be illegal and would not have a "shield of protection" in that case.

**Mr WILKES** (Northcote)—In deference to what the Minister said, he pointed out that if a Government department erected a building that did not conform with the building regulations the building would be erected illegally and someone would have to take action. Notwithstanding anything in the Act or the regulations, a building surveyor or officer of any municipality shall not be required to inspect any building work being carried out by or on behalf of a Government department, a public authority or a council. Why should the requirement not be there?

It is all very well to say that a Government department is obliged to build in accordance with what were the Urban Building Regulations but if there is to be no inspection—while there is clearly to be an inspection of every other building erected by anyone else in the community yet a Government department can erect a building and a building inspector, for instance of the Melbourne City Council, if the Government or any other Government decides to build a high-rise building in the central business district, is not responsible to inspect that building—one can assume no one will inspect the building and that the building will be erected without any inspection by a qualified building surveyor of a municipality.

It is no good saying the building has to be built to accordance with the regulations. The department does not have to apply for a permit in the first place so a municipality has no idea of what the specifications are of the particular building because no application is made for a permit and, notwithstanding when the department constructs the building, the municipality need not inspect that building.

In my view and in the view of the Opposition, it ought to be obligatory on the municipality to inspect the building in the same way it would inspect any normal construction within its municipal boundaries. To say that there is a safeguard in this is not true because the safeguard certainly escapes me and other members of the Opposition.

I suggest to the Minister that, between here and another place, he reexamines clause 11 to ensure what safeguards can be included to protect not only the builder but also the public who may be using the building that may be built when it does not conform, as the honourable member for Prahran said, with fire and health regulations, because one should be mindful of the fact that where any ordinary developer, builder or constructing authority wants to build a building, he first of all has to get permission or the new director set up under the measure has to get permission from those other authorities.

Presumably, a Government department or a statutory authority does not have to get that permission. Neither the Health Commission nor the fire brigade have any say on whether this particular authority is prepared to build in accordance with those regulations. That is absurd. The legislative measure will be the laughing stock of the industry unless some safeguards are placed to protect those people who may want to build as a constructing authority of any of the public authorities in the State. The Minister should seriously consider this aspect between here and another place.

**Mr ROWE** (Essendon)—I certainly endorse the arguments of the honourable members for Northcote and Prahran. It appears very important that Government departments and authorities be required to take out a building permit. The Minister has not adequately answered that aspect. Certainly, they are required to build in accordance with the building regulations. However, they are not required to take out a building permit or pay the prescribed fees and I, along with other honourable members, have received very strong representations on this clause. I have received a

letter from the City Engineer of Essendon, Mr Cameron, and representations from the council urging the Government to amend clause 17 to require that public authorities and Government departments be required to take out a building permit.

Recently in Essendon an incident occurred where I, as the local member, and the honourable member for Niddrie, were required to inspect a large multistorey building in Moonee Ponds that was subject to fire hazard and it was found that because the building had been built by a Government department there was no requirement for a building permit. Under the regulations, the appropriate and proper officer is an officer from the municipality dealing with fire prevention who is called upon to carry out the requirements under the Act for fire prevention, but when it comes to getting a permit, the municipality has been by-passed.

There has been no reasonable or logical argument put forward why that should occur other than custom and it is time that twentieth century thinking was established and Government departments and authorities were required to meet the standard required for private enterprise.

**Mr MILLER** (Prahran)—I support the comments of the honourable member for Essendon. The Minister's view that the clause not apply to Government buildings simply because it is the Westminster system, which means that Government departments and buildings need not comply with the regulations, is nonsense. If one goes to clause 5, the building surveyor of a municipality is not required to inspect any building work carried out—and one only has to look at problems that have beset the Victorian Arts Centre in St. Kilda Road. At one stage, after a continuous pour of concrete for seven hours, there was a suspended slab and unfortunately not enough form work was designed in the building and not enough supervision given to the building so that there was a massive collapse. It was most fortunate indeed that that particular slab did not fall on any of the workmen, engineers or architects who are associated with that specific building. However, that is typical of the type of problems that beset the building industry, especially Government buildings, and those problems could be avoided.

**Mr Wilkes**—There is no scaffolding inspection, either.

**Mr MILLER**—There are no inspections of footings, scaffolding or concrete pourings. Those types of ongoing inspections must be complied with in the private sector. It is not good enough to have two sets of standards in the construction industry. One obvious illustration of that is the Board of Works building. One has only to examine the appalling ongoing scandal that has beset that particular building to realize that this piece of proposed legislation, which goes some way towards curing the defects in this area, does not cure that type of problem. The Opposition urges the Minister for Local Government to adopt the amendment, as it would significantly strengthen the proposed legislation.

**Mr WALSH** (Albert Park)—I support the amendment and oppose the provision in the Bill. Why should Government buildings be exempt from regulations that apply to buildings in the private sector? If a builder in the private sector did not comply with the regulations, that building would have to be demolished or legal action would be taken against the owner. Under the provisions of the Bill, construction of Government buildings will be permitted without the builder having to follow municipal by-laws. The Government should set an example and have one law for all buildings. I oppose the clause.

The amendment was negatived.

**Mr KIRKWOOD** (Preston)—I move:

Clause 17, page 15, omit sub-clauses (6) and (7).

The amendment, if adopted, would allow the Department of Labour and Industry and the Health Commission to authorize the construction of new buildings. Local government should be given the authority to inspect all new buildings.

However, a lot of disquiet has been expressed about this provision of the Bill.

Over the years a number of mistakes have been made in the construction of buildings. Those mistakes would not be repeated if this amendment were adopted.

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

Clause 18 (Co-ordinator)

**Mr MILLER** (Prahran)—I move:

Clause 18, line 36, omit "shall" and insert "may".

The amendment, if adopted, would mean that clause 18 (1) would read:

—the council of every municipality may forthwith upon the commencement of this section—

(*a*) appoint a person or nominate an officer of the council to be the Development Approvals Co-ordinator; or

(*b*) nominate a committee of officers of the council to be the Development Approvals Co-ordinating Committee.

That clause as it stands at present strikes terror into the hearts of many councils throughout Victoria. The requirement of the word "shall", which is a mandatory direction to those councils, is something that they cannot avoid. There is no discretion or option. Councils will be required to follow the provision, but those councils should be given an option to enable them to appoint either a proposed Development Approvals Co-ordinator or an alternative person.

Many small councils do not have a building surveyor, who is the most obvious person who could be the proposed co-ordinator. It may mean that, if the committee of officers, who are to be the proposed co-ordinating committee, are not appointed in a small council, that council may have to appoint an additional member of staff. It could be that some smaller councils would consist only of an engineer and a town clerk. The amendment, if adopted, would enable those councils to have that degree of flexibility which the proposed legislation would not necessarily confer upon them.

If one also looks at the purposes underlying this particular clause, one can see that the principles that are applicable to this appointment are based upon applications made to councils by developers of multi-storey buildings and other large developments where there may be a great many permit applications being made to a particular council. However, the provision applies those principles that relate to multi-storey development in most councils to ordinary housing developments, alterations, demolitions or some form of modification.

It is for those reasons that the Opposition suggests that councils should be given an option, that is, some degree of flexibility and not be forced into appointing the approvals co-ordinator or the co-ordinating committee. One can envisage the power plays that will occur in many councils between the town clerk on the one hand and the city engineer on the other hand as to who will be the development approvals co-ordinator. The situation will be like ducks bobbing up and down in the water, with one head appearing at one moment and another head appearing the next moment.

The intensive lobbying that has occurred in councils throughout Victoria to repose this type of power in the office of either the town clerk or the city engineer is a divisive influence. The Opposition suggests that the appropriate mechanism for resolving this problem is to confer upon councils the option—the flexibility—to enable them to appoint an approvals co-ordinator or a co-ordinating committee as they see fit.

The other problem is that the provision must be complied with forthwith. There is no option but to comply with the provision immediately upon the commencement of this section. That will obviously cause real concern and, as the honourable member for Preston pointed out, not enough time has been given to councils. The building inspector of Prahran, Mr Smith, has given to me a great deal of informed comment not only on this clause but on many

other clauses, and it is for those reasons that the Opposition strongly supports this amendment.

**Mrs PATRICK** (Brighton)—I speak against the amendment. This clause is the linchpin on which almost the entire Bill either stands or falls. If councils do not appoint either the proposed development approvals co-ordinator or development approvals co-ordinating committee, a one-stop shop will not be achieved in my lifetime.

The word "shall" should remain. I would question the interpretation of the honourable member for Prahran of the word "may". There are many instances where provisions are interpreted on the use of the word "may" and they are found not to be mandatory. There is much controversy in the use of those words and, therefore, I suggest that the honourable member is merely raising a technicality.

Under the provisions of this clause, councils of every municipality will be given an option of appointing either a co-ordinator or a committee. That may well mean the appointment of a committee that is already in existence. It could be the local building committee or the planning committee that could be formed into the proposed development approvals co-ordinating committee. I believe when this clause was first changed there was to be only an officer, and this meets the trouble with a smaller council which has officers such as a town clerk and an engineer.

While a committee may not be as satisfactory as one officer, it still gives it that alternative, and I strongly suggest to the House that if "shall" became "may", the provisions of this one-stop BADAC Bill may never come into operation.

**Mr ROWE** (Essendon)—I support the honourable member for Prahran. The Municipal Association of Victoria has raised the matter of this new appointment of the development approvals co-ordinator, and in its circular to municipalities it has pointed to the fact that this appointment could lead to extra costs being imposed on municipalities if it meant an existing officer within the municipality was to be transferred to take over those duties outlined in the Act, or alternatively, if it meant the appointment of a new officer in an authority to handle the tasks put forward.

The honourable member for Brighton suggests an existing building committee may undertake the role of the development approvals co-ordinator, but that ignores that an officer of the council must put forward the recommendations and provide the backup support to the committee. Whatever way one looks at it, it requires that extra human resources be provided by the council to meet the administrative support required by the Bill.

The working party of the Municipal Association of Victoria suggested to the Government that the Minister should undertake a review of building objectives, parallel with the introduction of this building control measure, to require some compensation for councils as a result of the cost being imposed for these extra personnel.

**Mr WALSH** (Albert Park)—I support the amendment moved by the honourable member of Prahran. Where are the municipalities going to obtain the money for these extra appointments, and where are they going to get people who are qualified to do this extra work? Will the development approvals co-ordinator be the engineer? Will he be an officer of the council? The definition of "officer" varies under the Act. There is only one person who can be responsible, and that is a building surveyor who is qualified in this area.

There will be duplications if the development approvals co-ordinator is not a building surveyor. The development approvals co-ordinator will notify the building surveyor, to carry out an inspection; he has to make a written submission to the development approvals co-ordinator, and there will be a duplication of the work involved in approving permits.

It should not be mandatory on councils to make this appointment because of the cost, especially small councils.

Is it going to be the ratepayers who will pay? Local government is being forced to take over the responsibilities of the Government.

**Mr LIEBERMAN** (Minister for Local Government)—The honourable member for Brighton put the real reason for this particular clause to honourable members, and in doing so I heard her say that the committee should be comprised of councillors. I understand she intended to refer to council officers.

If one looks at clause 19, there is clear reason for a co-ordinator to be responsible for co-ordinating, facilitating and expediting the processing of applications for building approvals and for providing assistance and advice to applicants for building approval. I do not think anyone will judge those types of criteria as not being worthwhile objectives for anyone working in the building field. It is a matter of common sense to do a job well in those areas. It is necessary to have someone responsible. It is like the old story when I was in the army, "It is not me, it is the other fellow down the road". In that way an army can become inefficient because no one is seen to be responsible.

I do not think in the 1980s a situation can be tolerated that is so crucial to people. This Bill is likely to affect the lives of most Victorians at some time or other, and it is crucial and fundamental, in the interests of the State and the people of the State, that someone be responsible, or that a committee be responsible, to achieve those objectives and criteria. On occasions there are problems, as the record has been littered in this State, as no doubt it has been in other States in Australia, with cases where a particular problem arises to do with facilitating and expediting. In some cases it has been easy to say, "It is not my department. You will have to go down the road and ask", or "Go up three flights of stairs", or whatever.

I am pleased to say that most local government administrators and elected local government representatives support the need for local government to have modern management techniques and to give officers responsibility so that they can get job satisfaction, which they otherwise might not have. There has to be responsibility and accountability, and I believe this clause will work well.

I am mindful of the fact that many councils have, without the need for legislation, provided for an officer to be responsible to achieve these objectives, and that is excellent. Some councils have not done that. The 1980s require them to do it. This Bill sets out the challenge, and I do not expect any problems.

The word "forthwith" causes a little bit of terror to councils. I accept that. Clause 18 requires that the council of every municipality shall "forthwith" appoint an officer or a committee. I will not be proclaiming clause 18 next year until such time as councils have had an opportunity of seeing the Bill in its final form after passing through this House and another place, of studying it, and having ample opportunity to make the necessary administrative arrangements.

I will watch fascinated, and no doubt will be very satisfied when all of the 211 councils in this State move to make the necessary decision as to who or which committee will perform these functions. That will be very interesting. I know the honourable member for Prahran has mentioned the fact that there is a little apprehension. It is not my job to protect the "territorial situation", which may exist in a handful of councils. If that is the case, I do not think it is good enough. Any authority or officer in this State who believes that there should not be change for the good of the State or the municipality is out of date and out of step with the real needs of the community. I do not believe there are many of them in this State anyway. The seminars I have attended and the discussions I have had, both during those seminars and after, with officers from all disciplines in local government—engineering, administration and health—indicate that they are supportive of this concept. In fact, they are excited about the opportunity

of having the type of dynamic administration and team approach to administration and decision-making that the Bill provides.

During his contribution to the second-reading debate, the honourable member for Rodney asked me why the alternative of a co-ordinating committee is provided. He obviously feels strongly that the Development Approvals Co-ordinator is enough. He is more adventurous than I was! Some councils and officers indicated that they would like the opportunity of trying a project team approach, a committee of officers responsible for forming and achieving the objectives of the Bill. Although, personally, as the Minister, I would prefer one person, as the honourable member for Rodney obviously would, some councils and officers would like the opportunity of applying the project team approach. I will monitor that closely and I will be interested to see who the chairman is, and whether he is elected or *de facto*.

**Mr HANN** (Rodney)—I thank the Minister for his comments in regard to the committee. I should record my appreciation of the engineer of the City of Benalla for his comments on the Bill. He sent me a copy of the comments from the Local Government Engineers Association (North Eastern Group) and I understand that Mr Seaford, the engineer from Cobram, was largely responsible. For the benefit of the Minister, I think I should quote again the comments of the submission on this aspect. It states that all references to a Development Approvals Co-ordinating Committee should be deleted from the Bill. Mr Seaford is quite strong on that. The submission goes on to state that the efficiency of a committee is inversely proportional to the number of participants and the time spent on deliberation. The formation of a Development Approvals Co-ordinating Committee would be at variance to one of the objects of the Act which is to facilitate and expedite the processing of applications for building approval.

I think the Minister should have a quick look at this matter, particularly in the light of his own support for individual control of this function. It may be appropriate, even between this place and another place, for consideration to be given to the deletion of that provision in the Bill. Committees can only delay the process. The Minister argues that it ought to be an individual whom people can go to and discuss the matter with, but then he sets up the alternative of a committee. How is it possible to get a committee together for people to come along and have a talk to its members? The two conflict and I again appeal to the Minister, on behalf of the north-eastern group, to reconsider the matter. I should think that this is a matter of fairly general concern and that he ought to consider deleting that proposal.

**The CHAIRMAN (Mr. A. T. Evans)**—Order! The honourable member must confine his remarks to the amendment. He is now talking about deleting the whole clause.

**Mr HANN**—No, Mr Chairman, I have no wish to delete the whole clause. I wish only to delete that aspect which relates to what we are talking about and we are talking about "shall" or "may" and the committee aspect of it. I do not want the whole clause deleted.

I hope the Minister is clear on what I am saying. I am expressing concern regarding the establishment of a committee. I point out to the Minister that, in the BADAC report presented to the Government, there was no suggestion of any committee. The proposal was for a building approvals co-ordinator to be appointed by the municipality. I hope the Minister will be prepared to review the matter.

**Mr LIEBERMAN** (Minister for Local Government)—The committee will have the responsibility of achieving the objectives and requirements of the Bill and I would envisage that the committee would normally arrange a suitable form of delegation and management system throughout the municipal office to ensure that someone who would be ac-

countable to the committee would deliver its requirements to those people seeking assistance under clause 19.

In any event, I assure the honourable member for Rodney that I will not take on board his suggestion about an amendment in another place. The reasons would be obvious to him. However, I have said in my second-reading speech, and repeated in this debate, that the Government wants to see the Bill operating. I am sure that, given a year of operation, a number of amendments will be necessary. I should be happy to compare notes with the honourable member for Rodney during that year of operation with a view to introducing perhaps the first annual amendment of the Building Control Bill, which would be designed to achieve the worth-while objectives that he so kindly indicated he and his party support.

**Mr ROWE** (Essendon)—I am disappointed that the Minister did not take the opportunity of outlining to the Committee the request from the Municipal Association of Victoria in relation to clause 18. In a circular letter of 4 November 1981, that association put to municipalities in Victoria its requirement in relation to legislation requiring municipalities to appoint a developments approval co-ordinator and suggested that that will create problems for some municipalities in relation to costs. That association says that its request to the working party to the Minister is that there be a review of the building regulation fees. The Minister has not informed the Committee whether that will occur. When the Municipal Association of Victoria makes such a request on behalf of Victoria's 211 municipalities, there is some concern in the community in relation to costs.

I am disappointed that the Minister did not take the opportunity of informing the Committee in relation to that burden. It is a philosophical argument, but the Government is requiring municipalities to bear the burden of co-ordinating the costs of building permits. Previously, that cost was borne by the developer. Now the Government is saying that the public purse will bear the cost of that through the appointment of a buildings approval co-ordinator. It is a philosophical argument and the Government has failed to put forward its reasons to the Committee.

**Mr LIEBERMAN** (Minister for Local Government)—The honourable member's comments about costs will be carefully examined by me during the first year of operation of the Bill. Councils that find that there is an additional financial burden, due to the introduction of this system, will have the opportunity of discussing the matter with me.

However, I do not want to prejudge the issue because that would be unfair to councils. I should be surprised if additional costs were imposed on councils by the introduction of modern management techniques and as a result of the selection of one of its existing staff, no doubt an existing staff member would be responsible for building approvals co-ordination.

It may well be—and I am advised, and from my experience in management I believe this is accurate—that, with proper co-ordination and with proper job specification and definition, it is possible that enormous savings in administrative overheads can be achieved. I will be watching with interest the way in which councils operate under this clause.

I am willing to examine the situation if extra costs are incurred but, at the same time, I will be looking for savings in costs that must flow from the operation of modern management systems involving accountability, proper delegation and clear definition of tasks and objectives with a satisfied customer at the end, thus reducing the number of problems for the officer in dealing with his work, minimizing the red tape and giving him far more job satisfaction because he is dealing with members of the public. It they are satisfied, I know he will be satisfied in doing his work and that, in itself, will work for councils and achieve many efficiencies.

The amendment was negatived, and the clause was agreed to, as was clause 19.

Clause 20 (Building approval)

**Mr LIEBERMAN** (Minister for Local Government)—I invite the Committee to vote against this clause. A new clause to replace it will be proposed later, and I shall give the reasons at that time.

**Mr MILLER** (Prahran)—Clause 20 is probably one of the most important clauses in the Bill. The whole of the thrust of the clause relates to approval for construction, demolition or removal of buildings. The Minister has now seen fit, at this late hour, to invite the Committee to vote against the clause and has advised honourable members that he intends to propose a new clause, which I note contains 23 sub-clauses. Given that the Committee has little time in which to debate the matter and honourable members have little time in which to examine the Bill, and because of the significant amendments the Minister has suddenly dropped upon us, it is difficult to appreciate just what the old provisions were and what the new ones are.

As this clause is the arch of the entire Bill, it is difficult to appreciate just what the Minister intends. There are a number of vices in the clause as it stands at present, but perhaps it would be better to leave the critical comments on it until the new clause is being debated.

The clause was negatived.

Clause 21 was consequentially amended, and, as amended, was adopted, as were clauses 22 to 25.

Clause 26 was verbally amended, and, as amended, was adopted, as were clauses 27 to 30.

Clause 31 (Interpretation)

**Mr LIEBERMAN** (Minister for Local Government)—I move:

Clause 31, page 30, after line 17, insert—

"(2) This Division applies to every dwelling whenever the dwelling was constructed."

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

Clause 32 was verbally amended, and, as amended, was adopted, as were clauses 33 to 44.

Clause 45 (Interpretation)

**Mr MILLER** (Prahran)—I move:

Clause 45, after line 34, insert—

" 'Party' in relation to an appeal includes—

(*a*) the owner of the land or building concerner or his agent;

(*b*) the lessee of the land or building concerned or his agent;

(*c*) any government department;

(*d*) any public authority;

(*e*) the council concerned; and

(*f*) any other interested person or body."

One of the problems that besets the amendment to the principal Act proposed by this clause is the lack of definition of a party who might appeal to one of the boards of building referees set up within the Building Referees Panel. Extremely restrictive definitions have been given to the term "party" in clause 54, which states, *inter alia:*

Subject to this Part . . . the board hearing any appeal shall—

(*a*) after hearing any party that wishes to be heard—

and so on. "Any party that wishes to be heard" has, in the past, referred solely to a council or the owner of a building and has not related to any interested property owner who may be adversely affected by a demolition order or some other order that may be regarded as being against the interests of people living in the immediate vicinity.

For example, if an application is made to build a two-storey building on a sub-standard block, as often happens in inner urban areas, persons in the immediate vicinity have no right of appeal to a building referees board, or appeal against the referees' decision, but a person who has been refused permission by a local council to demolish his home in order to construct a two-storey house on a sub-standard block can appeal to a building referees board for approval.

The object and purpose of the proposed amendment is to extend the term "party" in clause 54, so that persons who might be able to appeal to a building referees board will include the owner of the land or building concerned or his agent—quite obviously, he she or

it, if it is a company, should and must be able to appeal; the lessee of the land or building concerned or his agent—who would have more than just an ordinary or passing interest in the matter before the board, and more than other persons in the community; any Government department or public authority—they are parties that are likewise authorized in other clauses of the Bill to institute appeals in other appellate matters; the council concerned—councils, once again, are given specific authority to lodge appeals against decisions adverse to their determinations; and any other interested person or body—so that, for instance, an adjoining landowner would be able to bring an appeal if he believed his interests were adversely affected by a determination by the local council or by an appeal before the building referees board.

At present, such persons are totally excluded from making any submissions and it is the contention of the Opposition that, if the term "party" were expanded, concerned local residents or community groups would be able to bring appeals or, alternatively, simply appear as interested parties so that their interests may be safeguarded or protected. I suggest to the Minister that the amendment would be a useful addition to the Bill and that he should seriously consider it.

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

Clause 46 (Building Referees Panel)

**Mr MILLER** (Prahran)—I move:

Clause 46, line 40, after "persons" insert "having such qualifications and experience as are prescribed".

I draw the attention of the Minister to the Building Referees Panel which will be appointed by the Governor in Council on the recommendation of the Minister.

**Mr B. J. EVANS** (Gippsland East)—On a point of order, I draw the attention of the Chair to the time.

**The CHAIRMAN (Mr A. T. Evans)**—Order! I direct the attention of the Committee and the honourable member to Standing Order No. 105, which overrides the situation and allows the Committee to bypass the normal Sessional Orders.

**Mr MILLER** (Prahran)—The Building Referees Panel, prescribed in clause 46, shall consist of the director and such other persons as the Governor in Council from time to time deems necessary. This is in stark contrast to clause 11 which prescribes who will be appointed to the technical advisory council. That clause spells out that ten members will be appointed by the Governor in Council and specifies and prescribes their qualifications, background and training.

There is a real omission as to the qualifications of persons and the background and training which is necessary for persons appointed to a Building Referees Panel. The Bill states "such other person" and there is no statutory requirement that any of these people must have any of the expertise or professional qualifications listed in clause 11 concerning the technical advisory council.

In order to leave the matter fairly open-ended, the Opposition suggests inserting the words "having such qualifications and experience as are prescribed". This would enable the Minister to prescribe in fairly general terms the qualifications which members of the Building Referees Panel should have, so that appropriately-qualified persons will be appointed.

**Mr WALSH** (Albert Park)—I support the remarks of the honourable member for Prahran because the clause is so vague. The Opposition believes the establishment of a referees panel is warranted but one does not know who will be appointed to the panel. The clause provides that the director shall be appointed on the recommendation of the Minister and that he shall be the chairman and "such other persons as the Governor in Council thinks necessary will be appointed". The Opposition believes the persons appointed should have the necessary qualifications and experience because persons will be appointed to the panel for a period not exceeding three years and shall be eligible for re-appointment.

The amendment was negatived, and the clause was agreed to, as was clause 47.

Clause 48 (Building Referees Boards)

**Mr HANN** (Rodney)—I raise another matter on behalf of the north-eastern group of engineers relating to the fact that no time constraint is allowed in the setting up of the appeal committee. I quote from the submission relating to that clause:

> In order to meet one of the objects of the Act properly, i.e. "to facilitate and expedite the processing of applications for building approval", it is paramount that the Building Referees Board should be obliged to meet time restraints, particularly in regard to the issue of modifications. To this end, it is considered that any application for modification should be dealt with by the Referees within a period of 28 days from the date upon which it is lodged with the Referees.

I cannot find in the clause any reference to a time constraint on the Building Referees Board. It seems that clause 48 would be the most appropriate one where consideration should be given to a time constraint. Has the Minister considered this?

**Mr LIEBERMAN** (Minister for Local Government)—The operation of the board during its first year of operation will be monitored carefully. Should the need arise for a definition of time, I would be prepared to consider the matter sympathetically if cases of undue delay were presented. Most State tribunals are not required by statute to give a determination within a certain time. I bring to mind the appeals board, where no provision is made for it to deliver a determination within a particular time. The courts are not required to do so either. After monitoring the working of the proposed legislation in its first year of operation, I shall give consideration to a time constraint if the need arises.

The clause was agreed to, as were clauses 49 to 52.

Clause 53 (Jurisdiction of Board with respect to appeals under building regulations)

**Mr MILLER** (Prahran)—I move:

> Clause 53, line 39, after "refusal" insert "or granting".

This clause relates to building approvals and the jurisdiction of the board with respect to appeals under building regulations. It is a matter of real concern to a number of local councils in the area that I represent. I urge the Minister to take the matter of granting building approvals on board because not only may a refusal by a local authority to grant a building approval be of concern but also the granting of a building approval. The point is self-evident. An omission has occurred, and I urge the Minister to accede to my request.

**Mr LIEBERMAN** (Minister for Local Government)—I will consider the matter during the first year of operation of the proposed legislation. Clause 53 (1) (c) refers to any act done or to be done in pursuance of the building regulations. I am not saying that this is the complete answer to the honourable member's question, but I wonder whether it is broad enough to suffice. Be that as it may, I will closely monitor the proposed legislation in its first year of operation.

The amendment was negatived, and the clause was agreed to, as were clauses 54 to 55.

Clause 56 (Board to act according to equity)

**Mr HANN** (Rodney)—This clause relates to the method by which the board will hear its appeals. I pay a tribute to the present Building Referees Panel. On a couple of occasions I have had cause to approach the referees on behalf of constituents. The manner in which they operate is informal, and sympathetic consideration is given to appeals; I was pleased with their approach. It is important to give recognition to the role that has been played by the building referees in the past. I always found them to be helpful, and I am sure this will continue. Appeals are facilitated at this level when people have a sympathetic hearing and are assisted in this way; they avoid the legal complications involved in judicial appeals. It also makes it easier to put the case if the appeal is given a sympathetic hearing.

I indicate my support for the principles outlined in the clause.

The clause was agreed to, as were clauses 57 to 60.

Clause 61 (Determinations)

**Mr MILLER** (Prahran)—I move:

Clause 61, line 35 omit "Every" and insert "Subject to section 62, every".

In effect, this amendment prefaces my proposal to insert a new clause and the purpose of this amendment is fairly self evident, when honourable members consider my further proposal.

The amendment was negatived, and the clause was agreed to, as were clauses 62 to 71.

Clause 72 (Advisory Committees)

**Mr LIEBERMAN** (Minister for Local Government)—I move:

Clause 72, line 18, omit "after consultation with" and insert "on the recommendation of".

The amendment was agreed to.

**Mr LIEBERMAN** (Minister for Local Government)—I move:

Clause 72, lines 24 to 25, omit "as the Minister, after consultation with the Minister of Water Supply", and insert "nominated by the Minister of Water Supply as the Minister".

The amendment was agreed to, and the clause, as amended, was adopted, as were clauses 73 to 83.

Clause 84 (Regulations)

**Mr LIEBERMAN** (Minister for Local Government)—I move:

Clause 84, lines 28 and 29, omit all words and expressions on these lines and insert:

"(i) applications for accreditation;

(ii) applications for renewal of accreditation; and."

The amendment was agreed to, and the clause, as amended, was adopted, as were clauses 85 to 113.

Clause 114 (Membership of Board)

**Mr KIRKWOOD** (Preston)—I move:

Clause 114, omit sub-clause (1) and insert—

"(1) the Board shall consist of three members appointed by the Governor in Council."

I bring to the attention of the Minister that this is a Building Qualifications Board and clause 114 (1) (*a*) states:

one shall be the person for the time being holding the office of chairman of the Plumbers Gasfitters and Drainers Registration Board.

What has he to do with building qualifications? It seems to me that the one person referred to should be a member of the Australian Institute of Building Surveyors. I can find no reason why someone with outside qualifications should be sitting on the Building Qualifications Board. If the Government opens the way as the Opposition has suggested and the board shall consist of three members appointed by the Governor in Council, a sensible decision might be made and the chairman would probably be a member of the Australian Institute of Building Surveyors.

**Mr MILLER** (Prahran)—I strongly support the honourable member for Preston. As he quite properly pointed out, the Building Qualifications Board is to consist of three members, one of whom is to be the Chairman of the Plumbers Gasfitters and Drainers Registration Board. It would appear that this is a superfluous position and that person should not necessarily be a member of the Building Qualifications Board and I strongly support the views articulated by the honourable member for Preston that it should be a builder.

**Mr WALSH** (Albert Park)—I also support the remarks of the honourable members for Preston and Prahran in supporting the amendment moved by the honourable member for Preston. As has been stated, it is a Building Qualifications Board and to have the chairman of the Plumblers Gasfitters and Drainers Registration Board as a member of that board is ludicrous. I do not know how anybody connected with that area of activity should be included as a member of the Building Qualifications Board and the amendment that has been moved by the honourable member for Preston refers quite correctly to three persons who shall be selected.

**Mr LIEBERMAN** (Minister for Local Government)—There is a lot of strength in what the honourable member for Preston has stated. I will consider what he has stated while the Bill is between here and another place with a view to taking the necessary steps.

The amendment was negatived, and the clause was agreed to, as were clauses 115 to 131.

Clause 132 (Delegation by council)

**Mr LIEBERMAN** (Minister for Local Government)—I move:

Clause 132, page 75, after sub-clause (4), insert—

"(5) A council may authorize any person or persons in addition to the building surveyor to exercise the powers and perform the duties of the building surveyor under this Part and a reference in this Part to the building surveyor shall include a reference to a person so authorized."

**Mr WILKES** (Northcote)—The Minister did not explain the reason for the amendment. The amendment does not provide that the person has to be a qualified building surveyor, which it should of course. Any authorization of power to persons other than the building surveyor to exercise powers and perform duties under this Act should only be to qualified persons.

Again I draw the attention of the Minister to the intention of the measure and if unqualified persons are to be authorized by a council to carry out the work of an authorized person, it opens the gate for all sorts of anomalies to exist. I strongly urge the Minister to consider the proposition that a council can authorize any person or persons in addition to a building surveyor, but if councils do have that power, they should only authorize a person who is suitably qualified to carry out that work or that inspection.

**Mr LIEBERMAN** (Minister for Local Government)—The reason for the amendment is to permit the council to authorize any person or persons to perform the powers and duties of the building surveyor in respect of a very important aspect, that is, the preparation of joint fire reports which are referred to in this measure. So far as I am aware, the qualification of that person, by reason of the fire legislation, is that person would have to be suitably qualified but it follows—I will examine the matter again—that the purpose of the amendment is to facilitate the preparation of the very important joint fire reports which are occasionally required.

**Mr WILKES** (Northcote)—Could I suggest to the Minister that he look at this aspect while the Bill is between here and another place? The person appointed should be qualified.

**Mr WALSH** (Albert Park)—I join with the honourable member for Northcote because the amendment does give power to a person who is not a building surveyor. The person, who is not to be a building surveyor, is to perform the duties of a building surveyor and that is totally wrong and I do not think the Committee should accept the amendment.

The amendment was agreed to, and the clause, as amended, was adopted, as were clauses 133 to 139.

Clause 140 (Disclosure of fire protection notice)

**Mr KIRKWOOD** (Preston)—I move:

Clause 140, omit sub-clause (1) and insert—

"(1) The owner of any building shall not either by himself or his agent sell or enter into any contract to sell the land on which that building is constructed unless—

(*a*) a true copy of a certificate under section 141 is attached to the contract of sale; and

(*b*) where—

(i) a notice served under section 136 (1) is in force; or

(ii) a determination of a Building Referees Board is in force in respect of that building—

the purchaser has been notified of the requirements of that notice or determination (as the case may be).".

I am hopeful that the Minister will accept the amendment.

The amendment was negatived, and the clause was agreed to, as were clauses 151 to 156.

Clause 157 (Entry upon adjoining property for carrying out protection works)

**Mr LIEBERMAN** (Minister for Local Government)—I move:

Clause 157, line 29, omit "fourteen days" and insert "24 hours".

The amendment reduces the time from 14 days to 24 hours for the giving of notice of the intention of a person to enter an adjoining property for the purpose of carrying out works referred to in clause 164 of the Bill.

**Mr KIRKWOOD** (Preston)—The Opposition opposes this amendment.

**The CHAIRMAN (Mr A. T. Evans)**—Order! The time allotted for debate on this Bill has expired. Therefore, the question is:

That the amendment, the clause and the remaining clauses of the Bill, and the schedule, together with the printed and circulated amendments of the Government be agreed to, and that the Bill be reported to the House with amendments.

The motion was agreed to.

The printed and circulated amendments of the Government referred to in the motion were:

Clause 173, omit sub-clause (1), an insert—

"(1) Where by or under this Act or the regulations the owner of any building is required to do any act matter or thing or execute any works and the owner fails or refuses to do that act matter or thing or execute those works, the occupier of that building or any registered mortgagee of the land on which that building is situated may do that act matter or thing or execute those works."

Clause 179, line 16, after "Act" insert "and the regulations".

NEW CLAUSE

Insert the following new clause to follow clause 19:

"AA. (1) Every application for approval to construct demolish or remove a building pursuant to this Act and the building regulations shall be made to the Co-ordinator.

(2) An application for building approval under this section shall be made by the owner of the land or building concerned or his agent.

(3) Every application for building approval under this section shall—

(*a*) be in the prescribed form containing the prescribed particulars; and

(*b*) be accompanied by—

(i) such other documents drawings specifications and information as the Co-ordinator reasonably requires;

(ii) such reasnoable number of copies of the application and of all documents, drawings, specifications and information lodged with the application as the Co-ordinator requires; and

(iii) the prescribed fee.

(4) An applicant may lodge with an application under this section any consent which has been obtained from a relevant authority with respect to the building work which is the subject of the application within the period of twelve months immediately preceding the lodging of the application.

(5) A consent shall not have any force or effect under this section if it was granted more than twelve months prior to the lodging of the application.

(6) At the time of lodging an application, an applicant may state that he wishes to obtain the consents of specified relevant authorities to the application himself and if the Co-ordinator agrees to this course of action, the applicant may apply for and forward to the Co-ordinator any consent of a relevant authority so specified.

(7) The Co-ordinator shall cause the applicant to be advised within 14 days of the lodging of the application if any further information is required with respect to the application.

(8) Where further information is supplied by the applicant the application shall, for the purposes of this Act and the building regulations, be deemed to have been lodged on the date on which the further information was received by the Co-ordinator.

(9) The Co-ordinator shall forthwith upon the lodging of an application under this section cause copies of the application and any accompanying documents, drawings, specifications and information which he considers appropriate to be forwarded to every relevant authority.

(10) Notwithstanding sub-section (9), where a consent has been lodged under sub-section (4) and the Co-ordinator is satisfied that the relevant authority has consented to the building work which is the subject of the application—

(*a*) the Co-ordinator is not required to forward the application to the relevant authority; and

(*b*) the relevant authority shall be deemed to have consented to the application.

(11) Notwithstanding sub-section (9) the Co-ordinator is not required ot forward an application to a relevant authority if the applicant has stated under sub-section (6) that he will obtain the consent of that relevant authority himself.

(12) Every relevant authority to which an application is referred under sub-section (9) shall advise the Co-ordinator within 21 days of the date on which the application was lodged with the Co-ordinator (or such other period as may be prescribed in respect of buildings of that class) of its—

(*a*) consent to the application; or

(*b*) refusal of consent and reasons for that refusal.

(13) Where under the building regulations a relevant authority is authorized to stipulate conditions or requirements with respect to an application, any consent by that authority to that application shall be given subject to those conditions or requirements (if any).

(14) If the Co-ordinator has not received a consent or refusal of consent from a relevant authority to which an application was referred under sub-section (9) within 21 days of the date on which the application was lodged (or such other period as may be prescribed

in respect of buildings of that class), the relevant authority shall be deemed to have consented to the application.

(15) The Co-ordinator shall not grant building approval in respect of an application unless every relevant authority has consented to the application or has been deemed by virtue of this section to have consented to the application.

(16) Where all consents required to be obtained in respect of an application have been received or deemed to have been received by the Co-ordinator and any other requirements of this Act and the building regulations with respect to the application have been complied with, the Co-ordinator shall grant building approval in respect of the application within seven days of the receipt or deemed receipt of the last consent.

(17) Where in accordance with sub-section (13) and the building regulations, a relevant authority has stipulated conditions or requirements with respect to an application, any building approval granted in respect of that application shall be granted subject to those conditions or requirements.

(18) Where any relevant authority has refused its consent to an application, the Co-ordinator shall refuse the application and cause the applicant to be advised forthwith of that refusal stating the reasons given for that refusal.

(19) Notwithstanding sub-section (18), if within three months after having advised the Co-ordinator of its refusal of consent, a relevant authority informs the Co-ordinator in writing of its consent to the application, the provisions of sub-section (16) shall apply as if the consent was received within 21 days of the lodging of the application within the Co-ordinator or such other period as may be prescribed in respect of buildings of that class.

(20) Any building work done pursuant to a building approval granted under this section shall comply with this Act and the building regulations and with any conditions or requirements imposed in accordance with the building regulations.

(21) Building approval under this section may be—

(*a*) provisional building approval;

(*b*) building approval for the whole of the building work; or

(*c*) building approval for a stage of building work.

(22) A person shall not act as the agent of an owner under this section unless he is authorized in writing by the owner to do so.

Penalty: 5 penalty units.

(23) Nothing in sub-section (22) shall require the Co-ordinator to inquire as to whether an agent is acting under this section under the written authority of the owner."

Schedule, page 104, after item 68, insert the following item:

"69. . . . In section 918ı (1) (*b*) for the expression 'section 929' there shall be substituted the expression 'section 23' of the Building Control Act 1981."

Schedule, page 104, omit item 77.

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

## WATER AND SEWERAGE AUTHORITIES (FINANCIAL) BILL

The debate (adjourned from December 4) on the motion of Mr Maclellan (Minister of Transport) for the second reading of this Bill was resumed.

**Mr JOLLY** (Dandenong)—It is disturbing that such a Bill as this has come before the House, because although it aims at improving the financial management of the water and sewerage authorities in this State, it emasculates them. It is disturbing that the Bill is being debated now, when the Public Bodies Review Committee is in the process of analysing financial issues. People engaged in the water and sewerage industry in Victoria have not been consulted on the Bill. One would have thought that at least, before the Minister of Water Supply promoted such a change, he would have consulted people in the industry. However, it is clear from the study and the forword to the study that the Minister, in introducing the Bill, intended to deliver a *fait accompli* to the water and sewerage authorities throughout the State.

In the forword to the report by the Water Resources Council in Victoria entitled "Urban Water Services Financing Study", the Minister said:

> These recommendations have been adopted in principle by the Government and a start made in their implementation this year. It is now the intention to seek submissions from the water industry concerning the introduction of these proposals to take into account drawing up detailed guidelines for the administration of new arrangements.

It is clear from that statement that the Minister had made up his mind about this report before consulting anybody in

the industry. In my view that is a disgraceful state of affairs. The only reason why he was going to contact the various persons involved in the industry in Victoria was to implement the decision taken in principle by the Government. This has caused a great deal of concern to active members of the industry.

Many people are involved in the industry because some 377 water and sewerage authorities operate in Victoria. In a paper delivered by the Secretary of the Mornington Sewerage Authority, Mr Collings, to the Institute of Water Administration, he made it clear that he was distressed about the Government's approach to these issues and particularly about the lack of consultation. Mr Collings stated at page 8 of his paper:

> It is considered most unfortunate that the Government has so far seen fit to adopt the report in principle before seeking any comment from the grass roots section of the water industry affected by the proposals and is proceeding to partial implementation before creating adequate safeguards to avoid the creation of new anomalous situations.

That sums up the situation for those in the water industry. That Minister has rushed in the proposed legislation because he fears he will lose at the next election and will not be the Minister. He therefore will not have another opportunity of leaving his mark on the water and sewerage industry. We are concerned that industry is faced with a *fait accompli,* and that detailed arguments of the Institute of Applied Economic and Social Research about the financial structure of the water and sewerage industry have been completely ignored by the Minister. He has reached a new height of irresponsibility.

The Minister, acting on a report prepared by engineers on financial and economic matters, is going to foist upon water and sewerage authorities economic decisions which will create similar problems to those that have been created in the past. Victoria has been dominated by engineers making economic decisions, and that is one of the reasons that massive financial mismanagement occurs throughout the public sector. The measure before the House is another classical example of this. Economic and financial problems exist. The Minister, on a costly basis, hires engineers to prepare a report on it, and a retired accountant implements the decisions of the engineers.

Tonight I will demonstrate that the proposals contained in the Minister's second-reading speech are half-baked ideas and demonstrate that he has no grasp of the financial and economic issues facing the water and sewerage industry in this stage. He is totally unconcerned about the misallocation of resources which has in the past resulted in the type of financial management that has been practised in Victoria occurring. The Minister has no idea how these misallocation problems should be resolved in the future.

The economic problems of the water and sewerage industry are much more complex than is implied in the Bill or the second-reading speech of the Minister. A number of important issues in the industry have been completely ignored. One of these is the appropriate pricing policy which should be established by water and sewerage authorities throughout the State. The Minister completely ignores the structure of the industry, even though that is a matter that has been subject to detailed consideration by the Public Bodies Review Committee.

The Minister has no idea about the need to improve financial asset management in the water and sewerage industry. He ignores the borrowing problems faced by the many water and sewerage bodies in the State and he misunderstands the extent and range of subsidies now available to the water and sewerage industries. In this Bill in the main the Minister concentrates on two issues, the interest subsidy and the more flexible use of depreciation funds. Although the honourable gentleman takes a piecemeal approach and deals with only two problems and does not understand the over-all context of the issues with which he is dealing, he is also making a mistake in these areas and it is important that honourable members understand the issues. The

Minister of Water Supply, a troglodyte Minister, has completely misunderstood the major changes in accounting techniques that have occurred in the private sector. He has accounting qualifications but he should modernize them because he is out of date. I shall demonstrate the range of subsidies in the water and sewerage industry which has been ignored by the Minister who seems to imply that the only issue up for consideration is that of interest subsidy. That is not the case. As demonstrated by the Institute of Applied Economic and Social Research on page 150 of its report, there is a wide range of subsidies in the industry. The report reads:

> Dating from the 1930s both water and sewerage authorities have been eligible for grants to assist the construction of new works.

That is the first subsidy that has operated and will continue to operate, regardless of this Bill.

I now move a decade ahead and quote from page 152.

> Dating from 1943, the interest charged on Government loans to the State Rivers and Water Supply Commission is fixed at 3 per cent per annum with redemption over 400 years, for local water authorities also receive Government loans at interest and redemption of three and a quarter per cent.

That is the methodology used within the water and sewerage industry that was adopted in 1943 and prevails today. Obviously the honourable member for Westernport recognizes the strange nature of that provision because he is interjecting. The third area of subsidy is this:

> While the 1943 legislation also permitted loans at three and a half per cent interest plus redemption to local sewerage authorities, these loans have been phased out in favour of borrowing under another provision of that legislation, namely that the Government bear interest payments in excess of 3 per cent per annum on private loans raised by sewerage authorities.

The fourth area of subsidy is:

> Authorities may also receive interest free advances from the State to meet the cost of survey plans and specifications for new systems.

The fifth subsidy is:

> In 1958, the Government introduced a maximum rating level, deciding that even if after all the subsidies above the cost of water cannot be met by a rate of 17·5 cents in the dollar Net Annual Value the Government may directly offset costs. However, payments under this scheme totalled only $24 290 in 1978–79.

> Finally in 1964, another form of assistance was introduced whereby water authorities could have their liability in relation to a Government loan temporarily deferred if this liability cannot be met within a maximum rate of 17·5 cents in the dollar Net Annual Value.

The costs of these subsidies are large in terms of the Budget for the water and sewerage industry in this State. A member of the National Party was interjecting. He is upset because he does not like to recognize the degree of subsidization that is taking place. There is a need for rationalization. Even persons working in the water and sewerage industry accept that principle but they fear the way in which the Government is approaching the issue. Those subsidies have caused massive distortions in resource allocations. The problem is that the State Rivers and Water Supply Commission has not been able to provide detailed information of the level of subsidies that exist in this industry. Again I quote from the Report of the Institute of Applied and Economic Social Research:

> The annual reports of the State Rivers and Water Supply Commission do not present a clear picture of Government subsidies to the industry, and this is not easy to derive even from the papers presented by the State Rivers and Water Supply Commission to the Public Bodies Review Committee.

From the point of view of financial management, it is absolutely impossible to make rational decisions unless one knows the extent of subsidization that takes place. I am not arguing against subsidization but it is extremely important to know the order of magnitude and who are the major beneficiaries. Many authorities in the State which receives subsidies from the State Government have lower charges per household than unsubsidized organizations. That does not apply in every case and I would

not want to leave that impression. I have already indicated that the Minister's approach to the water and sewerage industry has been strongly criticized by industry representatives.

The major problem is that the Minister has ignored the transitional problems that will follow from the recommendations being implemented as a result of decisions taken in the Budget. In many cases there will be substantial increases in rates charged by water and sewerage authorities throughout Victoria.

No detailed study has been made of the impact of the Government's decision to increase the interest charge from 3 per cent to 4 per cent. It is important to recognize that the increase in interest from 3 per cent to 4 per cent applies across the board. It is a retrospective provision. In other words, organizations that borrowed years ago at 3 per cent will also be forced to pay 4 per cent on old loans. That does not make sense in terms of future investment decisions. If we are trying to rationalize the industry and it is desired to ensure that the investment pattern in the future will be reflected more by the cost of decisions on projects, we must concentrate more on future loans and not on past loans. In other words, the Minister will reduce the effective subsidy on old loans by a much larger amount than that on new loans.

When the loans were prevailing ten years ago the interest rate structure was a lot lower than it is today. By lifting the interest rates on old loans the Minister is repudiating a contract of some years ago. Honourable members have heard criticism from this Government about the Labor Party's attitude to Alcoa of Australia Ltd. The Opposition has made it clear that it would renegotiate the position. However, in respect of water and sewerage bodies throughout Victoria, the Government has told authorities that a *fait accompli*, a contract made years ago, is to be repudiated. That will create difficulties for water and many sewerage authorities in Victoria.

*Mr Jolly*

It is appalling that the Minister has not examined the detailed implications of these changes of authorities throughout Victoria. No study has been carried out. In fact, the Minister is acting on an engineer's report on economic decisions. Having read the report, I consider it does not provide much assistance in trying to improve the financial management of the water and sewerage industry in the State, because the system is in a mess.

Everyone who works in the water and sewerage industry must operate within the mess and make the best of what they can. It would be far better to distinguish between past and present loans for the interest subsidy. It would be far better if the interest subsidy this year were to be reduced to 50 per cent for new loans and if the Government would only be prepared to change the interest charged on old loans in cases where the rates per household are substantially below the State average. To apply it across the board, as the Minister intends to do, in the words of the Secretary of the Mornington Sewerage Authority, will create many serious anomalies. However, the Minister is not even prepared to listen to what the water and sewerage bodies throughout State have to say on this issue.

He was not prepared to allow the Public Bodies Review Committee to go through its full consultation process before making recommendations to Parliament. He had to rush in here to make his mark before leaving Parliament because that is what he seems to be about. Opposition members consider the Minister has displayed a disgraceful degree of arrogance in his treatment of water and sewerage bodies. He has misunderstood the situation. He should be concentrating on new loans, not old loans. That is the important issue. The Opposition would be considering phasing out subsidized interest charged on new loans because with the distortion in investment patterns in future it is the new

loans that count. It is impossible to roll back decisions that have been made in the past with capital works expenditure.

The Minister does not understand this issue. I have made it clear to the honourable member for Ballarat South that the Opposition would concentrate on getting rid of the interest subsidy by focusing on new loans, rather than old loans. The Minister makes no distinction whatsoever. He does not realize that his decision this year to increase the interest rate charged on loans by water and sewerage authorities will have the effect of increasing the subsidy on water and sewerage bodies on new loans.

I shall demonstrate this point to honourable members on both sides of the House. In 1980 the semi-Government interest rate was 12·1 per cent and the interest charged to sewerage and water authorities was 3 per cent, so the effective interest subsidy in 1980 was 9·2 per cent. The Minister, who misunderstands these financial matters, has heroically announced that the interest rate on new loans for water and sewerage bodies will be 4 per cent. Everyone is aware that the interest rate on semi-Government securities in 1981 is 15·5 per cent, so the interest subsidy this year is 11·5 per cent. The Minister has created an increase in the subsidy for new loans from 9·2 per cent, last year to 11·5 per cent this year. That demonstrates the financial ineptitude of the Government.

The Government does not realize that it is increasing the interest rate subsidy on new loans. It does not realize the implications of that move. Although the Opposition strongly supports the proposition that subsidies should be phased out, it considers that the direct attack should be on new loans, rather than old loans and it would be far better, for example, if interest rates on new loans were set at about 50 per cent of the semi-Government security interest rate to start with and to give a clear indication that the Government intends to phase out the subsidies on new loans altogether. It seems that the only justified case that can be put forward for reducing interest rate subsidies on old loans is in those areas where an authority's charges are well below the average for the State.

I shall now refer to the second issue dealt with in the Bill. To use the Minister's words, the measure will provide greater flexibility in the use of depreciation reserves. I am absolutely amazed at the Minister's approach to this issue. He recognizes that there should be more flexibility in the use of reserves, but being an accountant who is out of date, he still believes that liquid reserves should exist. Practical people operating in the water and sewerage industry have been recommending the abolition of those depreciation reserves for years. They are forcing the water and sewerage authorities to hold more financial assets than are required for efficient and financial management.

The only consoling feature is that by recognizing that these depreciation reserves should be run down for a period of time, the Minister has accepted, in principle, the Labor Party's view that financial assets in this State are under-utilized and inefficiently used. The Public Bodies Review Committee has noted that within the small water and sewerage authorities in Victoria about $80 million is held in financial assets. That is the basis of a survey of 277 water and sewerage authorities. The only good point about the Minister's proposed change to the legislation is that he recognizes that under-utilized financial assets could be put to work to generate additional capital works expenditure and employment in Victoria. He does not understand the extent or the nature of the problem. He intends to maintain bureaucratic control over what the water and sewerage authorities do with the depreciation reserves. He does not understand that it should simply be a book entry recorded on a balance

sheet and not literally a reserve of liquid funds to be held in depreciation. That obsolete practice should be ended.

When one analyses the sorts of controls that have been imposed by the State Rivers and Water Supply Commission over the sewerage and water authorities in the State, one realizes that it is almost the Union of Soviet Socialists Republic economy in a microcosm. Regulations that have been built up over a long period based on engineers' recommendations are still applying, and yet have no economic logic. Ministers and honourable members from the Government party have referred to the Bolsheviks in economics within the sewerage industry. It is the Soviet economy in a microcosm. The Government is not prepared to change the regulations, yet the Minister is still proposing the so-called new approach to financial management in which he will be the arbiter in the use of depreciation reserves over water and sewerage authorities. Before they can use their reserves, they will have to get approval from the Minister. What bureaucratic nonsense!

It is about time the legislation was repealed altogether because it is most unsatisfactory. It is extremely disappointing that when the Minister comes before the House and speedily introduces a reform, the Government takes one step forward and then moves another step backwards. I highlight the importance of the present depreciation arrangements in the water and sewerage industry by once again referring to the report on the economic impact of public bodies. At page 163, the following was said:

> Local water and sewerage authorities are required to make annual contributions to depreciation accounts in respect of any machinery, plant or perishable structure financed from loans, according to a schedule approved by the Minister for Water Supply. These payments continue to be made until the credit in the account, including accrued interest, covers the historical cost of the particular asset in question. Apart from the fact that the historical costs sums thereby accumulated will be totally inadequate to cover replacement of the asset, this procedure has the disadvantage of leading to the holding of financial assets for long periods. Prior to November 1979 the only use authorities could make of these funds was to lend them to other water and sewerage authorities for capital works, and this goes a long way to explain the extent of "back-to-back" lending among authorities. In November 1979 a provision was introduced into the Sewerage Districts Act allowing a sewerage authority, with the approval of the Minister, to use part of the depreciation funds for capital works. While a move in the right direction, this provision remains inadequate both in that it requires Ministerial approval for what has long been normal commercial practice and in that it does not cover water authorities. Clearly the methods for providing for depreciation in water and sewerage authorities will need a major overhaul, and, as with many other aspects, this could be best accomplished in the context of a rationalization of general structure of the industry.

The point was made that in November 1979 despite changes and improvements in that direction it still required Ministerial approval. In the Bill, Ministerial approval is still required. The Labor Party believes those obsolete depreciation provisions should be abolished because they do not enhance the operation of the water and sewerage industries and they inhibit decision-making at local levels. I will be very interested in what the National Party members have to say about that issue—they have been silent since their opening comments on the interest subsidy issue.

**Mr Jasper**—Don't forget to be in the House when we speak.

**Mr JOLLY**—I certainly shall and will listen with interest to what the honourable member for Murray Valley has to say. The other important point I wish to make is that the Minister, despite the fanfare on modernizing the accountancy approach in water and sewerage industries, which I have demonstrated is farcical, has completely ignored the operations of the Melbourne and Metropolitan Board of Works. It has the same sort of depreciation reserves as the country water and sewerage authorities and has been ignored by the Minister. At least there should be some consistency of treatment and once again it highlights how incompetent the Government is in financial management. The Minister of Housing would know about it because

he is the most incompetent Minister in the Government on financial management. I shall move a reasoned amendment because another issue has been ignored completely by the Minister, and that is the need to improve the financial management of water and sewerage authorities. I move:

That all the words after "That" be omitted with the view of inserting in place thereof the words "this Bill be withdrawn and redrafted to provide for the establishment of a Central Financial Management and Borrowing Agency for local water and sewerage authorities to increase the efficiency with which the existing financial resources of the industry are utilized and to facilitate borrowing."

Members of the Government are beginning to realize that financial management of the State is in need of drastic improvement and this is the basic reason for moving the amendment. I have indicated to the House that documented evidence shows that in the water and sewerage industries some $80 million of financial assets is available.

**Mrs Chambers**—But not mismanaged.

**Mr JOLLY**—It is mismanaged from the over-all efficiency of the State and unfortunately members of the Government do not understand that, except that the Minister of Water Supply is starting to have a partial understanding because he is indicating that he wants to reduce those depreciating reserves but he will do it in a bureaucratic way. That is the major reason for the Bill but he does not understand the full financial implication and that is the importance of the reasoned amendment because it will highlight this issue.

The Minister of Transport, who is interjecting, betrays himself. If one examines what is happening in public utilities in Victoria, from 30 June 1979 liquid assets have been run down from $215 million to $75 million and the State Electricity Commission is in the red because its liquid assets are less than its liquid liabilities. The Government has created financial mismanagement. It has no idea. The Minister of Transport, who is still interjecting, is asking absurd questions. Of course, he manages VicRail which has the biggest deficit and he poses the question of whether water and sewerage authorities should go into the red. Of course, they should not, but they should be able to operate efficiently and the Government is inhibiting them from doing so because of the archaic provisions and the anachronistic approach of the Government to this development is holding back water and sewerage development.

Even the report relied on by the Minister of Water Supply indicated that there would be a shortfall in the availability of capital funds in the years ahead to the year 2000. The Government is aware of the deficiency of funds but part of the problem arises because these organizations are forced by archaic regulations and legislation to hold more financial assets than they require and that issue cannot be denied. In fact, it is not understood by the Minister of Transport.

The reasoned amendment deals with two issues: Firstly, the issue of centralized financial management within the water and sewerage industries; and, secondly, the establishment of a centralized borrowing agency. The Labor Party believes this can improve the efficiency of the operation of water and sewerage bodies in the State.

The Minister of Transport, who is again interjecting, should realize that it is about time he considered these issues. For the first time he has gone into leverage leasing. He does not understand it but he has gone into it for VicRail. The Tramways Board has only recently been into that, too. One has only to look at the Auditor-General's report to determine how long the Minister has been into leverage leasing arrangements. It has been far too short a period. If public authorities had operated under a modern era of financial management earlier, the public transport system would not be in the mess that it is in now. That again highlights the incompetence of the Government.

The Government is concerned to ensure that financial mismanagement continues in the future. The Minister of Transport is an expert in financial mismanagement. Indeed, the honourable gentleman should be awarded a gold medal for financial mismanagement of the public transport system. Centralized financial management is an important issue to the water and sewerage industry.

**The ACTING SPEAKER (Mr Wilton)**—Order! I appeal to honourable members on the Government side to cease interjecting. Those honourable members will have an opportunity to make their contributions during the debate. If the Minister of Housing wishes to participate in the debate, he should be good enough to await his turn.

**Mr JOLLY**—It is pleasing to note that honourable members opposite are at least taking an interest in the issue because the Government has taken three years to catch on to the jargon. The centralized financial management issue is extremely important because the Government should ensure that all the financial resources of the State are used in the most efficient manner possible. That has not been happening, mainly because the Government is opposed to efficient public enterprise.

The Government always speaks about the free enterprise mythology, but ignores the need to improve the financial performance of the public sector. There is a shortage of capital funds in the water and sewerage industry.

It is somewhat ironical that $80 million worth of financial assets exist, when there is an outcry about the shortage of capital. The Government has allowed a system to operate, which is based on eighteenth century accounting techniques.

Although the Bill is a recognition of the extent of that obsolete approach, it does not go far enough, because the Minister of Water Supply wants to maintain bureaucratic control. The Minister does not understand that there are other ways in which this issue can be tackled more efficiently.

If the organizations concerned were to deposit their financial assets into a management account of a Victorian development bank, it would be possible to bring forward important investment decisions in the water and sewerage industry.

Any funds so deposited in that account would earn commercial rates of interest. However, the Minister of Water Supply does not understand that issue, and he has attacked the Labor Party for putting forward a proposition to use up the funds. A Labor Government would not use up the funds, unlike the Government in respect of the Workers Compensation Supplementation Fund, where the moneys were spent. A Labor Government would redeploy the funds, which would attract a commercial rate of return. This issue was understood by the Victorian Chamber of Manufactures, but unfortunately it is not understood by the Government.

As I once indicated, the Minister of Housing is a genuine slow learner, and I respect him for that. However, it appears that other honourable members opposite are also in the same boat. Redeployment does not mean the total use of assets. Once the account is established, it would be possible for temporary loans to be made available to those water and sewerage authorities that have urgent capital works to be undertaken. Naturally, the loans would be made at commercial rates of interest. New loans would also operate on that basis.

As the Minister of Transport would know, all borrowings are made at commercial rates of interest. The money is simply subsidized back through funds being made available out of the Consolidated Fund.

The intention of the Government is to reduce the amount of subsidization. Indeed, the report the Bill is based on indicates that these subsidies should be phased out over a five-year period. A Labor Government would phase out the subsidies.

A Labor Government would concentrate on new loans rather than old loans. The approach of the Government is to do both. The Government is going to ensure that those loans that were taken out ten years ago will receive the biggest reduction in subsidies, which will cause a number of problems for many country water and sewerage authorities.

It is important to recognize the advantage of centralized financial management. One can ensure that those financial assets are better utilized. Capital works expenditure not currently being undertaken could be brought forward at no risk to the individual sewerage authorities because the commercial rates of return on the funds would still apply.

The Minister of Water Supply has deliberately distorted the position advocated by the Labor Party and the Institute of Applied Economic and Social Research. For the benefit of that Minister, I refer to page 179 of the report of the Institute of Applied Economic and Social Research. According to figures provided, deposits in the central management account should total approximately $60 million after it has been in operation for a year or so. The only constraint on the freedom of individual authorities would be the requirement that they use this account for the bulk of whatever financial assets they decide to hold.

A Labor Government would not impose a restriction on the financial management account and the method of investment, but would impose the requirement that the financial assets be held in this account.

The financial market is changing quite markedly. Honourable members opposite have indicated that deregulation of interest rates will be a reality in the future. Therefore, it is going to become more difficult for local sewerage authorities and local government to borrow in the market place.

When one has approximately 377 water and sewerage authorities and 211 local municipalities trying to borrow funds in a sophisticated financial market, it becomes obvious that they would not have the expertise to borrow in the future.

Therefore, it is necessary to ensure that those bodies can compete for borrowing in the market place. That is why the Labor Party has recommended the adoption of a central borrowing agency. That is a recommendation that is also contained in the Bains report. That agency would enable the water and sewerage authorities to adequately raise funds in the market place. That point is again stressed by the Institute of Applied Economic and Social Research, where, at page 179 of its report it states:

> The second element of the present proposal is that the authority operating the Management Account also be empowered to operate a centralized borrowing facility. There obviously are inefficiencies involved in 350 separate authorities all undertaking their borrowing independently. These will include limited access to the cheaper sources of finance, a weak bargaining position when financial conditions are tight, limited ability to co-ordinate timing of borrowings with expenditure requirements and inability, apart from a few of the largest authorities, to borrow funds direct from the public.

At a later stage on page 179 it states:

> Such a central agency could handle both public and private borrowing, and could even issue specific securities for water industry borrowings from the public designated as being the borrowings of individual authorities.

So the establishment of a central management fund and borrowing agency would dramatically improve the financial performance of the water and sewerage industry.

There is an excellent summary on page 180 of the institute's report which highlights the advantages, and these are that they would:

> reduce their holdings of financial investments in favour of capital expenditure, because temporary financing facilities are available from the Management Account;

> borrow closer to their limit and hold the funds in the Account until required;

plan capital developments with assurance that an agreed flow of funds will be available over several years;

borrow from the Account to fund peaks in capital expenditure in particular years and so on.

In short these innovations would, in our view, make a major contribution to both increased financial efficiency and to increased capital expenditure in the Victorian water industry.

Interpolating, surely those two objectives are supported by all parties in this House, that is to increase the capital works expenditure in the water and sewerage industry, and secondly, to improve the efficiency of financial management within that important industry.

In summary, I believe it is a disgrace that the Government has introduced the Bill at this time. It has pre-empted the findings of the Public Bodies Review Committee, an all-party committee, and in such complex areas, which have widespread ramifications for many water and sewerage authorities in this State, it has ignored what the industry has to say about this issue. There has been no consultation on this issue. The Minister is delivering a *fait accompli* to the industry. Secondly, the changes introduced by the Minister are based on fundamental misunderstanding. The Minister does not realize that with new loans the increasing interest rate from 3 per cent to 4 per cent will increase the interest subsidy from 9·2 per cent to 11·5 per cent. Once again, ample demonstration of financial incompetence on behalf of the Government.

The only point that the Minister has recognized, which has any merit at all, is that there are financial assets held in depreciation reserves that should be redeployed into capital works programmes. That is a step forward. The honourable member for Noble Park indicates that these reserves should be redeployed into capital expenditure, and he has indicated that he gave evidence to the Public Bodies Review Committee along those lines. I accept that proposition, because I was at the hearing when the honourable member for Noble Park gave that evidence, but he did not suggest that bureacratic control should be maintained over these depreciation reserves, and that is what is in this Bill. The Soviet economy in a microcosm will continue in the water and sewerage industry.

The Minister is still going to supervise. He is still going to be the Bolchevik, so far as the water and sewerage authorities are concerned, because they cannot act. The Minister will be the commissar for the water and sewerage industries, and I am indebted to the Minister for recognizing the approach that will be adopted by the Minister of Water Supply.

The disappointing feature in the Minister's approach in his second-reading speech is that he has no over-all grasp of the problems facing the water and sewerage industries. He continues a piecemeal approach to financial issues, which has been carried on for decades by this Government, and he ignores the need to establish a centralized financial management fund and a centralized borrowing agency.

**Mr HANN** (Rodney)—The National Party is in a bit of a quandry on this Bill.

**The ACTING SPEAKER (Mr Wilton)**—I should have advised the honourable member that he will be speaking to both the amendment and the Bill.

**Mr HANN**—The National Party recognizes the need to free the depreciation accounts that are presently held by the various water bodies around the State of Victoria, and a substantial amount of the evidence given to the Public Bodies Review Committee over the past couple of years from various water bodies has recommended that those depreciation accounts be freed. The Government has moved in this Bill to do something like that, although not entirely in line with the complete freedoms requested, but certainly along those lines. The Minister says, "Just that".

In the process, the Government has also pre-empted to some degree the ultimate decisions of the Public Bodies Review Committee, and one of the criticisms of the National Party on this Bill, related to the interest subsidies, would be that the Government has

stepped in at this stage and acted before this matter has been finally considered by the Public Bodies Review Committee, and before it has been put through all its consultation areas, in which the committe has been effective.

The Government has responded to the recommendations of the Water Resources Council, the Urban Water Services Financing Study, and the criticisms of this report by the honourable member for Dandenong are very valid, in that this report has been prepared largely by engineers. It made recommendations to the Government on future financing, and more particularly the question of subsidy.

There are serious matters to which the Government needs to give consideration, and these are the shortfall in capital available to the water industry. In the next twenty years it is estimated that there will be a shortfall of $365 million. That estimate is based on capital requirements for water and sewerage services of $2490 million. Forecast funds available are approximately $1180 million in loan allocations and State Works and Services funds, $900 million in developer and landowner contributions, in cash and in kind, and $45 million from current depreciation funds, giving the total capital available of $2·125 million. This was the reason why this sub-committee, and ultimately the Water Resources Council, recommended to the Government that the subsidy scheme ought to be phased out over five years.

The Minister has stepped in with this Bill, with a proposal to lift the figure of 3 per cent; at present many of these loans are subsidized back to 4 per cent, but the Bill does not spell out what the next stage will be. Of course there is no fixed sliding scale in the Bill, so it means that if there were a change of Government or a change of attitude the subsidy scheme could be wiped out overnight.

The criticism of my party is that, where existing loans are being subsidized, the Bill will place an immediate financial burden upon those communities because they budget at the present time and their budgets are based on a certain amount of subsidy; to begin to interfere with those subsidy arrangements will add to the cost of the water ratepayers in those communities.

Likewise, in a number of instances where loan funds have been sought by water bodies for many years—there is a huge backlog in funding arrangements—those bodies face increasing interest rates in the future and they will have to reassess the financial impact of that financial policy upon their future borrowings.

The criticism of the National Party is that the Government has stepped in but has not spelt out a specific policy in the Bill. It is an open-ended arrangement whereby the rate is being increased to 4 per cent this year and it may well rise to the full bond rate next year or, presumably, by at least another 1 per cent or 2 per cent and keep on rising.

The National Party intended to move a reasoned amendment to the Bill along the lines that the Bill be withdrawn until such time as provision to allow for existing loans to continue that subsidy back to 3 per cent was made and that all future loans should be subsidized to a level of not more than half of the long-term bond rate. My party believes it is necessary to set a ceiling on these subsidies.

Within the water industry, this scheme is known as the Hyland plan going back to the days of Sir Herbert Hyland who introduced the subsidy scheme in the 1930s, so the National Party can take much credit for the scheme. Effectively, it has extended water supply and sewerage to many towns in country Victoria which would not otherwise have been able to afford those services.

It is my party's concern that, in suddenly deciding to abandon the subsidy scheme without proper and effective consideration and without proposing a long-term policy on the matter, the Government is stepping in and phasing out the subsidy scheme.

In his introduction to the report entitled *Urban Water Services Financing Study* of the Water Resources Council, Victoria, commissioned by the Ministry of Water Resources and Water Supply, the Minister of Water Supply stated:

> Under the new system, revenue assistance would be phased in when an authority's average household water or sewerage bill went 20 per cent above the State average. The objective is to ensure that average household bills do not exceed more than 50 per cent above the State average for the service.

The fact is that all of these water accounts will start rising throughout most parts of Victoria as the subsidy scheme is phased out and the situation will be reached where it is difficult to justify subsidies for the smaller bodies because the costs of the larger bodies rise at a rapid rate in any event. The National Party is concerned that the Government will argue that there is no need for a subsidy anyway, yet there is a valid argument for continuing to provide a subsidy scheme in some smaller communities.

As I have mentioned, my party had hoped to move a reasoned amendment to the Bill and to put its view that the scheme is important and ought to be retained on existing loans and that, in the case of future loans, a maximum ought to be spelt out. I will deal with that matter during the Committee stage, but I point out that my party has taken a decision to oppose the second reading of the Bill, believing in the subsidy scheme, until such time as a more effective policy is defined.

Another matter which the Minister might clarify has caused the National Party some concern.

**Mr Jolly**—Will you oppose the Bill?

**Mr HANN**—Yes. I should also comment on the Opposition's reasoned amendment. The National Party's line of logic would be that it would not necessarily support the reasoned amendment moved by the Opposition because it believes, as in the case of subsidies, that the matter needs more consideration by the whole of the industry and that a more long-term policy should be defined. This matter has been under consideration by the Public Bodies Review Committee for some two years now. That committee has a deadline for reporting to Parliament on this issue early in the New Year. My party believes it is more appropriate for that committee to make a final recommendation rather than the National Party supporting the reasoned amendment moved by the Opposition. I pointed out that the National Party had drawn up a reasoned amendment on the matter, but it was not brought forward.

I was about to raise with the Minister a matter relating to clause 2(*d*) of the Bill. This paragraph repeals section 82 of the Act, which relates to sinking funds. The Minister's notes contained no explanation and I should be grateful if the Minister would explain to the House why section 82 of the Water Act is to be repealed by this Bill.

I have put my party's position on the Bill. Members of the National Party will oppose the second reading for the reasons that I have outlined, and my colleague, the honourable member for Murray Valley, will support me on this Bill.

**Mr JASPER** (Murray Valley)—I express the gravest concern from the sewerage and water trusts within the electorate of Murray Valley. I believe many of the comments I will make tonight could be echoed by other country members if they were honest and if they had spoken to people who represent water and sewerage authorities in country Victoria. I believe the Bill is legislation for disaster, so far as country water supply and sewerage authorities in Victoria are concerned. If Parliament does not understand that, it needs to go back to square one and analyse the situation.

The National Party does not suggest that there are no problems in relation to the funding of water supply and sewerage projects in country Victoria; nor does it suggest that there is no need for change. Change and rationalization are necessary, but the methods proposed by the Government cannot be

supported by Parliament. No thinking members of the Government can support the Bill, especially if he represents a country electorate. I will be interested to see how country members vote on it. I could understand city members on both sides of the House supporting it and I could even understand members representing the Geelong area supporting it, but it would be absolutely incomprehensible for people outside those areas to support the Bill. If they did, it would indicate that they did not understand the measure before the House this evening.

If this Bill is passed and if there should be a change of Government at the next election, that will be a further disaster so far as country Victoria is concerned. The Bill clearly provides that all aspects of Government loan repayments and levels of subsidy of private borrowings may be varied by proclamation of the Governor in Council published in the *Government Gazette*. The National Party believes that if there were a change in Government there would be a massive change in the subsidy being provided to country water supply and sewerage authorities. It is obvious that those bodies will not be able to continue if this Bill is carried to fruition.

I listened with great interest to the honourable member for Dandenong, who is a great theorist. I applaud the manner in which the honourable member investigates the matters he debates, but it is one thing to be a theorist and quite another to come down to practicalities and to have experience in business. I suggest the honourable member for Dandenong has very little business experience—it may be confined to his half share in a racehorse. It is all very well to be a theorist, but one must consider the practical effect of the proposed legislation and the further effects on water trusts and sewerage authorities if there were to be a change of Government at the next election.

I have said that there is a need for rationalization and a need to examine the future of country water supply and sewerage authorities and their projects, but there must also be a practical analysis of the situation. Members of the National Party believe the Government has let down the people of country Victoria because of the reduction in funds provided for water supply and sewerage projects. In a Budget presented to this Parliament four years ago, the then Premier and Treasurer stated clearly that special attention would be paid to country water supply and sewerage projects. He particularly stressed that funds would be provided for the improvement of water supplies to towns drawing their water from the River Murray. I shall highlight the problems faced by those towns and the way in which they will be affected by the measure.

To illustrate what I have said about Government funding, I shall quote the allocations in recent years, because an analysis of the figures provides the proper perspective. In 1976–77, the Government allocated to the State Rivers and Water Supply Commission for works and services an amount of $42·1 million; in 1977–78, the amount allocated was $46·7 million; in 1978–79, that amount was reduced to $37·9 million; in the following year, 1979–80, it was further reduced to $33·5 million; and in 1980–81 the allocation was only $34·3 million. It is obvious that the Government is allocating less and less money in this vital area, despite the fact that the water commission provides essential services for country Victorians. The Budget Papers reveal that other organizations and projects are receiving increased allocations. For example, in the current financial year the allocation for the Victorian Arts Centre is $23 million, when very little more than that is being spent on all country water supply and sewerage projects in Victoria.

Members of the National Party are not against the Victorian Arts Centre, but we are against the priorities set by the Government. We are against the fact that essential services are missing out on funds. The figures should be analysed. Many towns are awaiting funds for sewerage projects. My investigations at the water commission

today revealed that sewerage projects in 29 towns have been approved for funding, but funds are not available. Sewerage projects in another 42 towns are being investigated, but it is obvious that they will not be able to go ahead because of a lack of funds.

Water supply project works approved by the water commission at present amount to $60 million, but the Budget allocated only $15 million to water supply projects—much less than the $23 million allocated to the Victorian Arts Centre. The commission has also approved $68 million worth of sewerage projects, but the Budget has provided only $22 million. That highlights the problems that have developed over a long period.

In 1980–81, the funds approved for water supply projects amounted to $25·5 million, of which only $3·3 million was to be provided by way of Government loan and grant. The remaining $22·2 million was approved for private borrowing, and I shall deal with the 3 per cent subsidy later in my remarks. Approved borrowings for sewerage projects in 1980–81 amounted to $28·1 million, of which $2·8 million was by way of Government subsidy and grant with the remaining $25·3 million being approval for private borrowing. Therefore, the amount being provided by the Government for country sewerage and water supply projects amounted to only $6·1 million, only part of which was Government grant, the remainder being Government subsidized.

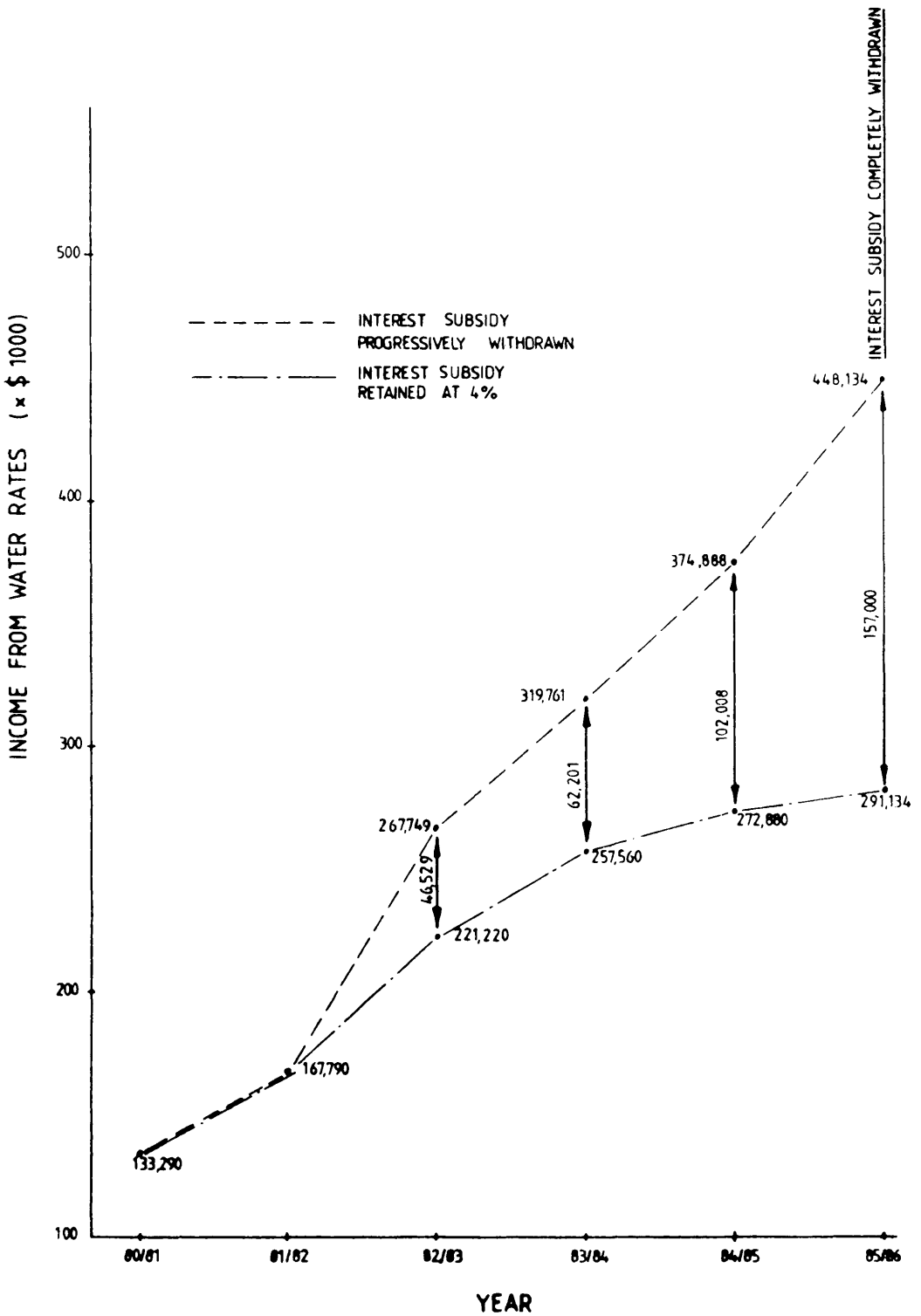
Certainly, the Government has assisted over a long period with interest subsidies on both private and Government borrowings, but the private borrowings subsidy has been the largest factor.

In his second-reading notes, the Minister states that the subsidy for private borrowing for water and sewerage authorities will be $11·5 million. Information available from the State Rivers and Water Supply Commission indicates that in 1980–81 the subsidy was $13·7 million. The Minister then goes on to state that this represents $23 million because of the Government subsidy. The figures that I have presented indicate the large difference between the amount of money provided for private borrowings for water and sewerage projects compared with the amount of money which the Government provides for subsidized loans for water and sewerage authorities.

I take the figures mentioned in the second-reading notes with a grain of salt! The figures I have presented prove that the figures used by the Minister are wrong. Further investigation of these figures needs to be made. The National Party is concerned about what will happen to country water supply and sewerage projects in future. I have clearly indicated the large backlog in sewerage and water supply projects either approved to go ahead or waiting to proceed. I shall quote from correspondence from the Cobram Waterworks Trust which in 1976 received approval to go ahead with a water filtration scheme. At the time the scheme was to cost $805 000. The costs have now escalated and on completion, in February 1982, it is estimated that the cost will have risen to $2·1 million.

The Cobram Waterworks Trust would have been prepared to go ahead with the scheme immediately in 1976. Through the State Rivers and Water Supply Commission, the Government did not allow the trust to proceed. It was held back because the Government did not allow the trust to borrow all the money at one time. The trust had to borrow money over a period of years and the Government indicated how much would be allowed for private borrowing and Government borrowing and how much would be provided to commence the project. The Cobram Waterworks Trust has produced a chart which I would like to have incorporated in *Hansard*. The chart highlights the problems of the trust because of the progressive reduction of the 4 per cent interest subsidy suggested in the Bill.

*Leave was granted, and the table was as follows*:


INTEREST SUBSIDY COMPLETELY WITHDRAWN
INTEREST SUBSIDY PROGRESSIVELY WITHDRAWN
INTEREST SUBSIDY RETAINED AT 4%
INCOME FROM WATER RATES (× $ 1000)
500
400
300
200
100
448,134
374,888
319,761
267,749
221,220
167,790
133,290
257,560
272,880
291,134
157,000
102,008
62,201
46,529
80/81
81/82
82/83
83/84
84/85
85/86
YEAR

**Mr Simmonds**—What is it about?

**Mr JASPER**—I shall be happy to explain the graph. I hope the honourable member for Reservoir takes note. He has visited the area recently and I hope he will do so again as the Deputy Leader of the Opposition does. We will introduce him to some special areas of the State that he probably does not know about! The graph shows that in 1981–82 the income from water rates in the Shire of Cobram was $167 790. The graph then details the amount of money required from 1982–83 to 1985–6 to be raised by the trust if the interest subsidy were retained at 4 per cent. In 1985–6 the trust will have to raise locally $291 134.

If the 4 per cent subsidy is phased out completely the trust will need to raise from ratepayers in the area $448 134, which is an additional $175 000. There is no way in which the trust can raise that amount of money. It cannot place this burden upon the ratepayers. The problem is that small country towns do not have sufficient rate revenue to pay for schemes without some sort of major subsidization. There is no reason why these smaller towns—and even some of the larger towns and cities—should not be provided with equivalent water and sewerage services to those which people in the metropolitan area take for granted.

I shall take the matter a step further because one needs to analyse the situation. In the second-reading speech and in a press release in September this year the Minister indicated that the interest subsidy would be phased out and a direct revenue subsidy scheme would be introduced. Once an authority was 20 per cent over the State average it would retain a subsidy. When an authority reached 150 per cent it would be totally subsidized by the State Rivers and Water Supply Commission. Obviously that means the Government. My argument is: What towns and cities in country Victoria will be paying between 120 per cent and 150 per cent of the State average? I suggest that it will be all the country cities and towns because they are far below the State average in revenue-earning capacity and they will be trying to maintain equivalent filtered water and sewerage supply services as the metropolitan area.

The ratepayers of these country towns will have to pay extremely high rates to maintain any sort of service. I shall go further. It has been suggested by a secretary of a water trust that the Government will discover that in the end it should take over and run the water trusts because this will be the only way of handling the situation. A letter from the Horsham Waterworks Trust highlights the problem. The letter mentions the Urban Water Services Financing Study prepared by the Water Resources Council and states:

> The Study confirms Government has adopted in principle a proposal to phase out interest subsidies on all loans, both existing and future, but replaces it with a subsidy to reduce the cost of the average water and sewerage bill in places with high costs.
>
> The proposal to remove all interest subsidies on existing loans over the next few years, is a repudiation of the basic conditions under which Trusts entered into borrowing arrangements. This Trust believes that the retrospective action in withdrawing this subsidy is unjust and should be cancelled, and be restricted to future borrowing.

That is one area about which I agree with the honourable member for Dandenong. If a change is to take place it should not change the subsidy arrangements which have applied to authorities and water trusts that have had loan arrangements in the past. If it is to be phased in it should be done for future borrowings and raised to a maximum level as suggested by the honourable member for Rodney.

If the National Party had had the opportunity of proposing a reasoned amendment that is precisely what it would have said. The National Party would have proposed the introduction of a maximum limit on interest charged at half the bond rate. The National Party cannot support proposed legislation to reduce the subsidy to country water supply and sewerage projects. If the Government persists with the Bill it will be a disaster for future country water supplies and sewerage projects and the development of any future projects.

Most of the areas wishing to develop sewerage projects and many water supply projects need to rely on Government grants. On the formula operating at present, while most have received the Government grants in this financial year only four towns will be going ahead with sewerage programmes. A Government grant of $800 000 is available because of the lower rate revenue in the Shire of Rutherglen for the sewerage authority to commence sewerage for Rutherglen and Wahgunyah at a cost of approximately $2·7 million. There is no way the shire sewerage authority can proceed unless it has the approval of the State Rivers and Water Supply Commission, and that means that, for it to proceed with the project, it needs the $800 000 as an integral part of the development.

If the authority waits for another twelve months or even further, the interest subsidy scheme could be phased out and eventually phased out completely if there is the introduction of the scheme as outlined by the Minister. The people wanting to get a sewerage project in the township of Rutherglen will be paying a high price, and there is no doubt that they cannot afford to do that. The average of 100 per cent is all right if one is in an area where one can be on that average. All the small country towns will be on the maximum that can be charged to the ratepayers and accordingly they will be on the maximum subsidy, which means that in the township of Rutherglen, they will be paying 150 per cent compared to the State average of 100 per cent. I ask how that problem will be overcome and what can be done to overcome it because country people will be at a disadvantage.

The National Party is not opposed to rationalization and the fact that there should be some change to the interest subsidy scheme, but a maximum needs to be introduced and the scheme needs to be retained for all the projects that have been approved in the past and are proceeding, and even those that should be proceeding in the near future.

It is an indictment on the Government that for years it has allowed country water supply and sewerage projects to build up without getting any funds to proceed and the small amount of money the Government is providing to the area needs to be reviewed. More money should be put into the area for essential projects—a better supply of water and the development of sewerage projects—because, if not, there will be a major deterioration in the standard of living, whereas the standard of essential services in these country towns needs raising. There will be further deterioration because they will not be able to afford to proceed with these projects.

The Public Bodies Review Committee talks of rationalization and changes, but what were the services like? There has not been too much in the reports saying what were the services being provided by more than 373 authorities operating in country Victoria. People working on those authorities voluntarily and those being paid to do the job know what is happening in small communities. Will the system suggested by the committee provide a better service? It says that there should be rationalization and fewer authorities in country Victoria, but will the changes suggested supply a better service and will they supply it at a lower cost? I have not seen anything in the committee's reports to verify that. I would like to think that the committee addresses itself to those issues and I hope future recommendations consider those issues.

The honourable member for Dandenong interjects by saying that it is a good thing that some of those authorities have been straightened out in the electorate he represents because of the committee's recommendations. If the recommendations are opposed to what the people want within the electorate of Murray Valley, no one will fight harder than me to ensure that the needs of the electorate are recognized and they get the services they want.

**Mr Jolly**—Who is going to pay for them?

**Mr JASPER**—If the honourable member listened to a lot of what I said, he would realize that there needs to be more direct funding provided by the Government and that there certainly needs to be a rationalization in the approach to funding in these areas. The National Party is opposed totally to the Bill because it is against country interests. Every honourable member should be opposed to it. It is a recipe for disaster for country water supplies and sewerage developments. These changes should not occur.

**Mr B. J. EVANS** (Gippsland East)—I support the honourable members for Rodney and Murray Valley in their criticism of the Bill. I agree with their assessment of the measure—that it is a disaster for country Victoria. The principle the Bill throws over and one which has been accepted by Governments in the past is that one of the basic rights of individuals is a drink of water. In the past, Governments have understood that the cost of providing water supplies in country towns obviously must be more expensive than for the metropolitan area because of the volume of water and numbers of people involved.

The honourable member for Dandenong posed the question of what it costs the average ratepayer in the metropolitan area for his water supplies compared with people in rural areas. I remind the honourable member that I know of no rural town that has three years' supply of water in reserve. If the metropolitan area has, as the result of a deliberate policy decision decided it needs at least three years' supply of water in reserve so that it can be drought-proof—the only part of the State that is drought-proof—and thus completely immune from the vagaries of the climate, it should be prepared to pay for it. The metropolitan area also has highly paid professional people running the Board of Works, to provide water, sewerage and so on.

**Mr Jolly**—Not too good on putting up buildings!

**Mr B. J. EVANS**—Perhaps, and may be not too good at realizing the full value of the land it is occupying because it could be collecting many millions of dollars if it allowed its water catchments to be logged. That is another matter that is a reverse form of subsidy. Victoria is being denied revenue it could obtain if that logging were allowed to proceed. I do not see why the share of the value of those resources per annum to the people of east Gippsland should be denied. In fact, we are subsidizing the cost of water supplied to the Melbourne metropolitan area. The honourable member for Bennettswood does not understand that—he does not believe in Melbourne's water supply catchment being logged.

**The ACTING SPEAKER (Mr Wilton)**—The honourable member is straying from the Bill into the question of the logging of Melbourne's catchment areas. I ask the honourable member to return to the Bill.

**Mr B. J. EVANS**—I am dealing with the cost of water supply. Does the honourable member for Bennettswood believe the people of Melbourne have a divine right to clean water and that Melbourne's catchment areas should not be logged, but that other water catchment areas should be logged?

A large percentage of the costs that have been debated are allocated not only to the provision of water supply for country towns but are used also to improve the quality of water supply for country towns through the provision of filtration and other methods that ensure an improved quality of water supply. The water supply is fragile in many country areas. Yet the Government is prepared to say to those people who live in rural areas that it will not assist them in obtaining a clean water supply. The Government even charges peole who supply their own water from rivers.

Another classic illustration of the double standards adopted by the Government is that it has said that it is good enough for the people of Melbourne to have an assured, good, clean supply of quality water, but it is not

good enough for people in country Victoria to have the same facility. Funds are required to produce quality water supplies and develop sewerage systems in many Victorian tourist areas. Those facilities are demanded by tourists, who do not want the streams they fish in and the lakes they boat on polluted. Therefore, sewerage service are demanded, but those services are not essential to the local, static population. It is the tourists who create the need for these resources. However, it is usually the people of those small resort towns who have to provide the finance to meet the loans to provide these facilities.

I will be interested to hear the policy of the Labor Party when its representatives make one of their rare trips into east Gippsland to talk about proposals for the future of the Gippsland Lakes. Will the Labor Party say that it is going to keep the Gippsland Lakes system pure and clean so that city people can enjoy it but that those people who live around the lakes will have to pay for the sewerage system to protect the lakes? There can be no doubt that the people of Gippsland will have to pay for those sewerage systems to cater for the tourists. It should be understood that it does not matter whether people live in either Melbourne or Mallacoota, they should be treated equally. Everyone is entitled to these basic rights.

It must be accepted by every honourable member that one of those basic rights is an access to a good quality water supply. The environment should be protected by the provision of sewerage facilities. The cost of those facilities should be shared amongst all Victorians.

I have often been puzzled on why somebody has not conducted a survey on the distribution of Government responsibilities and functions. It appears strange that those functions that cost the most are loaded on to the local community. I cite the example of the supply of water and sewerage facilities. If the honourable member for Dandenong examined the Water Act, he would discover that there are specific provisions that state that the responsibility of providing water supply rests with the Minister of Water Supply and the water trusts act in name of the Minister. It is on that basis that the responsibility for financing water and sewerage supplies should rest with the Government and not be thrown on to the local communities, as is presently occurring.

The amendment cannot be supported. The amendment, if adopted, would establish a mini Loan Council. A similar situation would exist to that which occurred to the maximum rate, which was introduced some years ago. The net effect of that provision was that the Government would not approve any schemes unless they could be financed within the framework of that maximum rate. Hence, that provision would completely destroy local initiatives for the development of water and sewerage schemes.

I strongly support the point of view that has been so effectively put by my colleagues in opposition to the amendment.

The House divided on the question that the words proposed by Mr Jolly to be omitted stand part of the motion (the Hon. S. J. Plowman in the chair).

| | |
|---|---|
| Ayes .. .. .. | 45 |
| Noes .. .. .. | 30 |
| Majority against the amendment .. .. | 15 |

AYES

| | |
|---|---|
| Mr Austin | Mr McCance |
| Mr Balfour | Mr McClure |
| Mr Birrell | Mr McKellar |
| Mr Borthwick | Mr Mackinnon |
| Mr Brown | Mr Maclellan |
| Mr Burgin | Mrs Patrick |
| Mr Coleman | Mr Reynolds |
| Mr Collins | Mr Richardson |
| Mr Cox | Mr Ross-Edwards |
| Mr Crellin | Mrs Sibree |
| Mr Dixon | Mr Skeggs |
| Mr Dunstan | Mr Smith |
| Mr Ebery | (*South Barwon*) |
| Mr Evans | Mr Smith |
| (*Ballarat North*) | (*Warrnambool*) |
| Mr Evans | Mr Templeton |
| (*Gippsland East*) | Mr Thompson |
| Mr Hann | Mr Trewin |
| Mr Hayes | Mr Weideman |
| Mr Jasper | Mr Whiting |
| Mr Jona | Mr Williams |
| Mr Kennett | Mr Wood |
| Mr Lacy | *Tellers:* |
| Mr Lieberman | Mrs Chambers |
| Mr McArthur | Mr Tanner |

NOES

Mr Cain
Miss Callister
Mr Cathie
Dr Coghill
Mr Crabb
Mr Culpin
Mr Edmunds
Mr Fogarty
Mr Fordham
Mr Gavin
Mr Ginifer
Mr Hockley
Mr Jolly
Mr King
Mr Kirkwood
Mr Mathews
Mr Miller
Mr Remington
Mr Rowe
Mr Sidiropoulos
Mr Simmonds
Mr Simpson
Mr Stirling
Mr Trezise
Dr Vaughan
Mr Walsh
Mr Wilkes
Mr Wilton

*Tellers:*
Mr Ernst
Mr Spyker

PAIRS

Mr McInnes — Mrs Toner
Mr Ramsay — Mr Roper

The House divided on the motion (the Hon. S. J. Plowman in the chair).

| | |
|---|---|
| Ayes .. .. .. | 39 |
| Noes .. .. .. | 36 |
| Majority for the motion .. | 3 |

AYES

Mr Austin
Mr Balfour
Mr Birrell
Mr Borthwick
Mr Burgin
Mrs Chambers
Mr Coleman
Mr Collins
Mr Cox
Mr Crellin
Mr Dixon
Mr Dunstan
Mr Ebery
Mr Evans (*Ballarat North*)
Mr Hayes
Mr Jona
Mr Kennett
Mr Lacy
Mr Lieberman
Mr McArthur
Mr McClure
Mr McKellar
Mr Mackinnon
Mr Maclellan
Mrs Patrick
Mr Reynolds
Mr Richardson
Mrs Sibree
Mr Skeggs
Mr Smith (*South Barwon*)
Mr Smith (*Warrnambool*)
Mr Tanner
Mr Templeton
Mr Thompson
Mr Weideman
Mr Williams
Mr Wood

*Tellers:*
Mr Brown
Mr McCance

NOES

Mr Cain
Miss Callister
Mr Cathie
Dr Coghill
Mr Crabb
Mr Culpin
Mr Edmunds
Mr Ernst
Mr Evans (*Gippsland East*)
Mr Fogarty
Mr Fordham
Mr Ginifer
Mr Hann
Mr Hockley
Mr Jasper
Mr Jolly
Mr King
Mr Kirkwood
Mr Mathews
Mr Miller
Mr Remington
Mr Ross-Edwards
Mr Rowe
Mr Simmonds
Mr Simpson
Mr Spyker
Mr Sterling
Mr Trewin
Mr Trezise
Dr Vaughan
Mr Walsh
Mr Whiting
Mr Wilkes
Mr Wilton

*Tellers:*
Mr Gavin
Mr Sidiropoulos

PAIRS

Mr McInnes — Mrs Toner
Mr Ramsay — Mr Roper

The Bill was read a second time and committed.

Clause 1 was agreed to.

Clause 2 (New sub-division)

**Mr HANN** (Rodney)—I move:

Clause 2, page 4, line 9, after "such percentage" insert "being not more than fifty per centum of the long term bond rate."

My reason for moving the amendment is that the National Party believes there ought to be a ceiling on the subsidized interest rates.

We do not believe that in the policy espoused by the Government it is intended to phase out the interest rate, yet we are realistic enough to realize that it is not possible to continue arguing for a subsidy back to 3 per cent, particularly on new loans.

That has been pointed out by the industry. People in the industry recognize that it is difficult to argue for a subsidy back to 3 per cent, but they believe there ought to be a subsidized interest rate, particularly for smaller trusts and authorities throughout the State and communities that have yet to receive sewerage, especially as it would be impossible to provide water and sewerage services without a Government subsidy.

Therefore the National Party believes it is important in the Bill to place a ceiling on the amount to which the interest rate can rise back to which it should be subsidized. The ceiling set in the proposed amendment is a limit of 50 per cent, or half the long-term bond rate. At present the maximum to which the interest rates would rise would be about 6·5 per cent, and the Government would subsidize back to that maximum.

The National Party does not suggest that the rate ought to rise to that amount immediately, but it would put a ceiling on it. I hope the Minister and the Government will accept the amendment proposed by the National Party.

**Mr JOLLY** (Dandenong)—The Opposition does not support the amendment moved by the National Party because

the Governor in Council has the discretionary power to determine the appropriate interest rate. Although the Opposition supports the approach of phasing in the change, it believes it would be more appropriate to consider making it 50 per cent of the interest rate charged initially, say, 60 per cent the next year until the interest rate charged on new loans reaches the going rate of interest in semi-Government securities.

The Opposition considers that to place an arbitrary provision of 50 per cent would not be appropriate. The difficulty is that, again, legislation would have to be introduced and debated to determine the appropriate subsidy to the water and sewerage authority. Therefore the Opposition does not support the amendment proposed by the National Party.

**Mr JASPER** (Murray Valley)—I wish to comment on the contribution made by the honourable member for Dandenong. The National Party is not suggesting that the rate be raised immediately, but is suggesting that a limit should be imposed on the amount to which a subsidy should be reduced. It is set out in the amendment that it should be not more than 50 per cent of the long-term bond rate. The National Party is not suggesting that, if this amendment were accepted, the subsidy would immediately be reduced to that rate. The National Party would like to see it remain at 4 per cent to take into account the fact that many water and sewerage authorities have gone ahead with projects on the basis that they would be subsidized back to 3 per cent.

If it were raised to 4 per cent and the subsidy were reduced by 1 per cent, as indicated in the chart which I produced in the second-reading debate, there would be a large difference between the amount that each authority would have to find. The National Party certainly wants to have a limit placed on how far the subsidy goes.

In his second-reading speech the Minister indicated that the subsidy on private borrowing may be varied by proclamation of the Governor in Council published in the *Government Gazette*. I repeat the warning that I have given during the second-reading debate, that while the present Government is in power, some realism may be expected in the interest subsidy, but if a change of Government took place, I am concerned that that subsidy may be removed completely. The scheme suggested by the Minister may be adopted, but the National Party believes that would not be effective and it would certainly act to the detriment of people living in the country and to the development of country water and sewerage projects.

A rationalization is needed but account needs to be taken of the fact that some projects have gone ahead on the basis that they will be subsidized back to 3 per cent. Millions of dollars worth of projects have been approved by the State Rivers and Water Supply Commission but cannot proceed because of the constraints of the Government. Yet when these projects, the costs of which have escalated enormously over the past few years, proceed, it will be at a cost which the country water trusts and sewerage authorities will not be able to afford.

The National Party hopes that the Government will support at least the setting of a maximum limit to which the subsidy may be reduced.

**Mr JOLLY** (Dandenong)—Clearly a distinction exists between the position adopted by the Labor Party and that of the National Party. The Opposition agrees with the principle of phasing out the interest rate subsidy altogether as the ultimate objective, but emphasizes that it would be far better to follow the line whereby the subsidy given to any authority expressed as a percentage of the semi-Government interest rate prevailing at the time rather than the rates indicated by the Minister, because those authorities which rely more on older loans face the position where the reduction in subsidies will be greater in percentage terms than for new loans.

The arrangements proposed by the Minister will have the effect in 1981 of increasing the interest rate subsidy from 9·3 per cent to 11·5 per cent, so the decision included in this year's Budget will increase the subsidy on new loans.

It is far better to subsidize directly all charges for water and sewerage services in country Victoria than to have a hidden subsidy in the interest rate arrangement as exists at present. It should focus on the rates charged to property holders in the area.

The way in which the interest rate subsidy operates at present is indiscriminate, and in a number of cases water and sewerage authorities in country areas are paying far lower amounts than are their subsidized counterparts. The Opposition does not regard that as equitable.

**Mr ROSS-EDWARDS** (Leader of the National Party)—I should like to make two points. The first concerns the 3 per cent subsidy on existing loans. This is retrospective legislation, and I know of one co-operative in Victoria which will incur costs of hundreds of thousands of dollars because it has underwritten a loan which was granted for work on treating waste products. The co-operative had understood that the contract was binding.

**Mr Jolly**—They are repudiating the contract.

**Mr ROSS-EDWARDS**—Contracts are being repudiated all over Victoria, but this is a word that I do not think the Government would like to be associated with.

I have pointed out to the Government a dozen times that this measure will give the Minister the power to bring the interest rate on water and sewerage loans up to the bond rate immediately. In other words, if a Labor Government is elected in May next year, it would bring the interest rate on sewerage and water authorities up immediately. It could do that and I would not trust it, yet from time to time the Government's Party's Federal colleagues have fallen for the three-card trick and introduced legislation which suits the Labor Party. This Bill delights the Opposition. It gives it power to bring interest rates on water and sewerage up to the bond rate as soon as they come into office. It is all very well for the Minister representing the Minister of Water Supply to say that the Government will bring it up only 1 per cent. That will apply only while he remains a Minister, and while the Liberal Party remains the Government. If it does not remain the Government, God help the country people!

The Committee divided on Mr Hann's amendment (Mr A. T. Evans in the chair).

| | |
|---|---|
| Ayes .. .. .. | 6 |
| Noes .. .. .. | 66 |
| Majority against the amendment .. .. | 60 |

AYES

| | |
|---|---|
| Mr Evans (*Gippsland East*) | Mr Whiting |
| Mr Ross-Edwards | *Tellers:* |
| Mr Trewin | Mr Hann |
| | Mr Jasper |

NOES

| | |
|---|---|
| Mr Austin | Mr McKellar |
| Mr Balfour | Mr Mackinnon |
| Mr Birrell | Mr Maclellan |
| Mr Borthwick | Mr Mathews |
| Mr Brown | Mr Miller |
| Mr Burgin | Mrs Patrick |
| Mr Cain | Mr Remington |
| Mr Cathie | Mr Reynolds |
| Mrs Chambers | Mr Richardson |
| Dr Coghill | Mr Rowe |
| Mr Coleman | Mrs Sibree |
| Mr Collins | Mr Sidiropoulos |
| Mr Cox | Mr Simmonds |
| Mr Crabb | Mr Simpson |
| Mr Crellin | Mr Skeggs |
| Mr Culpin | Mr Smith (*South Barwon*) |
| Mr Dixon | Mr Smith (*Warrnambool*) |
| Mr Ebery | Mr Spyker |
| Mr Edmunds | Mr Stirling |
| Mr Enst | Mr Templeton |
| Mr Fogarty | Mr Thompson |
| Mr Fordham | Mr Trezise |
| Mr Gavin | Dr Vaughan |
| Mr Ginifer | Mr Walsh |
| Mr Hockley | Mr Weideman |
| Mr Jolly | Mr Wilkes |
| Mr Jona | Mr Williams |
| Mr Kennett | Mr Wilton |
| Mr King | Mr Wood |
| Mr Kirkwood | |
| Mr Lacy | *Tellers:* |
| Mr Lieberman | Miss Callister |
| Mr McArthur | Mr Tanner |
| Mr McCance | |
| Mr McClure | |

PAIR

| | |
|---|---|
| Mr McGrath | Mr Ramsay |

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.

## ADJOURNMENT

**Mr MACLELLAN** (Minister of Transport)—I move:

That this House do now adjourn.

**Instant Tatts—Ramps for Ringwood High School—Collingwood children's farm—Wealth tax—Audio-Visual Resources Branch—Blueberry plantation—University High School**

**Mr CULPIN** (Glenroy)—I bring to the attention of the House the new form of gambling which commenced last Saturday. Because of the incompetence of the Government, children were legally allowed to buy Instant Tatt's tickets, and the sellers of the tickets were legally entitled to sell them. Some 5 million tickets were sold at $1 each and about $800 000 worth of prizes were won ranging from twenty prizes of $10 000 each to 60 000 prizes of $2 each. The names of the people who won the prizes go into a barrel or a machine for a drawing next week, when the prize will be $500 000. Will the Treasurer advise whether there will be any problem if an eight or ten year old who purchases a ticket and wins a small prize, and whose name is in the barrel for the big prize, should win the major prize? I request an answer that if such a child would win the first prize he or she could claim it with no strings attached.

**Mr McARTHUR** (Ringwood)—I raise for the attention of the Minister of Educational Services a situation at Ringwood High School. This matter has been brought to my attention by the parents of a fourteen-year-old student with spina bifida who spends much of his time in a wheel chair at the school. There is difficulty in moving the wheel chair around the school. The boy is a serious case and is determined that he shall be successful in his studies and is doing a good job battling along with his disability. In the International Year of Disabled Persons this boy is denied access to many of the class-rooms at the school. A request is made for the construction of three or four ramps at the school to enable access for the wheel chair to certain rooms there. I hope the Minister can intervene and authorize construction of the ramps which I do not think would be terribly expensive and which would enable a very brave young man to carry out his schooling successfully.

**Mr SIDIROPOULOS** (Richmond)—I raise a matter for the attention of the Premier. I have been informed that the Collingwood children's farm is under threat of closure because the Government, through the Education Department, has decided to sell the land on which the farm is situated. The Sidda Yoga group wants to buy the land for its headquarters. The farm is situated on the old Abbotsford convent site and was established in 1978 after Collingwood City Council received $37 475 from the Schools Commission.

Documents were signed with the Abbotsford Campus Joint Management Committee and since then the site has been a fully operational farm which is unique and provides educational and recreational services to a large number of schools, community groups, special schools, kindergartens, child care centres and ethnic groups including ethnic aged organizations. In fact, almost all groups represented in the Collingwood area have either used the farm or have access to it.

The size of the farm is 4 acres and the Collingwood City Council has passed on the running of the farm to a residents management committee. Basically the farm was established to bring inner-city children into contact with a rural situation and to participate in the day-to-day running of a farm. Land was cleared, fences erected, sheds built and a stock of animals donated, including a horse from the honourable member for Keilor. Almost 200 organizations have used the farm; it has attracted media attention and has proved to be an outstanding success. Any rational and reasonable person would assume that such a successful project would be given every encouragement and support, especially by the Government.

I believe the management committee has already written to the Premier asking him to meet with representatives of the committee to discuss the matter in an attempt to solve the problem. I take the opportunity of asking the Premier to arrange the meeting as soon as possible. The Collingwood City Council and the residents who have seen the farm develop from an idea are concerned about it and about the farm's security of tenure.

**Mr TANNER** (Caulfield)—I raise with the Premier and Treasurer the problems inherent in wealth tax and my strong opposition to such taxation. I am aware that the Premier and Treasurer has, on behalf of the Government, taken action against wealth tax. I congratulate him on his commitment to abolish probate duty as from 1 January 1984, to abolish gift duty as from 1 January 1983 and to raise the exemption level for land taxation on the family home from $45 000 to $100 000.

Wealth tax is an unfair tax because it can lead to double or even triple taxation. In the case of probate duty, it can be a tax upon income after that income has been subjected to income tax or even a tax upon income which has already been subjected to income tax and company tax. The reality of the situation is that flat taxation is not practicable, that services and amenities are demanded of the Government by the community and that certain sections of the community are not able to provide those services or have limited means of providing those services through taxation.

Nevertheless, I reject the Socialist theory that taxation, as well as being a means of revenue for the Government, should also be a means of redistribution of income. Australia has developed through the encouragement of free enterprise and the Liberal Party embodies this spirit. It has realized that the development of society has come about through encouragement of the individual and that the catalyst for this development has been reward for achievement.

I deplore the ALP's pledged support for wealth taxation. It proposes to expand probate duty and it has pledged support for the introduction of a wealth tax on the value of the family home.

**Mr FORDHAM** (Footscray)—On a point of order, Mr Speaker, I take the strongest exception to this fool being allowed to continue in this manner in the debate on the motion for the adjournment of the sitting. I take up the interjection; he is undoubtedly a fool. He has repeatedly made wild accusations concerning ALP policy which are completely inaccurate. He has a habit of making wild and inaccurate statements regarding the policies of other parties.

More to the point, Mr Speaker, I suggest that the adjournment debate is not meant to be used for discussion of this kind at all. It is meant to be used by members raising matters seeking Government action concerning the administration of Government departments. It is not a time for raising policy considerations of this sort. I ask you to consider whether any of the matters the honourable member has raised to date fit in with the normal requirements of the debate on the motion for the adjournment of the sitting.

**The SPEAKER (the Hon. S. J. Plowman)**—The honourable member should know that the adjournment debate is a time for raising matters of complaint or problems and seeking a remedy from the Government. I do not believe he has done so thus far. If he had failed to do so before completing his address, I would then have ruled his matter out of order. He now has 25 seconds in which to complete his address, so he had better hurry up and do so.

**Mr TANNER** (Caulfield)—I wish to raise with the Premier and Treasurer my concern regarding Melbourne and Metropolitan Board of Works rates and to request that those rates contain an element of charging for water used and that there be a contribution to the revenue of the Melbourne and Metropolitan Board of Works from the Government's general taxation. I also ask him to continue his programme of abolishing wealth taxation.

**The SPEAKER**—The honourable member's time has expired.

**Mr MACLELLAN** (Minister of Transport)—On a point of order, Mr Speaker, during the remarks of the honourable member for Caulfield, I heard the Deputy Leader of the Opposition say that the honourable member for Caulfield was a fool. I suggest that that is at least discourteous, if not unparliamentary, and that you should ask the Deputy Leader of the Opposition to withdraw the remark. If he had said, "foolish", I would have no worries about the matter, but even at 1.25 a.m. I do not believe honourable members should call each other names.

**The SPEAKER**—The term "fool" is not listed as an unparliamentary term. If the honourable member for Caulfield takes exception to it, it is up to him to raise the matter and seek a withdrawal. The honourable member has not sought such a remedy, so I will not ask the Deputy Leader of the Opposition to withdraw the remark.

**Mr TANNER** (Caulfield)—On the point of order, Mr Speaker.

**The SPEAKER**—In rising after somebody else has raised the question, I think the honourable member has missed his opportunity.

**Mr FORDHAM** (Footscray)—I raise briefly with the Minister of Educational Services the staffing situation within the Audio Visual Resources Branch of the Education Department. This branch has been subject to all sorts of investigation and consideration of its future role and its staffing for next year and succeeding years. I understood that an earlier assurance had been received from the Minister that there would be no immediate staffing changes. A task force has been investigating the future operation of the branch and, in addition, a Bill is currently before the House seeking to restructure its operations.

**Mr MACLELLAN** (Minister of Transport)—On a point of order, Mr Speaker, the rules do not allow honourable members to comment on proposed legislation that is currently before the House. The Deputy Leader of the Opposition is transgressing the rules, the strict interpretation of which he asks you to apply to others in the debate on the motion for the adjournment of the sitting. The purpose of the adjournment debate is to allow honourable members to seek remedies, not to comment on proposed legislation.

**Mr FORDHAM** (Footscray)—On the point of order, Mr Speaker, the thrust of my remarks, as I said in my introductory sentence, is to seek a remedy concerning future staffing arrangements. I was making the point that there is a cloud over those staffing arrangements for a whole host of reasons and one matter I mentioned in passing was the proposed legislation dealing with that body. It is quite in order and normal for proposed legislation to be referred to in passing during the debate on the adjournment motion, as you know, Mr Speaker.

**The SPEAKER (the Hon. S. J. Plowman)**—Order! If the honourable member does not refer directly to legislation and relates this matter to administrative arrangements, that is in order.

**Mr FORDHAM**—In fact, some 3·6 members of staff who are currently working within the Audio Visual Resources Branch have this week been advised that they are to be relocated from the beginning of 1982. One of those persons works at Traralgon, one at Bendigo and one at Croydon, and the 0·6 appointment is currently to the central branch of the Audio Visual Resources Branch.

This important decision has been made by either the Minister or the department and I am seeking advice and remedy from the Minister concerned. I hope he will reconsider the decision that has been made in the interest, not just of the staff members, but of the service that is provided from these important regional centres.

Taking the Bendigo branch, for example, it is 25 per cent of that body's current operation in the Audio Visual Resources Branch, an area which gives excellent service to schools in that district. It is a retrograde step. These people are not permanent appointees; they have been seconded. However, there is no justification for action of this sort. I seek the intervention of the Minister to remedy the situation.

**Mr TREWIN** (Benalla)—The matter I raise will be of interest to the Minister of Transport. It deals with the development of a small primary industry in the Strathbogie Ranges, which is a plantation and nursery for blueberries. These are becoming popular, not only as a product, but also for development as a tourist resort. The proprietors, Mr and Mrs Mottram, have stated:

> Whilst we are not in the Euroa Shire it is most obvious that we will be very reliant on the roads leading from Euroa and Strathbogie, it is my intention to display on all advertising material the roads leading to "BlueBerry Haven" Victoria from Euroa, Merton and Violet Town.
>
> We are obviously extremely concerned, not only with the appalling and shameful condition of the roads leading from Euroa, but also the very narrow sharp bends in particular.
>
> We are also aware that it would be well beyond the Council's resources to make good all of the improvements necessary, and that we in the Strathbogie district are surely entitled to what substantial improvements must be carried out in order to cater for the anticipated traffic flow, for safety reasons, let alone the present flow.
>
> It is our intention to bring into the area large tourist coaches.

Those people have come from Melbourne with this idea and have already been in the area for three years or so. They have established a tourist resort, grown blueberries and established picnic areas. It is their desire that that district that they have located has roads that will not be sufficient to take tourist buses into the areas, not only for their own interest, but also for people to share in the beauty of the Strathbogie Ranges.

It is important that as a tourist resort this area be recognized. It is also a distinct possibility that some of those roads, without improvements, are quite hazardous for the ordinary motorist, let alone the additional flow of traffic that will enter the areas with the development of this important and beneficial tourist industry in the Strathbogie Ranges.

**The SPEAKER (the Hon. S. J. Plowman)**—Order! I take it that matter is raised for the attention of the Minister for Tourism.

**Mr TREWIN**—It is raised for the attention of the Minister for Tourism and the Minister of Transport as it relates to roads.

**Mr REMINGTON** (Melbourne)—The matter I raise for the attention of the Minister representing the Minister of Education concerns an ongoing problem at University High School and its three aspects of administration—selection intake, methods of student appointment to higher classes and teachers. Early in the year I received several complaints about the method by which the school selects its intake of pupils. I have received complaints again this year from people in Brunswick South who expected their children to attend the school and were told that their children would not be admitted. I am confronted with a number of complaints about the school's attitute to promoting children who have passed year 11 but will not be admitted to year 12.

I refer to the case of a student named George Shafik. At the end of year 10 he passed with 2 As and 6 Bs and in year 11 passed with 1 B, 2 Cs and 3Ds and was not accepted for promotion to year 12. He has had to approach other schools and has been accepted by Melbourne High School. Neither he, nor his father, can understand why a young man who lives within walking distance of University High School should have to go to the trouble and expense of paying fares to attend Melbourne High School.

Another case has been brought to my attention of a girl who passed all subjects in year 11. She did not fail any subject, but was not accepted to complete year 12. She has suffered the humiliation of going to school after school, which are all sick and tired of University High School and the way it refuses to promote people who have passed year 11. After great difficulty, she has found a school that will accept her. Another case is of a young man at the school this year by the name of Allan who passed with 1 A, 1 B, 1 C and 3Ds. He failed no subjects, but was still not promoted to year 12. He had

difficulty in getting various suitable subjects for his repeat year and the principal wrote back and said:

> The curriculum, year 11, is designed to ensure the greatest good for the greatest number. It cannot be moulded to suit the needs of individuals.

The attitude of the school to promotions this year is demonstrated by the fact that 159 students completed year 11, but only 85 have been promoted to year 12. For a school with a high academic record, that is well below the normal 75 per cent pass rate of pupils expected to go from year 11 to year 12.

The other matters concern the attitude of teachers and others, that has been consistently brought forward. A couple of weeks ago——

**Mr MACLELLAN** (Minister of Transport)—On a point of order, I understand that the rules of this place provide that only one matter can be raised by an honourable member on the motion for the adjournment of the House. The honourable member has successfully raised one matter and I do not understand why the House must listen to him raise any other matter. It is not good enough simply to attach an additional matter because it is about the same school, as he could raise fifteen matters in that way. He has raised the matter of entrance of pupils to the school and is now attempting to trespass on another matter. I suggest, Mr Speaker, that you rule the honourable member out of order.

**Mr FORDHAM** (Footscray)—The honourable member made it perfectly clear in his preliminary remarks that he was speaking about three aspects of the enrolment policies of University High School and would give three different sorts of illustrations. He has indicated problems with enrolments of pupils that are his constituents, and he is in order to do so.

**The SPEAKER**—Order! I will hear more from the honourable member for Melbourne but if it is a second point and a separate part from the first point, I will uphold the point of order, and rule him out of order.

**Mr REMINGTON** (Melbourne)—On the general matter of enrolment, a public meeting was recently held which certain teachers attended. Because of their attendance and concern at the enrolment methods, the principal sent out a letter castigating teachers for attending the public meeting. The letter said:

> Unless I am informed personally that the staff concerned were present by "express permission or authority of the Minister or the Director-General", further action may ensue.

**The SPEAKER**—Order! The honourable member's time has expired. He was starting to deal with a second matter and I rule that honourable members may raise only one matter on the motion for the adjournment of the sitting.

**Mr MACLELLAN** (Minister of Transport)—The honourable member for Glenroy raised a matter concerning a young person who has apparently bought a lottery ticket, which the honourable member for Knox might think was a sweepstake ticket and may win a prize. I dare say the matter can be resolved when the eventuality happens.

The honourable member for Ringwood wishes to have some ramps put into a school to enable the young pupil who is confined to a wheel chair to receive better educational service. I will raise that matter with the the Minister of Educational Services.

The honourable member for Richmond would like the Premier to meet someone about the form project and I will draw that to the attention of the Premier.

The honourable member for Caulfield would like the Melbourne and Metropolitan Board of Works rates changed. I will raise that matter with the Treasurer.

The Deputy Leader of the Opposition would like the decision changed in regard to the 3·6 teachers. The Opposition disagrees with that number and at the next election campaign it will be making it 3·6. I dare say that 3·6 teachers will turn into 6·3 because that is the generosity of the Opposition. I will direct that matter to the attention of the Minister of Educational Services.

The honourable member for Benalla suggested that part of an area apparently developed does not have satisfactory roads. The resort has been established and the proprietors have grown blueberries, but need the roads to be upgraded. A way in which municipalities throughout Victoria could get roads upgraded would be the establishment of tourist farms, although they must ensure that the roads are suitable for buses.

I have a great deal of sympathy with the Strathbogie area, but my sympathy does not extend to saying that I will find money to upgrade the roads because people have come from Melbourne to grow blueberries and have asked other people to come and pick the blueberries and perhaps eat them. However, the Minister for Tourism is known to be generous with the funds available to him, and I will direct the matter to his attention.

I thought for a moment that the honourable member was going to ask about signs on the roads, because the Country Roads Board has strict rules regarding signs. A certain lion park at Bacchus Marsh had trouble with putting up a tourist sign, because of those rules. It arranged with the local council to have the appropriate road called "Lion Park Road", which overcame the problem and there are now gigantic signs at the side of the Country Roads Board road announcing "Lion Park Road". If the people to whom the honourable member referred could be assisted by having their local council name the appropriate road "Blueberry Road", perhaps they will have found the answer. How the buses would get there is another matter.

The honourable member for Melbourne made his traditional complaint about the University High School. I will direct it to the attention of the Minister of Education.

The motion was agreed to.

*The House adjourned at* 1.41 *a.m.* (*Wednesday*).

## *QUESTIONS ON NOTICE*

*The following answers to questions on notice were circulated—*

### PAYMENTS TO NON-FULLTIME MEDICAL STAFF

(Question No. 6)

**Mr ROPER** (Brunswick) asked the Minister of Health:

In respect of payments to non-fulltime medical staff in hospitals during the 1978–79 and 1979–80 financial years:

1. What amount was paid to all visiting and sessional medical staff, specifying the categories of payment for sessional staff on call and recall?

2. What is the estimate for 1980–81?

**Mr BORTHWICK** (Minister of Health) —The answer is:

1. The amounts of standard, on call and recall payments made in respect to 1978–79, 1979–80 and 1980–81 financial years and the estimate for 1981–82 are:

| *Payments* | 1978–79 | 1979–80 | 1980–81 | 1981–82 (*Est.*) |
|---|---|---|---|---|
| Sessional— | | | | |
| Standard .. .. .. .. | 19 504 000 | 21 899 000 | 25 596 000 | 27 778 000 |
| On Call .. .. .. .. | 2 048 000 | 2 300 000 | 2 688 000 | 2 917 000 |
| Recall .. .. .. .. | 1 464 000 | 1 644 000 | 1 921 000 | 2 085 000 |
| Total Sessional .. .. .. | 23 016 000 | 25 843 000 | 30 205 000 | 32 780 000 |
| Visiting Medical Officers .. .. | 8 750 000 | 10 461 000 | 12 834 000 | 14 307 000 |

2. The 1978–79 figures provided above differ from those supplied to the honourable member in a letter dated 28 August 1980. These figures should be taken as the revised amount for that year.

3. The sessional payments listed represent the total payments made by hospitals under their clinical sessional allocations. As hospitals have the option to employ full-time medical staff to work clinical sessions, payments to such full-time medical staff have been included in sessional payments. Sessional diagnosticians and sessional medical administrative staff are not included.

4. The sessional break-up between standard, on call and recall payments is only approximate. Actual data from individual hospitals is not available.

(Question No. 31)

**Mr ROPER** (Brunswick) asked the Minister of Health:

In respect of payments to non full-time medical staff in hospitals:

1. What amount was paid to—(*a*) all sessional medical staff; and (*b*) all visiting medical officers during the 1979–80 financial year?

2. What is the estimate for 1980–81 for both categories?

3. What on-call and re-call payments were made in the 1979–80 financial year, and what is the estimate for this financial year?

**Mr BORTHWICK** (Minister of Health) —The answer is:

I refer the honourable member to the reply to question No. 6 which sought the same information on sessional payments.

## RESIDENTIAL FACILITIES FOR HANDICAPPED CHILDREN

(Question No. 81)

**Mr MATHEWS** (Oakleigh) asked the Minister of Health:

Whether he will bring up to date and consolidate in *Hansard* the information on residential accommodation for mentally and physically handicapped children which he gave in answer to question No. 894 on 25 March 1980, and recorded in *Hansard* at page 7395, indicating in each case the—(*a*) number; and (*b*) percentage of children, who are working regularly with—(i) teachers provided by the Education Department; (ii) physiotherapists; (iii) occupational therapists; and (iv) special therapists?

**Mr BORTHWICK** (Minister of Health) —The answer is:

The information given relates to children who are primarily intellectually handicapped. Some are also physically handicapped, but available data does not differentiate between those who are physically handicapped and those who are not.

A variety of factors including continually changing programme needs of individual children and flexible use of staff to meet these needs, and the need for a high number of staff members at certain times during any day result in variable institutional staff/resident ratios.

Staff numbers listed below refer to basic care nursing staff and do not include educational, para-medical and professional staff.

The following institutions care for handicapped children:

| *Institution* | *Authorized staff* | *Currently employed* |
|---|---|---|
| Children's Cottages Kew .. | 371 | 363 |
| Colac (Colanda) .. .. | 177 | 160 |
| Janefield .. .. .. | 154 | 153 |
| Kingsbury .. .. .. | 71 | 70 |
| St Nicholas .. .. .. | 84 | 84 |
| St Gabriels .. .. .. | 44 | 38 |
| Stawell (Pleasant Creek) .. | 80 | 77 |
| Sunbury (Caloola) .. | 287 | 279 |

The following chart details the number, and percentage of children in institutions who are working regularly with:

(i) Teachers provided by the Education Department;

(ii) Physiotherapists;

(iii) Occupational Therapists; and

(iv) Speech Therapists.

| *Institution* | *Total Number of children* | *(a) Number of children working regularly with: (b) Percentage of children working regularly with:* (i) *Teachers—Education Department* | | (ii) *Physiotherapists* | | (iii) *Occupational therapists* | | (iv) *Speech therapists* | |
|---|---|---|---|---|---|---|---|---|---|
| | | *a* | *b* | *a* | *b* | *a* | *b* | *a* | *b* |
| Childrens Cottages Kew .. | 123 | 104 | 84·6 | 3 | 2·4 | 16 | 13 | 9 | 7·3 |
| Colac .. .. .. | 78 | Nil. | Nil. | 50 | 64·1 | Nil. | Nil. | Nil. | Nil. |
| Janefield .. .. .. | 129 | 126 | 97·7 | Nil. | Nil. | 33 | 25·6 | Nil. | Nil. |
| Kingsbury .. .. | 44 | 35 | 79·5 | 5 | 11·4 | 13 | 29·5 | 16 | 36·4 |
| St Nicholas .. .. | 84 | 34 | 40·5 | 23 | 27·4 | 54 | 64·3 | Nil. | Nil. |
| St Gabriels .. .. | 29 | 19 | 65·5 | 10 | 34·5 | Nil. | Nil. | 14 | 48·3 |
| Stawell .. .. .. | 115 | 103 | 89·5 | Nil. | Nil. | Nil. | Nil. | Nil. | Nil. |
| Sunbury .. .. .. | 17 | 13 | 76·5 | Nil. | Nil. | Nil. | Nil. | Nil. | Nil. |
| Dana House .. .. | 1 | Nil. | Nil. | Nil. | Nil. | Nil. | Nil. | Nil. | Nil. |

## STAFF–PATIENT RATIOS AT MENTAL HEALTH CENTRES

(Question No. 101)

**Mr MATHEWS** (Oakleigh) asked the Minister of Health:

Whether he will bring up to date and consolidate in *Hansard* the information on staff–patient ratios at centres for care of mentally retarded people, given in answer to question No. 112 on 16 September 1980 *Hansard* page 439?

**Mr BORTHWICK** (Minister of Health) —The answer is:

Health Commission records indicate that the approved and actual staff ratios for Health Commission training centres is as set out in the table hereunder. Consideration is given to staffing individual wards of training centres on the basis of the needs of the residents, taking account of their age, their individual ability and care requirements and the facilities at the particular training centre. Teaching staff at training centres are provided by the special service division of the Education Department. The facilities and staffing of training centres receive continuing attention with a view to improving the care of residents and the provision of adequate and appropriate programmes.

| | *Number of Residents as at 30 September* | *Staff: (a) Establishment (b) On Duty* | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|
| | | *Medical* | | *Social Worker* | | *Occupational Therapy* | | *Physiotherapy* | | *Primary Care* | |
| *Institution* | 1981 | *a* | *b* | *a* | *b* | *a* | *b* | *a* | *b* | *a* | *b* |
| ‡Ararat | 321 | 4 | 4 | .. | .. | .. | .. | .. | .. | 242 | 217 |
| ‡Beechworth | 204 | 4 | 8* | 4 | 3 | 4 | 2 | 1 | .. | 271 | 267 |
| Childrens Cottages Kew | 822 | 7 | 6* | 3 | 1 | 10 | 13* | 5 | 3 | 371 | 363 |
| Colac | 173 | 2 | 1 | 3 | 1 | 2 | .. | 3 | 1 | 177 | 160 |
| Janefield | 441 | 3 | 3 | 3 | 3 | 2 | 2 | 1 | .. | 154 | 153 |
| Kingsbury | 82 | 2 | 2 | 1 | 1 | 2 | 2 | 1 | 1 | 71 | 70 |
| †Sandhurst | 61 | .. | .. | .. | .. | .. | .. | .. | .. | 21 | 20 |
| St Nicholas | 105 | 7 | 6 | 2 | 1 | 4 | 4 | 5 | 2 | 84 | 84 |
| St Gabriels' | 37 | 1 | 1 | 2 | 2 | 1 | 1 | 1 | 1 | 44 | 38 |
| §Stawell | 166 | .. | .. | 2 | .. | 1 | .. | 1 | .. | 80 | 77 |
| Sunbury | 734 | 5 | 4 | 3 | .. | 3 | 2 | 1 | .. | 287 | 279 |
| ‡Warrnambool | 77 | 5 | 4 | 1 | 1 | 3 | 2 | .. | .. | 118 | 112 |
| Dana House | 25 | .. | .. | .. | .. | .. | .. | .. | .. | 3 | 6+ |

§ Staff at these institutions are involved in a dual function, that is psychiatric services and mental retardation services.

† Medical staff from Ararat service this centre.

+ Medical staff from Bendigo psychiatric centre service this centre.

* Some employees are part-time.

‡ Five nurses are on secondment from Lakeside Hospital, Ballarat.

All teaching staff on duty at various training centres are employed by the special services division of the Education Department who have advised that their present staffing is as follows:

| | *Teaching Staff* | |
|---|---|---|
| *Training Centre* | *(a) Teachers* | *(b) Teachers' Aides* |
| *Ararat | .. | .. |
| *Beechworth | .. | .. |
| *C.C. Kew | 73 | 40 |
| *Colac | .. | .. |
| Janefield | 43·5 | 10 |
| *Kingsbury | 5 | 3 |
| Sandhurst | .. | .. |
| *St Nicholas | 8 | 5 |
| *St Gabriel's | .. | .. |
| Stawell | 20 | 4 |
| Sunbury | 6 | 4 |
| Warrnambool | .. | .. |
| Dana House | .. | .. |

* Some residents attend special developmental schools and/or day training centres in the community.

The break-up of the staff at Children's Cottages Kew is as follows:

Special School Kew—22 teachers, 9 teachers' aides; North Kew Education Centre—51 teachers, 31 teachers' aides. Totals—73 teachers, 40 teachers' aides.

## MENTALLY RETARDED PERSONS

(Question No. 102)

**Mr MATHEWS** (Oakleigh) asked the Minister of Health:

Whether he will bring up to date and consolidate in *Hansard* the information on mentally retarded people currently on waiting lists for residential care and classified as urgent, given in answer to question No. 898 on 25 March 1980 *Hansard* page 7396?

**Mr BORTHWICK** (Minister of Health) —The answer is:

Details of the number of mentally retarded people waiting for residential accommodation are not currently available as the system previously used to compile the information is no longer in operation. The mental retardation division is in the process of establishing a new system which is to be known as the residential services list. This list will provide details of mentally retarded people who require either institutional placement or placement in community-based facilities.

All the mentally retarded people who were recorded on the previous waiting list are systematically being processed by the division and the people still requiring residential placement will be incorporated on the new residential services list.

The director, mental retardation division has established an admissions committee through which all requests for long-term residential care in any of the division's facilities must be channelled. All admissions to the division's residential centres require the director's authorization.

## SCHOOL BUILDING PROGRAMME

(Question No. 199)

**Mr FORDHAM** (Footscray) asked the Minister of Educational Services:

What funds have been set aside to be allocated, at his discretion, from moneys provided from the School Building Programme, and whether these funds can be used on projects in other than priority ranking as determined by the relevant Regional Priority Review Committee?

**Mr LACY** (Minister of Educational Services)—The answer is:

It is the responsibility of the Minister of Educational Services to determine how all the funds in the works and services budget for the Education Department are expended.

The Minister's general item which appears in the Budget is a contingency sum against which special programmes and unforeseen and extraordinary demands can be funded.

This contingency amount enables special programmes of work, outside the normal regional programmes, to be undertaken—for example the toilet replacement programme and the school cooling programme are funded from this source. It also allows adjustments to be made to the building programme, in the event of unforeseen and urgent demands being made, and, in some instances, funds have been used for the provision of extra relocatable classroom accommodation that has been urgently required, and an increase in funds for fire reinstatement where unpredictable demands have been experienced.

In 1979–80, the figure involved was $1 784 000, and in 1980–81 it was $1 637 000. This represents approximately 1·5 per cent of the total Education Department Works and Services Budget, and it has generally proved adequate, as a contingency sum, to enable an orderly programme of works to be undertaken.

## ACQUISITION OF ALLOTMENT IN COBURG

(Question No. 237)

**Mr GAVIN** (Coburg) asked the Minister for Local Government:

Whether he has refused to confirm the compulsory acquisition of the vacant allotment, known as Lot 7 Pleasant Street, by the City of Coburg, when this acquisition is considered desirable to further the establishment of a linear park; if so, why?

**Mr LIEBERMAN** (Minister for Local Government)—The answer is:

(*a*) Yes, the application for confirmation of the compulsory acquisition order in respect of Lot 7, Pleasant Street was lodged with the Local Government Department on 11 October 1979 and confirmation was subsequently refused on 3 April 1980.

(*b*) The decision was made by my predecessor after all aspects of the application were taken into consideration. Among the factors which guided the Minister in making the decision to refuse, significant weight was given to the determination made by the Town Planning Appeals Tribunal of 29 December 1979 after the council refused to issue a planning permit for the use of the land for the erection of town houses.

In directing the issue of the permit the tribunal said—

"We think that the nature and location of the appeal site is of such an individual kind that it is appropriate for it to be treated on a different basis to the guidelines contained in council's code. In addition we record that the adjoining property owners signed the submitted plan and indicated that after examining the proposal they had no objection to it being built. The conclusion that we have reached after considering the submission of the parties and the material presented by them is that the proposed use and development is a reasonable one from a planning point of view and should be permitted to proceed . . ."

I understand that the land is no longer vacant as it has been developed pursuant to the town planning permit directed to be issued by the tribunal on 5 January 1979 and the building permit issued by the council of the City of Coburg on 7 November 1979 prior to the refusal of the request for the confirmation of compulsory acquisition.

I further understand that at the hearing of the appeal before the Town Planning Appeals Tribunal no submission opposing the issue of the permit on the grounds that the land was required for public purposes under a planning scheme or interim order was made by the council of the City of Coburg and, if it had done so, it would be expected that the tribunal would have considered refusing the permit to enable compensation to be determined under section 41 of the Town and Country Planning Act 1961.

## HANDICAPPED CHILDREN IN MAINSTREAM SCHOOLS

(Question No. 305)

**Mrs TONER** (Greensborough) asked the Minister of Educational Services, for the Minister of Education:

1. What is the policy of the Education Department on the integration of special children into mainstream schools?

2. How many children are currently integrated?

3. How many parents have made application for their children to be integrated?

4. What extra professional and ancillary staffing resources, equipment, funding and in-service education is provided in schools where integration is happening?

5. When the report on the Watsonia Integration Project will be released?

6. What action the Government intends to take on this report?

7. When the working party on integration in primary schools will be set up, indicating whether it will include membership of parents of handicapped children currently in integrated settings or their nominees?

8. Whether the Minister will consider broadening the working party to include students, parents and teachers in post-primary schools?

**Mr LACY** (Minister of Educational Services)—The answer supplied by the Minister of Education is:

1. It is the policy of the Victorian Education Department to provide schooling options for disabled children, which range from special education in a special school to special education in an ordinary school.

The report of the Warnock committee, released in the United Kingdom in 1978, recommended the development of a comprehensive range of flexible special educational options. The United Kingdom is now working towards the provision of these options. The Victorian Education Department already provides these options.

This allows the Victorian Education Department to provide education for all children in the least restrictive, or most integrated, setting subject only to the availability of staff and other resources.

2. Many hundreds of disabled children are fully integrated in mainstream schools. Examples, as at October 1981, are:

(*a*) Physically disabled—approximately 492 in normal schools;

(*b*) Hearing impaired—approximately 939 in normal schools;

(*c*) Partially sighted—approximately 392 in normal schools; and

(*d*) Socially handicapped—large numbers of wards of State live in institutions and family group homes and attend normal schools.

3. Parents are advised about alternative educational facilities and programmes suitable for their children. No statistics are available.

4. (*a*) Extra professional and ancillary staffing resources include:

Specialized support for physically and sensorily handicapped children from counselling, guidance and clinical services (special education centre and district centres).

Visiting teacher services for physically and sensorily handicapped children.

Special education unit support in some school inspectorates for children with learning difficulties.

Special assistance units within some mainstream schools. These are staffed by a special teacher and cater for children with learning difficulties.

Support from the special facilities unit of some special schools for children with learning difficulties in mainstream schools.

Special assistance resource teachers within many primary schools to support children with special needs.

Pupil welfare co-ordinators in some secondary schools to support children with special needs.

Social adjustment centres situated in some mainstream schools. These are staffed by two special teachers and cater for children with emotional difficulties.

(*b*) Equipment

Ramps, building modifications and specialized aids are available for the integration of disabled children into mainstream schools.

(*c*) In-Service Education

Formalized in-service education training programmes concerned with the integration of children with special needs into mainstream schools are available to Education Department staff.

Informal in-service education is provided for teachers by specialist support staff visiting the school.

## AUDIO-VISUAL RESOURCES BRANCH

(Question No. 350)

**Mr FORDHAM** (Footscray) asked the Minister of Education Services, for the Minister of Education:

Whether the Education Department's White Paper implementation committees involved with the reorganization of the department, included the functions at present carried out by the Audio-visual Resources Branch in their deliberations; if so—(*a*) whether the implementation committees recommend that the needs of education would be better served by removing the functions of the branch from the Education Department; (*b*) whether the Minister will table any reports made available to the implementation committees on which such judgments were made; and (*c*) what reports or recommendations the implementation committees have made which support the removal of functions of the branch from the department; if not—(*a*) why; and (*b*) who represented the department?

**Mr LACY** (Minister of Educational Services)—The answer supplied by the Minister of Education is:

Senior members of the audio-visual resources branch were interviewed by members of the task force during the data-gathering phase of the project.

The present functions of the audio-visual resources branch were noted by the implementation task force and documented in the PA (Australia) Report which detailed the present organization of the Education Department.

The implementation task force was aware of the Government's intention to establish a corporation which would undertake the distribution of films to schools and produce educational films designed to supplement the curriculum of schools. In addition, it had access to an identical submission from both the staff of the audio-visual resources branch and the Victorian Teachers' Union.

The task force did not discuss the merits of the proposed corporation but did consider those functions of audio-visual resources branch which should be decentralized. These are noted in the PA (Australia) Report, the rationale and definition of the proposed organization structure, on page 8.16. Consideration was also given to how the Education Department would relate to the proposed corporation and provision was made for this in the curriculum services branch.

Working parties have now been formed to determine the organizational requirement for components of the new structure. The working party examining the production service component in the new structure will recommend procedures whereby the film and video needs of schools can be determined, adequately presented in briefs and communicated to Film Victoria for production.

## ELECTRO-CONVULSIVE THERAPY

(Question No. 382)

**Mr GAVIN** (Coburg) asked the Minister of Health:

1. When electro-convulsive treatment was introduced into Victoria?

2. Whether there has been any inquiry into whether this treatment is successful; if not, why?

**Mr BORTHWICK** (Minister of Health)—The answer is:

1. 1943.

2. The efficacy of electro-convulsive therapy has been one of the most widely researched matters in psychiatry in the western world since World War II. The mental health division advises that the most up-to-date and authoritative review, not only of E.C.T., but of all significant investigations into it, is that carried out by Prof. R. E. Kendell, Professor of Psychiatry, Edinburgh University, entitled "The Present Status of E.C.T." and published in the *British Journal of Psychiatry* No. 139 of October 1981, pages 265 to 283.

I will be happy to make available a copy of this document if the honourable member so desires.

The mental health division is satisfied with the efficacy of E.C.T.

## HOUSING COMMISSION SPOT-PURCHASE PROGRAMME

(Question No. 394)

**Mr GAVIN** (Coburg) asked the Minister of Housing:

1. What type of constructions have been bought through the spot-purchase programme in the electoral districts of Brunswick and Coburg during 1980–81?

2. Whether the type of dwelling purchased has been assessed in relation to the general dwellings available for purchase in these districts; if not, why?

**Mr KENNETT** (Minister of Housing)—The answer is:

1. Both brick and weatherboard.

2. Yes.

## MENTAL HEALTH CLASSIFICATIONS

(Question No. 402)

**Mr MATHEWS** (Oakleigh) asked the Minister of Health:

What is the nature of the problems classified by the Mental Health Division for statistical purposes as "diagnosis deferred" and "non-psychiatric disorders", indicating in all cases—(*a*) the basis of treatment and the treatment actually prescribed; and (*b*) the number of patients involved?

**Mr BORTHWICK** (Minister of Health)—The answer is:

(*a*) The term "diagnosis deferred" is used when the psychiatrist responsible for the care of a patient cannot make a definite diagnosis before the notification of the patient being admitted is sent to the authorized medical officer. The deferment of the formal diagnosis does not affect the treatment of patients who are given the required medical care according to the symptoms they presented with and the provisional diagnosis.

"Non-psychiatric disorders" refers to patients or clients who do not present with a psychiatric illness but approached the mental health services, usually community mental health centres, with life problems. These include general social problems, family problems, life stresses and crises, school problems and juvenile delinquency. The community mental health centres provide counselling services to ensure that these problems will not lead to the development of psychiatric illness. With

the development of community mental health centres the numbers of patients or clients are on the increase.

(*b*) Of the 33 000 patients treated by the mental health division in 1978, 4 per cent were recorded as being in the category of "diagnosis deferred" and 6 per cent were recorded as being in the category of "non-psychiatric disorders".

## HOUSING COMMISSION SPOT-PURCHASE PROGRAMME

(Question No. 421)

**Mr ROPER** (Brunswick) asked the Minister of Housing:

In respect of the spot-purchase programme in North Carlton:

1. How many houses have been purchased, specifying whether brick or weatherboard and the number of bedrooms in each case?

2. What has been the cost of each purchase and the cost of renovations, specifying the major renovations required?

3. How many allocations have been made of these spot-purchased houses, what category of applicant has been successful and whether any of those being allocated housing were residents of the area?

4. What arrangements have been made for administering these dwellings in regard to maintenance and rent collection?

**Mr KENNETT** (Minister of Housing) —The answer is:

1. None.

2. Not applicable.

3. None.

4. Rental collection and maintenance of spot-purchased houses are dealt with in the same manner as other rental units.

## PROPOSED SKILLS CENTRES

(Question No. 425)

**Miss CALLISTER** (Morwell) asked the Minister for Employment and Training:

With respect to proposed skills centres referred to in the publication *Victoria* 1981 *Heading in the Right Direction*:

1. When and where the skills centre will be established at Portland?

2. What range of apprenticeship training will take place?

3. What funds are to be allocated for the centre?

4. What staffing allocation is to be made by the Government?

5. What number of trainees is to be enrolled initially and what will be the maximum number?

**Mr DIXON** (Minister for Employment and Training)—The answer is:

The State Government has made an in-principle decision to support the establishment of a skills centre at Portland.

A final decision about the nature and operation of such a centre depends upon the outcome of discussions currently taking place with members of the business and general community in Portland, including the education authorities there.

## HOUSING FUNDS

(Question No. 441)

**Mr CATHIE** (Carrum) asked the Minister of Housing:

In respect of the $16 million not spent from the Ministry's 1980–81 allocation of $96·7 million:

1. What funds have been committed and for what purposes?

2. Whether the $16 million is included in this financial year's allocation of $91·2 million?

**Mr KENNETT** (Minister of Housing) —The answer is:

1. Funds and main areas of commitment are:

Works and Services—

| | $'Million |
|---|---|
| Portland/Latrobe Valley Housing | 2·0 |
| Housing Commission, Revolving Funds | 4·0 |
| Housing Assistance Scheme | 10·0 |
| | 16·0 |

2. Yes.

## LEAD LEVELS

(Question No. 460)

**Mr ERNST** (Geelong East) asked the Minister of Public Works, for the Minister for Conservation:

Whether there have been any tests conducted by the Environment Protection Authority or any other body to ascertain the level of lead in the Geelong area; if so—(*a*) where the tests were conducted; (*b*) what type of tests were carried out; and (*c*) what were the readings or results of these tests over the past two years?

**Mr WOOD** (Minister of Public Works) —The answer supplied by the Minister for Conservation is:

Yes. The Environment Protection Authority has measured the lead content of the atmosphere in the Geelong area.

(*a*) At the Geelong Rifle Range; Lime Burners Road, East Geelong.

(*b*) On every sixth day a high volume air sample was drawn for a period of 24 hours and analysed for lead.

(*c*) No measurements have been made over the past two years, that is, since September 1979.

However, measurements were made between March 1977 and February 1978.

The mean value of atmospheric lead over this period was:

0·3 micrograms per cubic metre.
The maximum value was:
0·6 micrograms per cubic metre.
This occurred on 4 July 1977.

## FLUORIDE EMISSIONS FROM POINT HENRY SMELTER

(Question No. 468)

**Mr ERNST** (Geelong East) asked the Minister of Public Works, for the Minister for Conservation:

Whether the Environment Protection Authority conducts tests for the emission of fluoride from Alcoa of Australia Ltd's smelter at Point Henry, Geelong; if so—(*a*) where the testing station is located; and (*b*) what were the levels of fluoride emitted during each testing period over the past five years; if not, why, indicating who furnishes details of the level of fluoride emission to the authority and whether he will supply such details in respect of the past five years?

**Mr WOOD** (Minister of Public Works) —The answer supplied by the Minister for Conservation is:

Yes. The authority has had fluoride measurements carried out by consultants at the Point Henry works of Alcoa of Australia Ltd. These measurements were made according to United States Environment Protection Agency, method number 14, "Determination of Fluoride Emissions from Pot Room Roof Monitors for Primary Aluminium Plants".

(*a*) The measurements were carried out on the roof ridge of the No. 3 "pot line" of this works.

(*b*) Three sets of fluoride measurements have been carried out; two during June 1981 and one during September 1981. Each set comprised three measurements, one carried out during the period of "anode setting" (tests 1A, 1B and 1C), one carried out during the period of "pot holding" (tests 2A, 2B and 2C), and one carried out during the period of "pot tapping" (tests 3A, 3B and 3C).

The results are set out in the attached sheet.

MASS RATE DETERMINATION

ALCOA No. 3 POTLINE

Roof Ridge open area = 947 m²

| *Anode Setting Period* | *Test No.* 1A | *Test No.* 1B | *Test No.* 1C |
|---|---|---|---|
| | 3.6.81 | 16.6.81 | 21.9.81 |
| Average Anemometer Reading .. | 0·934 m/sec. | 0·94 m/sec. | 1·51 m/sec. |
| Average Temperature Reading .. | 34·30°C | 35·21°C | 42·0°C |
| Fluoride Concentration .. .. | 0·73 mg/Nm³ | 0·62 mg/Nm³ | 0·46 mg/Nm³ |
| Mass Rate | 2·06 kg/hour | 1·76 kg/hour | 2·05 kg/hour |
| *Pot Holding Period* | *Test No.* 2A | *Test No.* 2B | *Test No.* 2C |
| | 4.6.81 | 17.6.81 | 22.9.81 |
| Average Anemometer Reading .. | 0·55 m/sec | 1·02 m/sec | 1·59 m/sec |
| Average Temperature .. .. | 30·86°C | 33·94°C | 41·76°C |
| Fluoride Concentration .. .. | 0·36 mg/Nm³ | 0·25 mg/Nm³ | 0·49 mg/Nm³ |
| Mass Rate .. .. .. | 0·93 kg/hour | 0·78 kg/hour | 2·31 kg/hour |
| *Pot Tapping Period* | *Test No.* 3A | *Test No.* 3B | *Test No.* 3C |
| | 4.6.81 | 17.6.81 | 22.9.81 |
| Average Anemometer Reading .. | 1·10 m/sec | 1·30 m/sec. | 0·65 m/sec |
| Average Temperature Reading .. | 34·72°C | 37·92°C | 39·13°C |
| Fluoride Concentration .. .. | 0·64 mg/Nm³ | 0·75 mg/Nm³ | 0·31 mg/Nm³ |
| Mass Rate .. .. .. | 2·13 kg/hour | 2·93 kg/hour | 0·60 kg/hour |

## IRRIGATION BY RECYCLED WATER

(Question No. 479)

**Mr ROPER** (Brunswick) asked the Minister of Health:

Whether an application to purchase treated waste water to irrigate pastures has been received from a landowner whose property adjoins the adjoining sewerage farm at Inverloch; if so, whether approval will be given?

**Mr BORTHWICK** (Minister of Health) —The answer is:

An application was made to the Health Commission for a permit to use waste water on Crown allotment 60, Parish of Kirrak (adjacent land to the Inverloch sewerage treatment works).

The application was not approved because it is not considered that effluent from the Inverloch sewerage treatment works meets the

prescribed standard with respect to the prevention of Taenia Saginata and Taenia Solium.

## CHILD AND ADOLESCENT PSYCHIATRIC UNIT FOR GOULBURN VALLEY

(Question No. 498)

**Mr ROPER** (Brunswick) asked the Minister of Health:

Whether he or the Health Commission has received a submission regarding the need for a child and adolescent phychiatric unit in the Goulburn Valley region; if so, what has been his response and that of the commission to the submission?

**Mr BORTHWICK** (Minister of Health) —The answer is:

The Health Commission has received a submission on a proposed child and adolescent psychiatric unit in the Goulburn Valley region. The submission seeks a complete child psychiatric team to be based at Shepparton. A decision has not been made on the location for a child psychiatric service to meet the needs of the central Victorian region.

## BEACH CLIFF EROSION, GEELONG WEST

(Question No. 516)

**Mr TREZISE** (Geelong North) asked the Minister of Public Works, for the Minister for Conservation:

Whether the Minister is concerned about the beach cliff erosion at Western Beach, Geelong West; if so, what action is planned to arrest this problem?

**Mr WOOD** (Minister of Public Works)—The answer supplied by the Minister for Conservation is:

(1) The answer to the first part of your question is, yes. As Minister for Conservation I am concerned about the beach cliff erosion at Western Beach, Geelong West.

(2) In answer to the second part of your question as to what action is planned to arrest this erosion, in September this year an application for a grant was received from the City of Geelong West. The submission, including the erosion control works content, is still under examination.

## AIR POLLUTION AT CORIO AND NORLANE

(Question No. 522)

**Mr TREZISE** (Geelong North) asked the Minister for Public Works, for the Minister for Conservation:

In view of the continual complaints from residents of the Corio and Norlane areas with respect to odours and health problems associated with polluted air in the area, what special action the Minister will take to reduce this problem?

**Mr WOOD** (Minister of Public Works)—The answer supplied by the Minister for Conservation is:

Apart from the Environment Protection Authority's usual licensing and enforcement activities for control of emissions to the air environment the following special action has been taken:

With reference to odour; the Air Quality Branch of the Environment Protection Authority has, on 19 August 1981, conducted a workshop entitled "Understanding and Controlling of Refinery Odours", where odour related problems of Corio and Norlane were discussed. Follow-up action will be taken along the lines suggested by the workshop. A copy of the proceedings of the workshop has been made available to the honourable member.

With reference to potential for pollution; the Air Quality Branch of the Environment Protection Authority has recently invited some of the major companies in Geelong to take part in discussions of a proposed study entitled "Geelong Region Air Pollution Evaluation Study". The aims of the study are:

—to evaluate present and future impact of $SO_2$ emissions;

—to develop a mathematical $SO_2$ dispersion model for the region;

—to develop $SO_2$ control strategies in the region.

A report on the progress of this study, when prepared, will be made available to the honourable member.

I would like to add that as far as the Environment Protection Authority is aware, there is no evidence of "health problems associated with polluted air in the area".

## RADIO-ACTIVE WASTES

(Question No. 540)

**Dr COGHILL** (Werribee) asked the Minister of Public Works, for the Minister for Conservation:

Whether radio-active substances have been deposited at a tip in or near Reid Street, Deer Park; if so— (*a*) what approvals have been given for the deposits, indicating the relevant legislative authority for such approvals and the dates on which they were given; and (*b*) what controls apply to the deposits?

**Mr WOOD** (Minister of Public Works)—The answer supplied by the Minister for Conservation is:

With respect to the deposit of radioactive substances at a tip in or near Reid Street, Deer Park, the Environment Protection Authority is unaware of such wastes being deposited there.

The discharge of radio-active wastes into or onto any land is exempt from Environment Protection Act where a current licence has

been issued by the Health Commission of Victoria under the Irradiating Apparatus and Radioactive Substances Regulations 1959.

(Question No. 541)

**Dr COGHILL** (Werribee) asked the Minister of Health:

Whether radio-active substances have been deposited at a tip in or near Reid Street, Deer Park; if so—(*a*) what are the nature, quantities and sources of the substances, indicating the dates on which such deposits commenced and ceased; (*b*) what approvals have been given for the deposits, indicating the relevant legislative authority for such approvals and the dates on which they were given; (*c*) what steps have been taken to prevent radio-active contamination arising from the tip as a result of drainage, fire or other cause; and (*d*) what steps have been taken to prevent unauthorized access to the tip generally and to radio-active substances deposited at the tip?

**Mr BORTHWICK** (Minister of Health)—The answer is:

The Health Commission of Victoria has no record, knowledge or evidence to suggest that radio-active material of any kind has ever been deposited at the Reid Street Tip, Ardeer.

## DENTISTS REGISTERED IN VICTORIA

(Question No. 554)

**Mr ROPER** (Brunswick) asked the Minister of Health:

1. How many dentists have been registered in Victoria in each of the past six years, specifying the number who have gained qualifications outside Victoria and the place where these qualifications were gained?

2. How many of these dentists are currently practising in Victoria and how many are actually registered in respect of addresses outside Victoria, specifying the State or country of residence?

3. Whether action is proposed to alter the basis of registration; if so, when action will be taken?

**Mr BORTHWICK** (Minister of Health)—The answer is:

1. (*a*) Number of New Registrations of Dentists in Victoria during the years 1976–1981

| *Year* | (*a*) | (*b*) | (*c*) | (*d*) | (*e*) |
|---|---|---|---|---|---|
| 1976 .. .. | 42 | 31 | 84 | 157 | 1521 |
| 1977 .. .. | 48 | 34 | 112 | 194 | 1640 |
| 1978 .. .. | 47 | 36 | 100 | 183 | 1745 |
| 1979 .. .. | 37 | 35 | 107 | 179 | 1848 |
| 1980 .. .. | 46 | 24 | 63 | 133 | 1900 |
| 1981 .. .. | 47 | 30 | 70 | 147 | 1972 |

(*a*) With Victorian qualifications—New registrations

(*b*) With interstate qualifications—New registrations

(*c*) With overseas qualifications—New registrations

(*d*) Total new registrations

(*e*) Total on register as at September of each year.

1. (*b*) The places where new registrants had obtained their qualifications.

| *Place* | 1976 | 1977 | 1978 | 1979 | 1980 | 1981 |
|---|---|---|---|---|---|---|
| *Interstate* | | | | | | |
| Queensland .. .. | 11 | 4 | 4 | 2 | 5 | 4 |
| New South Wales .. | 6 | 11 | 10 | 10 | 5 | 5 |
| South Australia .. | 11 | 18 | 20 | 21 | 12 | 19 |
| Western Australia .. | 3 | 1 | 2 | 2 | 2 | 2 |
| *Overseas* | | | | | | |
| New Zealand .. | 3 | 5 | 21 | 20 | 9 | 5 |
| United Kingdom .. | 16 | 19 | 40 | 39 | 15 | 12 |
| Singapore .. .. | 46 | 50 | 14 | 17 | 6 | 7 |
| South Africa .. | 3 | 35 | 15 | 12 | 10 | 7 |
| Sweden .. .. | 4 | 2 | .. | 6 | 5 | 11 |
| United States of America | 6 | 1 | 4 | 3 | 1 | 4 |
| Canada .. .. | 1 | .. | 1 | .. | 1 | 2 |
| Denmark .. .. | 2 | .. | .. | 1 | 4 | .. |
| India .. .. | .. | .. | .. | .. | 1 | .. |
| Ceylon .. .. | .. | .. | .. | .. | .. | 1 |
| Netherlands .. | 1 | .. | .. | 1 | 3 | 3 |
| Malaya .. .. | .. | .. | 2 | 7 | 4 | 4 |
| West Germany .. | .. | .. | 1 | .. | 1 | 12 |
| Malta .. .. | .. | .. | 1 | .. | .. | .. |
| Switzerland .. .. | 1 | .. | .. | .. | 2 | .. |
| Pakistan .. .. | 1 | .. | .. | .. | .. | .. |
| Norway .. .. | .. | .. | .. | .. | 1 | 2 |
| Finland .. .. | .. | .. | .. | 1 | 1 | .. |

2. (*a*) At 30 September 1981 there were 1972 who were registered and entitled to practise.

2. (*b*) The numbers of these registered in respect of addresses outside Victoria as at 30 September 1981 were:

| Interstate<br>State of Origin | Number |
|---|---|
| Queensland | 3 |
| New South Wales | 8 |
| South Australia | 19 |
| Western Australia | 1 |
| Total | 31 |

| Overseas<br>Country of Origin | Number |
|---|---|
| South Africa | 38 |
| United Kingdom and Ireland | 23 |
| United States of America | 12 |
| Canada | 4 |
| West Germany | 10 |
| Sweden | 9 |
| Switzerland | 1 |
| Norway | 1 |
| Netherlands | 4 |
| Denmark | 4 |
| Singapore | 63 |
| Malaysia | 22 |
| New Zealand | 13 |
| Total | 204 |

3. The dentists regulations 1981 which received Governor in Council approval on 1 December 1981 amend the provisions entitling overseas professionally qualified dentists from gaining registration in Victoria as a right. The regulations ensure that applicants from countries other than Australia, New Zealand

and the United Kingdom will have to undergo the examinations set by the committee on overseas professional qualifications before being registered.

## NURSING HOME SUBSIDIES

(Question No. 555)

**Mr ROPER** (Brunswick) asked the Minister of Health:

In respect of subsidies paid by the Health Commission to subsidize patients in nursing homes:

1. How many patients have been subsidized in each of the past three years?

2. How many patients are currently receiving subsidies?

3. What is the budget item source from which these subsidies are paid?

4. How much has been paid in each of the past three years and is estimated for this financial year?

5. What is the range of weekly subsidies paid on behalf of people needing the special assistance, specifying the largest amount per week currently being paid?

6. What is the basis on which a decision is made to provide the subsidy and whether details of any guide-lines will be made available to the member for Brunswick?

**Mr BORTHWICK** (Minister of Health)—The answer is:

1. As at 28 October 1981 630 patients had been subsidized for this year. In 1980, 669 patients were subsidized, and in 1979, 433 patients were subsidized.

2. As at 7 December 1981 280 patients are in receipt of subsidies in private nursing homes.

3. The moneys are paid from the Hospitals and Charities Fund, Item—Hospital Maintenance Account.

4. 1981–82—$755 000 (estimate)
1980–81—$526 415
1979–80—$296 049
1978–79—$ 92 942

5. The weekly subsidies range from $65.10 to $3.50 as at 7 December 1981.

6. (*a*) Guidelines for fee subsidy on behalf of patients awaiting long term admission to State geriatric centres.

The criteria are that the patient must be:

assessed by a geriatrician as being in need of nursing-home type care;

without a family in a position to provide such care at home;

registered with a State geriatric centre or public hospital for long-term admission when a nursing-home bed becomes available;

in receipt of a full single rate pension, plus supplementary allowance or an equivalent amount; and

a pensioner with limited means and without a family in a position to cover the fees, or a case of special hardship, irrespective of age.

(*b*) These guidelines are available as a circular letter (see attachment).

HEALTH COMMISSION OF VICTORIA

Address all mail to
P.O. Box 4013 G.P.O.
Melbourne, Victoria
Australia, 3001

HOSPITALS DIVISION
555 Collins Street
Melbourne
Telephone (03) 616 7777
Reference No.: ECS MM
12 June 1981

Circular Letter

Dear

Fee subsidy—Interim admission to private nursing home

This letter concerns applications made on behalf of patients without the means to cover fees in private nursing homes, whilst awaiting long term admission to State Geriatric Centres or Public Hospital Nursing Home units. A limited amount of money is made available annually by the Health Commission to assist in covering such fees.

One important requirement is that the patient be medically assessed by a Geriatricion to ensure that nursing home care is in fact appropriate. Such assessment is also part of the registration for admission procedure of the Geriatric Centre covering the area in which the patient resides. Social assessment is also important, as is the need to determine the degree of financial assistance required. Where a social worker is involved in making application for subsidy, it is important that the family be interviewed and their ability to contribute towards the fees be set down.

Under the criteria to be met, therefore, the patient must be—

assessed by a Geriatrician as being in need of nursing home type care

without a family in a position to provide such care at home

registered with a State Geriatric Centre or Public Hospital for long term admission when a nursing home bed becomes available

in receipt of a full single rate pension plus supplementary allowance or an equivalent amount

a pensioner with limited means and without a family in a position to cover the fees, or a case of special hardship irrespective of age.

The procedure to be followed when a Health Commission subsidy is required is that application be made to the Secretary, Hospitals Division, before admission to a private nursing home, as it cannot be assumed that a subsidy will be granted. The application should include a social report, a Geriatrician's Certificate and

a copy of the application and medical report to the State Geriatric Centre or Hospital concerned. Where a patient already in a private nursing home requires assistance through change of circumstances, an application for subsidy can be considered, provided the requirements set down are met.

If it is felt that a preliminary discussion concerning a patient would be beneficial, it is suggested that, prior to sending a written application for subsidy, contact be made with the Extended Care Section of the Health Commission (telephone number 616 7857) when all possible help and advice will be given.

Yours faithfully,

A. McVEIGH
Acting Secretary

## GLENROY SENIOR CITIZENS CLUB

(Question No. 563)

**Mr CULPIN** (Glenroy) asked the Treasurer:

Further to the answer to question No. 594 given on 30 April 1981, whether funds have been made available to the Glenroy Senior Citizens Club; if so, when they were received and what amounts were made available?

**Mr THOMPSON** (Premier and Treasurer)—The answer is:

A four thousand dollar capital subsidy Commonwealth funding was approved for the year 1981-82 and was paid on 21 September 1981. Maximum maintenance subsidy, State funded, was also claimed by the council for the council year 1 October 1980 to 30 September 1981, and was paid on 30 September 1981.

## BEEF PRODUCTION

(Question No. 607)

**Dr COGHILL** (Werribee) asked the Minister of Agriculture:

Further to the answer to question No. 529 given on 2 December 1981, why the information sought in that question was not obtained in evaluating and determining the priorities of projects DAV20, DAV29 and DAV33, thereby making the information readily available?

**Mr AUSTIN** (Minister of Agriculture)—The answer is:

The information sought by the honourable member in question 529 is available and used as general background in assessing and planning research activities. However, it would have to be abstracted from a variety of sources and, given the technical and economic detail required, and its variability, I believe the honourable member would be better served by discussing the issues with one of my senior officers.

The projects mentioned, DAV20, DAV29 and DAV33, all seek to develop greater efficiency in the beef industry, have regional and state application and are perceived by the department and the Australia Meat Research Committee as priority areas for research in this State. Many of the issues raised in Question 529 form part of the framework for priority assessment of research for the beef industry in a multi-enterprise farming system. Inevitably, the indices mentioned will vary over time, as will the profitability of beef production relative to other enterprises.

While beef production is not necessarily the most profitable land use *per se* at the moment, it is part of a system of farming which usually relies on a number of enterprises to provide management flexibility and long-term farming stability. A balanced programme of research is essential if agriculture is to be adequately serviced.

Research is concerned with developing information on present and future options for agricultural production in this State and is long-term by nature. Within this context, and given the industry's support through the Australian Meat Research Committee, I am confident the orientation of the projects under question is correct and the balance of effort in research in line with agricultural priorities in Victoria.

# Legislative Council

**Wednesday, 16 December 1981**

**The PRESIDENT (the Hon. F. S. Grimwade)** took the chair at 11.18 a.m. and read the prayer.

## WATER AND SEWERAGE AUTHORITIES (FINANCIAL) BILL

This Bill was received from the Assembly and, on the motion of the Hon. GLYN JENKINS (Minister of Water Supply), was read a first time.

## *QUESTIONS WITHOUT NOTICE*

### ABORIGINAL RELICS ON ALCOA SITE

**The Hon. E. H. WALKER** (Melbourne Province)—Following the response by the Minister for Conservation to my question yesterday relating to the Archaeological and Aboriginal Relics Act and relics on the Alcoa site at Portland, can he confirm that, since he has not declared the relics to be of "no value", he therefore believes those relics to be of value, or is the company in contravention of section 23 of the Archaeological and Aboriginal Relics Act?

**The Hon. W. V. HOUGHTON** (Minister for Conservation)—What Mr Walker is getting at is whether the conditions of a section of the Act which implies an acceptance of a previous section have been complied with. Yesterday I answered that I did not recall making that sort of statement.

**The Hon. E. H. Walker**—You simply said, "No".

**The Hon. W. V. HOUGHTON**—No, I did not—no fear, I did not. I will make available later this day a copy of my reply to that question to all those who said that I said, "No".

**The Hon. E. H. Walker**—You have altered it.

**The Hon. W. V. HOUGHTON**—I did not say, "No". I said that so far as I can recall, I did not say what the question suggested I said.

**The Hon. E. H. Walker**—Nonsense!

**The Hon. W. V. HOUGHTON**—I recognize the difficulties. When the environmental effects statement was done on the Alcoa site at Portland there were about a dozen or fifteen relics of Aboriginal occupation.

**The Hon. E. H. Walker**—Thirty sites.

**The Hon. W. V. HOUGHTON**—Very well, thirty sites. They were pieces of artefacts—fairly insignificant artefacts.

**The Hon. D. G. Crozier**—You can find them all along the coast.

**The Hon. W. V. HOUGHTON**—My colleague says that one can find these all around the coast, and he is right. There were 70 000 years of Aboriginal occupation. One would expect, after that time, if one takes the slightest trouble to look along any of the rivers, creeks and sea shores of Australia, to find these sorts of Aboriginal relics. Those sorts of sharpening stones, flint stones and so on are not of great significance. That was the conclusion which the environmental effects statement reached.

**The Hon. E. H. Walker**—Why didn't you declare it?

**The Hon. W. V. HOUGHTON**—All I said was that I did not recall having declared it, not that I did not do so. I have been fairly busy since that question was asked and have not taken the trouble, as I often do, of checking up on the results of the questions that I am asked. I just have not done it so far. I will have a look at it and see exactly what was said, but I believe that that exception applies in this case.

Various proposals have been made to the Aboriginal community in Portland on what ought to be done about those relics. All sorts of concessional arrangements have been suggested to the Aborigines which they may or may not accept—we are not quite sure. The relationship of my department with the Aborigines of Portland is pretty good. I cannot speak for any other department. We talk to them often, and I think we talk to them sensibly, and I believe we understand each other, what they want and what we want. If

this presents a serious problem, I shall be glad to discuss it with Mr Walker on the same basis.

## ORGANIZED CRIME

**The Hon. D. M. EVANS** (North Eastern Province)—Can the Minister for Police and Emergency Services tell the House whether he has received a report prepared by the Police Department's Bureau of Criminal Intelligence which examines various facets of organized crime in Victoria? If so, what action does he propose to take on that report, and has he informed the Premier of the existence of that report?

**The Hon. F. J. GRANTER** (Minister for Police and Emergency Services)—I have not received any such report, but I will make inquiries about whether a report of that nature is about to be presented to me.

## BUILDERS LABOURERS FEDERATION

**The Hon. H. M. HAMILTON** (Higinbotham Province)—I direct a question to the Minister of Education. I understand that the attempt by the Builders Labourers Federation to suppress its nefarious activities has been rejected by the High Court, which has upheld the appeal by the Victorian Government against the decision to hold the proceedings of the inquiry *in camera*. I also understand the High Court has decisively rejected the appeal against the inquiry on constitutional grounds. In view of this, will the Government make arrangements to place a transcript of the proceedings of the Builders Labourers Federation inquiry in the Parliamentary Library so that honourable members can see for themselves what this union gets up to?

**The Hon. A. J. HUNT** (Minister of Education)—As I understand it, the effect of the High Court decision is that the proceedings ought never to have been directed to be held *in camera*, and the evidence of the proceedings is therefore now a matter of public record. As honourable members have been deprived of access to the proceedings through the daily press, I will arrange for a copy of the transcripts to be supplied, as soon as I have checked and found that there is no legal impediment to it and that the precise nature of the High Court decision is as Mr Hamilton suggested.

## SUPPLEMENTARY GRANTS FOR DISADVANTAGED SCHOOLS

**The Hon. R. J. EDDY** (Thomastown Province)—The Minister of Education is no doubt aware that supplementary grants payments to disadvantaged schools are received in December each year, thus enabling school councils to work out programmes for the next school year, as well as providing for teacher aide salaries. Can the Minister explain why these payments are being withheld by the Treasury and can he inform the House how long they will be withheld?

**The Hon. A. J. HUNT** (Minister of Education)—I do not know whether Mr Eddy is referring to the $90 000 final approval for this year under the provision for disadvantaged schools. I have recently signed documents on the recommendation of the committee and forwarded them to the Federal Minister for approval. With the resumption of mail services, I am sure he will promptly upon receipt give his approval to enable the release of funds.

## LATROBE VALLEY WATER SUPPLY

**The Hon. ROBERT LAWSON** (Higinbotham Province)—I direct the attention of the Minister for Minerals and Energy to the proposed coal-to-oil conversion plant in the Latrobe Valley and to the fact that Senator Jessop has written to the *Age* newspaper, in a letter dated 12 December, saying that there is insufficient water supply in the Latrobe Valley to serve the needs of this coal-to-oil liquefication plant in addition to the needs of other consumers in the Valley. Will the Minister inform the House whether this is so?

**The Hon. D. G. CROZIER** (Minister for Minerals and Energy)—I am aware of the letter from Senator Jessop to which Mr Lawson refers. The senator correctly points out the need for co-ordinated water resources management in the context of this or any other

industrial development. However, his letter gives a misleading impression that the coal conversion projects which are mooted and which it is hoped will be possible in the future, will use an exorbitant amount of the area's water resources.

Quite apart from future developments in brown coal technology by which it is feasible that a large proportion of the high water content will be able to be recovered and used in the manufacturing process, it is a fact that these coal conversion plants are not in themselves heavy users of water.

## SMORGON CONSOLIDATED INDUSTRIES

**The Hon. JOAN COXSEDGE** (Melbourne West Province)—Will the Minister for Conservation, as a matter of urgency, give an unequivocal assurance that Smorgon Consolidated Industries Meat and Paper Pty Ltd will not be permitted to proceed with the construction of its proposed steel mill at Laverton North until it follows the normal procedure of an application for an Environment Protection Authority licence to discharge waste to air and receives EPA and Health Commission approval?

**The Hon. W. V. HOUGHTON** (Minister for Conservation)—It is not my responsibility to determine whether Smorgon Consolidated Industries will proceed with its building. That is a matter for the municipality. It may also be a matter for the Ministry for Planning, but it is certainly a matter for the municipality. Smorgon Consolidated Industries will not be allowed to operate the plant unless it complies with the licences which are issued by the Environment Protection Authority.

## TRAFFIC SIGNALS

**The Hon. B. P. DUNN** (North Western Province)—On 26 November, I asked the Minister for Police and Emergency Services a question relating to the future control of traffic signals throughout Victoria. On that occasion, the Minister indicated that a joint meeting between himself, the Minister for Local Government and the Minister of Transport would take place on 3 December to discuss the dispute over the control of traffic signals between the Country Roads Board and the Road Safety and Traffic Authority. I ask the Minister whether that meeting has taken place; if so, what was its outcome and when will a decision be made?

**The Hon. F. J. GRANTER** (Minister for Police and Emergency Services)—The meeting did not take place because one of the Ministers was not available at that time. However, we should be in a position to make an announcement shortly. I have always said that I appreciate what the Road Safety and Traffic Authority has done. I believe there will be some division of authority over traffic signals, but I shall endeavour to put the point of the authority foremost because I believe it is the most appropriate organization.

## TECHNICAL TEACHERS UNION OF VICTORIA

**The Hon. H. G. BAYLOR** (Boronia Province)—Has the attention of the Minister of Education been drawn to an advertisement that appeared in this morning's *Age*, which was inserted by the Technical Teachers Union of Victoria and refers to a conference convened by the Minister between the Technical and Further Education Board and representatives of the Technical Teachers Unions of Victoria. The advertisement claims that the Trades Hall Council said that the proposal places the entire future of Technical and Further Education, of trade and apprenticeship training and access to further education in jeopardy. Can the Minister advise whether that statement is true?

**The PRESIDENT (the Hon. F. S. Grimwade)**—Order! I advise the honourable member that it is not permissible to ask a Minister whether reports in a newspaper are accurate, but it is possible to ask the Minister to comment on them.

**The Hon. H. G. BAYLOR**—I ask the Minister for his comments.

**The Hon. A. J. HUNT** (Minister of Education)—The whole of the approach of the Technical and Further Education Board is to decentralize the administration of technical and further education as far as practicable. To that end, a number of TAFE colleges that were formerly Education Department colleges have been granted autonomy. Clearly, that has implications for employment, but the Technical and Further Education Board is seeking a system that will allow ready mobility and retention of rights as between one institution and another, so that the employment of technical and further education teachers will in no way be prejudiced.

I am unaware of the details of the discussions at the conference between the TAFE board and the Technical Teachers Union of Victoria, but representatives of the union are meeting with me during the course of today, and I shall be discussing the issue with them. The objective is to arrive at a method that will, on the one hand, protect the rights of teachers while, on the other hand, ensuring the autonomy and independence of the individual institution, in accordance with the spirit of the White Paper and, so far as practicable, in a way that is mutually acceptable.

## EDUCATION DEPARTMENT STORES BRANCH

**The Hon. C. J. KENNEDY** (Waverley Province)—Is the Minister of Education aware that the Stores Branch of the Education Department sells pens, pencils, exercise books and other items direct to schools, at considerable savings to parents? In view of that practice, will the Minister allow the Stores Branch to sell text books, as promised during and since the last election; if not, why not?

**The Hon. A. J. HUNT** (Minister of Education)—The Stores Branch does sell orders to schools, but it does not sell to individual pupils. Where a school distributes goods, stationery, and the like, that is in accordance with Government policy. An investigation into the possibility of selling text books was undertaken but it was not accepted that the Stores Branch should distribute or sell text books. I have made that quite clear to the House on a number of occasions and ought not to have to repeat it quite so frequently.

## REVIEW OF DRAINAGE LEGISLATION

**The Hon. W. R. BAXTER** (North Eastern Province)—I refer to the report on the review of the drainage legislation which the Minister of Water Supply tabled in this House last week and I commend the honourable gentleman for that initiative. Is the Minister able to indicate the time-frame he has in mind for legislative action to overcome the flaws which are obvious in the current Act?

**The Hon. GLYN JENKINS** (Minister of Water Supply)—In the foreword to that report I indicated that the Ministry of Water Resources and Water Supply would be seeking comments on the report by early March. I encourage all those people interested to comment as soon as possible and not leave the matter until then. I envisage that the proposed legislation giving effect to the final recommendations adopted by the Government will be introduced during the next session.

## LABORATORY ASSISTANTS IN SCHOOLS

**The Hon. D. N. SALTMARSH** (Waverley Province)—My question to the Minister of Education refers to the provision of laboratory assistants in newly-developed schools. Will the honourable gentleman indicate whether he is able to announce the implementation of the staffing formula indicated some few years ago to give newly-developing schools with large numbers of students undertaking science programmes the facility of laboratory assistance?

**The Hon. A. J. HUNT** (Minister of Education)—Some years ago the Education Department adopted a new formula for ancillary staffing in schools. Until any new formula is approved by Treasury it remains only a proposal and not an entitlement. Unfortunately, the formula adopted by the department was published without first

obtaining Treasury approval, thus raising expectations in a way which should not have occurred. The new formulæ have not come into effect because Treasury clearance has not been obtained at this stage and the department is therefore bound by the old Public Service Board formula. That will remain the position until a Treasury clearance is obtained and amendments are made to the Public Service Board formula. Treasury approval should be obtained before any initiatives are announced. The reason the departmental decision has not been approved is that there have been higher priorities for betterment in the teaching fields, particularly in primary schools. I trust that approval to utilize the new formula for ancillary staff will be obtained in the not-too-distant future.

## MMBW INSURANCE FUND

**The Hon. D. R. WHITE** (Doutta Galla Province)—Is the Minister of Water Supply aware that, according to the annual report of the Melbourne and Metropolitan Board of Works, the insurance fund has been increased from $18 million to $27·5 million? Can the honourable gentleman inform the House the purpose of the fund? Is he aware that more than $2 million for that fund is coming directly from rate revenue and will the honourable gentleman indicate whether part of that fund will be used to pay for repairs to the Board of Works building?

**The Hon. GLYN JENKINS** (Minister of Water Supply)—The allocation of resources is a matter for the Melbourne and Metropolitan Board of Works. I am aware that an additional amount has been credited to the insurance reserve. The question of who will pay for the repairs to the Board of Works building will be determined in due course by the Supreme Court. We will then be in a position to know exactly what funds are available for that purpose. Until the judgment is delivered neither the Government nor the board is in a position to know exactly the source from which the actual cost of the repairs to the building will come.

## WATER COMMISSION STOCKTAKE AT BENDIGO

**The Hon. J. W. S. RADFORD** (Bendigo Province)—My question to the Minister of Water Supply refers to the concern expressed about the State Rivers and Water Supply Commission stocktake which is taking place at the central workshop in Golden Square. Will the Minister inform the House of the outcome of those activities on the future of the central workshop?

**The Hon. GLYN JENKINS** (Minister of Water Supply)—I assure the House that the purpose of the current stocktake is to ascertain the unserviceable redundant and surplus stocks at the Golden Square central workshop. A stocktake is also being undertaken in the other relevant areas nearby. It is proposed to have an auction sale of the surplus stock as early as is practical. A similar sale was held in Frankston only last week.

Mr Radford will recall that I visited the workshops on 15 July this year. I had discussions with the staff and I gave them an assurance that the State Rivers and Water Supply Commission had no intention of closing down the Bendigo depot. The staff of that depot are performing valuable work. However, there may be some small adjustments to staff numbers early in the year, but I would not expect that it would affect more than three or four people.

## PUBLIC BODIES REVIEW COMMITTEE

### Future structures for water management

**The Hon. Dr K. J. FOLEY** (Boronia Province) presented a report from the Public Bodies Review Committee on future structures for water management—final recommendations on regional and local structures for urban services, together with appendices and minutes of evidence with index.

It was ordered that they be laid on the table, and that the report and appendices be printed.

On the motion of the Hon. GLYN JENKINS (Minister of Water Supply), it was ordered that the report be taken into consideration on the next day of meeting.

## PUBLIC ACCOUNTS AND EXPENDITURE REVIEW COMMITTEE

### Activities of the committee

**The Hon. D. K. HAYWARD** (Monash Province)—I present a report from the Public Accounts and Expenditure Review Committee on the 1981 activities of the committee.

1981 was a significant year for the Public Accounts and Expenditure Review Committee. The committee cleared up a lot of the backlog of the traditional public accounts activities, including the inquiries into the report of the Auditor-General and the Advance to the Treasurer. More significant perhaps was the fact that the committee embarked upon two major expenditure review activities and inquiries, including an inquiry and report into electronic data processing and a review of the Audit Act. I had the honour to present recently the first of the reports on electronic data processing to this House and the work on the review of the Audit Act is now well under way.

As to the future, the committee intends to continue to monitor the Government's response to the various reports of the committee, including the electronic data processing report and the committee expects that it will need to make other specicific inquiries into electronic data processing in the ensuing year. The committee is also presently planning a number of other review expenditure inquiries and these will be searching but constructive.

The committee intends to utilize the mechanism of promoting public discussion through the system of producing a discussion paper and then seeking comments on it. The aim will not be so much to dwell on the past, but to recommend changes in systems and procedures in order to achieve more effective and efficient use of scarce Government resources in the future.

It was ordered that the report be laid on the table and be printed.

## TRANSPORT CENTRES

**The Hon. GLYN JENKINS** (Minister of Water Supply)—By leave, I move:

That there be laid before this House copies of the Railway Construction and Property Board status reports for—

(*a*) Box Hill Transport Centre as at June 1981 and October 1981;

(*b*) Werribee Central Area Redevelopment as at November 1981; and

(*c*) Frankston Transport Centre as at November 1981.

The motion was agreed to.

**The Hon. GLYN JENKINS** (Minister of Water Supply), presented the reports in compliance with the foregoing order.

It was ordered that the reports 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:

Railway Construction and Property Board—Report for the year 1980–81.

State Superannuation Board—Report for the year 1980–81.

On the motion of the Hon. E. H. WALKER (Melbourne Province), it was ordered that the reports be taken into consideration on the next day of meeting.

## MOTOR CAR (DRIVERS' LICENCES) BILL

**The Hon. GLYN JENKINS** (Minister of Water Supply)—I move:

That this Bill be now read a second time.

Its purpose is to enable the adoption of more efficient methods for the issuing and renewal of drivers' licences. A manual system of issuing and renewing drivers' licences is being used in the Motor Registration Branch and it is no longer appropriate for the large volume of routine and repetitive work involved.

Furthermore, the present system is highly centralized, resulting in poor access for members of the public who wish to transact business in person. The system is also inefficient in that transactions accumulate during and after holiday periods causing delays.

Since assuming responsibility for the issue of drivers' licences in April this year under the provisions of the Motor Registration Act 1980, the Transport Regulation Board has examined ways of modernizing procedures and improving service to the public.

The measures proposed in this Bill will enable the board to make better facilities available in all areas of Victoria through the payment of licence renewal fees to agents of the board, for example, through the banking system.

I am sure honourable members will agree that the quality of licences could well be improved, and the measures contained in the Bill will enable the board to issue a better, smaller and more durable form of driver's licence.

To get the new system working as soon as possible will require the involvement of the private sector in setting up and operating an automated system and in using advanced technology for the production of licences under contract to the board. Under the system proposed the holder of a licence will be sent an account and pay-in slip. On presentation of that slip and payment of the appropriate fee the licence may be renewed at any agency. From that point the process would be automated by computer and the new licence should be in the hands of the licensee within ten days.

The idea of opening up a large agency network through the banking system will, I am sure, be welcomed by drivers. A person can then make renewal payments locally and go away with a receipt and the assurance that his part of the transaction has been completed.

The proposals contained in the Bill will enable the board to replace the present paper licence with a plastic card of the same dimensions as a credit card, thereby improving durability, appearance and convenience of the licence.

The proposed new plastic licence will have some additional special features, notably that: the address will be deleted from the licence. This will remove problems associated with all the clerical work involved in changing addresses on 190 000 licences each year. There will be provision for an optional photograph, wholly at the discretion of the licence holder. By use of computer and graphics equipment, the signature, and the photograph if this is desired, will be implanted as an integral part of the licence, thereby adding to the security of the licence and its acceptability. The type of licence and any conditions of use will be signified on the licence through a code related to a legend on the back of the licence.

The proposal to use a mixture of the board's own facilities and services external to the Government sector to give quicker and better service to the public in all areas of Victoria is innovative and challenging. In effect, the board has said that the change should be made as quickly as possible;

that the banking system is ideal for people to make drivers' licence renewal payments in their local areas; and that the Government sector does not at this time have the equipment, nor does it possess some of the technology required for an early implementation of the proposals.

The banking system and a specialist printing firm would provide a fully integrated system of driver licences based on the exchange of computer tapes for driver licence renewals. The issue of first licences would also utilize the same technology for licence production and computer-based records for subsequent renewals.

The change in systems can be introduced only at some initial cost, but given a computer-based system which could in later stages be extended to encompass other records maintained by the board, the whole system must be substantially more efficient. I also emphasize that what is proposed will mean a big improvement in the checking of records as at present all checking is done manually. I turn now to the specific clauses of the Bill.

Clause 2 makes several changes to section 22 of the Motor Car Act 1958. Firstly, it replaces the system under

which a driver may have his licence endorsed to drive a heavy vehicle, an articulated motor car or a large trailer combination, or any combination of those vehicles.

Under the system proposed the driver, after the testing of his qualifications, will be issued with a new form of licence, rather than endorsement of his existing licence, authorizing him to drive the category or categories of motor car specified. Where the licensed driver is issued with another form of licence authorizing him to drive a more complicated category of motor car he will be required to surrender his existing licence. The higher form of licence will be issued without payment of a further licensing fee.

Secondly, licences will not in future expire on a specified date. They will expire on the last day of the relevant month three years after the expiry of the previous licence. On the coming into operation of the Bill, all existing driving licences will be specified to remain in force until the end of the month in which the licence is said to expire. Where the licence fee is paid to the board or its agent before the expiry of the previous licence, or within a period of grace of fourteen days of the expiry of the previous licence, the licence will be renewed and shall remain in force for a period of three years from the expiry of the previous licence.

The Bill extends the period of grace from seven days to fourteen days, which will be very much appreciated. Where the licence fee is paid to the board or its agent after a period of fourteen days but within two months of the expiry of the previous licence, the licence will be renewed from the date of receipt of the fee, and will expire three years after the date of expiry of the previous licence. Where the licence fee is paid more than two months after the date of expiry of the previous licence, the licence fee to be paid will be $10 for every year or part thereof for the period the licence is to continue in force. However, irrespective of the date upon which the licence fee is paid or received by the board or its agent, the month of expiry of the licence will remain constant.

Tractor licences are similarly dealt with except that the present period of the licence is for twelve months rather than for three years. If a person so desires, he may have his photograph incorporated in his licence on payment of a prescribed fee not exceeding $5.

Section 22 of the principal Act is also amended by the insertion of a new sub-section (12). This sub-section will enable the board, with the approval of the Minister, to enter into agreements or arrangements on such terms and conditions as may be prescribed with any person to act as the agent of the board in the collection of fees and the keeping of records relating to licensing of drivers. The terms and conditions prescribed with respect to the appointment of agents will have due regard to the safeguarding of records of licensed drivers and the preservation of information in relation to those records.

Penalties up to $5000 are provided in the new sub-section (14) to be inserted into section 22. It will be an offence for a person employed or engaged in the performance of work carried out under an agreement or arrangement to divulge without authority the contents of any driver's licence record. It will also be an offence for any such person to make use of his knowledge of the contents of any such record or to reveal any information which comes to his knowledge in the course of his duties. A similar penalty is also provided with respect to any person convicted of an offence of causing, permitting or suffering any person to commit an offence under the sub-section.

The Bill also contains various consequential amendments. The consequential amendments to section 25A of the principal Act relate to the abolition of the system of endorsement of licences to drive heavy vehicles, articulated motor cars and large trailer combinations and the substitution therefor of a licence authorizing the holder to drive the categories of vehicle specified.

The consequential amendments to that section also enable the Chief Commissioner of Police to require a licensee to submit to a further test of his qualifications to drive heavy, articulated or combination vehicles. If the licensee fails or neglects to take the test or fails to demonstrate his ability to drive those categories of motor cars, the Chief Commissioner may cancel the form of licence so held. Under the amendment the board will then be required to issue the appropriate form of licence specifying the category of motor car which the licensee is authorized to drive. The further form of licence will be issued without fee.

Clause 4 amends section 22B of the principal Act so that payment for a probationary licence may be made at the rate of $10 for each year or part thereof for the currency of the licence. This is a concession on the present requirement where probationary licence holders must pay the full licence fee of $30 irrespective of the period of the licence.

Clause 7 of the Bill enables the Governor in Council to make regulations for or with respect to the making of agreements or arrangements with agents of the board in the collection of fees payable for the licensing of drivers and the keeping of records of such drivers. I commend the Bill to the House.

On the motion of the Hon. W. A. Landeryou, for the Hon. J. M. WALTON (Melbourne North Province), the debate was adjourned.

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

## WATER AND SEWERAGE AUTHORITIES (FINANCIAL) BILL

**The Hon. GLYN JENKINS** (Minister of Water Supply)—I move:

That this Bill be now read a second time.

It contains a number of significant amendments to the Water Act, Sewerage Districts Act, Latrobe Valley Act, Geelong Water and Sewerage Act, Mildura Irrigation and Water Trusts Act, and Dandenong Valley Authority Act.

Honourable members will recall that during October I foreshadowed extensive changes to the system of financial arrangement relating to the many water and sewerage authorities throughout the State.

The proposed changes have been developed following the adoption in principle by the Government of a report prepared by the Ministry of Water Resources with the support and assistance of representatives from the Water industry, entitled "Urban Water Services Financing Study", concerning the adequacy of the existing financial arrangements to serve the community to the end of the century.

Since the 1940s it has been the policy of the various governments to provide financial assistance to most country and provincial water and sewerage authorities by way of interest subsidized to 3 per cent per annum with the objective of avoiding excessive charges to consumers due to high costs in providing services.

These financial assistance arrangements are no longer achieving the purpose for which they were originally intended. As a result much of the assistance is going to authorities whose average household water and sewerage bills are already relatively low. As examples, in 1980 average household water bills in some country towns were as low as $40 with many in $50 to $60 range compared to the Melbourne and Metropolitan Board of works average of $80. Average household sewerage bills ranged from $30 up to $166 compared with the Melbourne and Metropolitan Board of works average in 1980 of $120. Financial assistance will, of course, continue to be required from some communities to enable services to be provided at reasonable cost.

The Government proposes that the present subsidy arrangements be phased out and replaced by a new system which provides financial assistance where higher than average costs occur. Under the new system, revenue assistance would be phased in when an authority's average household water or sewerage bill amounted to 20 per cent

above the State average. The objective is to provide for average household bills being not greater than 50 per cent above the State average.

The amendments contained in this Bill will give effect to the proposed changes in financing urban water and sewerage services for Victorians outside that area for which the Board of Works is responsible, which I announced on 7 September and which were foreshadowed by the Treasurer in the Budget speech.

The first of the three areas of significant change is that of interest payments on Government loan advances and of the levels of subsidized interest on private borrowing by water and sewerage authorities.

In 1980 interest subsidies on private borrowings by water and sewerage authorities amounted to some $11·5 million. A similar amount is indirectly allowed by providing Government loans at 3 per cent per annum. The annual cost to Government of interest subsidies in that year was therefore some $23 million.

When viewed in the over-all context of total revenues raised by authorities, excluding the Melbourne and Metropolitan Board of Works, of $76 million per annum, the $23 million is a significant amount. It is the Government's intention to increase the level of interest paid by authorities over the next few years thus generally increasing the amount of money available for reallocation to capital works programmes of water and sewerage authorities. The Government has not yet determined an actual time scale for ultimately phasing out these interest payments. That will depend on the condition of the State Budget and the level of interest payable by authorities at that time.

The Bill provides that all aspects of Government loan repayments and levels of subsidy on private borrowing may be varied by proclamation of the Governor in Council published in the *Government Gazette*. Decisions on subsidies and interest levels will normally be made as part of the Government's Budget strategy. Local water and sewerage authorities operate on financial years commencing from, either 1 July, 1 October or 1 January, therefore to allow the adopted interest and redemption rates to be applied for the whole of each authority's financial year, provision has been made for the proclamations to be given effect from the beginning of the respective financial year.

The initial increase in interest rates will be from the existing 3 per cent per annum to 4 per cent per annum with further variations to take place progressively over a number of years.

The opportunity has also been taken to bring repayments of Government loan advances in respect of State Rivers and Water Supply Commission districts into line with those of waterworks trusts and sewerage authorities. The new subsidy provisions do not provide for the certification of subsidy payments by the Auditor-General prior to payment as was the case in the past. This step has been taken to facilitate the processing of subsidy payments and has been agreed to by the Auditor-General. That step often caused delay in assessing and paying the actual interest subsidies back to the authorities.

A most significant matter provided for in the Bill is that of greater flexibility in the use of depreciation reserves by water and sewerage authorities. These reserves have been built up by setting aside funds provided by ratepayers over many years to provide for the replacement of specific assets. These reserves have been building up as the expenditure from the funds could only be applied to the replacement of specific assets covered by the funds.

The proposed amendments will permit authorities, with the approval of the Minister, to exercise their own judgment as to how these depreciation reserves should be spent on capital works.

Although a realistic provision for depreciation is an essential part of the operating budgets of water supply and sewerage authorities, the use of the funds so generated have historically been restricted. The Government now proposes to enable these funds to be more readily applied towards the cost

of new capital projects and improvements to services. This will provide more flexibility to the authorities concerned in their financing arrangements and will reduce their demands on the financial markets.

The final matter provided for in the Bill is that of permitting the Water Commission to borrow privately and to onlend to certain water and sewerage authorities where necessary. This will enable the commission to apply privately borrowed loan funds towards the capital cost of urban services for which it is responsible.

The basis of the proposal for private borrowing is that the commission will borrow funds privately, with an initial over-all limit of $25 million, which will then be paid into the works and services account at the Treasury from which it will be allocated to the commission and to the authorities concerned as part of the annual works and service programme. The authorities will repay the Treasury as part of their normal repayment of Government loan advances. These loans and those required for commission works will be serviced by the commission with funds to be provided by Treasury each year.

As mentioned in the Budget, an initial allocation of $3 million has been made for borrowing by the commission.

These initial proposals make significant changes to the arrangements for financing water and sewerage services throughout the State and will ultimately be followed by further changes designed to make the most efficient use of available funds to ensure the continued implementation of this Government's policy that reticulated water supplies of acceptable standards of quality and in satisfactory quantities be available to all communities, and that sewerage services be provided, where economically practicable, to all urban areas.

I raise the question of the funds which come from the State Government and which are lent either to the State Rivers and Water Supply Commission or individual authorities. The question has been raised as to what would be the ultimate rate of interest to be charged on those loans or advances. At present the matter is not relevant because the rate charged in the current financial year will be 4 per cent as envisaged by the Treasurer in his Budget speech. The longer range question of the ultimate limit which may be charged to those authorities is still under consideration but I indicate to the House that the average rate of interest paid by the State on all its loan borrowings is somewhere between 8 per cent and 9 per cent. Although I cannot give a watertight guarantee, I envisage that the maximum rate charged to authorities on loans raised by the State and lent to them would be of the order of 9 per cent. The interest rate payable on private borrowings will be the rate payable at the time.

On the question of the deletion of section 82 of the Water Act, as proposed by clause 2 (*d*) of the Bill, I indicate that the provisions contained in that section will now be incorporated in new section 81. I commend the Bill to the House.

On the motion of the Hon. W. A. Landeryou, for the Hon. D. R. WHITE (Doutta Galla Province), the debate was adjourned.

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

## BUILDING CONTROL BILL

**The Hon. D. G. CROZIER** (Minister for Minerals and Energy)—I move:

That this Bill be now read a second time.

This Bill was originally introduced into Parliament in December last year and subsequently withdrawn to allow furthere evaluation. It has been considerably revised in consultation with industry and local government and within government itself during that time.

It is an important Bill which will affect the lives of all Victorians at some time or other. Its purposes are unequivocally established in clause 4 of the Bill. It sets out precisely and concisely what the Government sees the Bill achieving:

Better regulation of building;

a better and quicker system of building approval;

improvements in the standard of building making it clear that building standards are not to be sacrificed in the name of expediency; and

the regular review of building controls to ensure that they are kept in line with current trends and expectations.

Regulations are to be prepared so as to take account of the possible effect on the cost of building and to be uniform with those of the other States as far as possible.The net result should be a dynamic system of building control which will be more responsive to the needs and wishes of the community.

When the Government established the Building and Development Approvals Committee—BADAC—in 1975 it basically wanted the answer to two questions. Why did it take so long to obtain the necessary approvals for the construction of a building and how best to reduce delays and red tape without sacrificing quality?

Because the committee's terms of reference were so wide it divided its task into two parts, one dealing with building approval and the other with planning aspects. This Bill is concerned with building controls.

A major area of concern to the committee was the frustration and cost caused by the multiplicity of permits and approvals which were required prior to the commencement of a building project and to the differing standards set by the various instrumentalities involved in the building approval field.

The committee found that there was no simple answer to the problem and recommended major changes to the existing system of building approval. The Government has not baulked at making those changes.

The committee proposed as a first step there should be new legislation to consolidate all existing legislation relating to the design, construction and some aspects of maintenance of buildings. This Bill is the Government's positive response to that recommendation.

I do not suggest that the Bill is in itself a panacea to the problems facing the building development process in Victoria but it is a major step in what we see as the right direction. It is a framework around which will be developed new building regulations—which will replace the present cumbersome, confusing and complicated Uniform Building Regulations.

Obviously, legislation alone will not solve all the problems highlighted in the BADAC report. All those involved in the development process must be made aware of the need to speed up their involvement in the process; that a responsive approach to development is a good thing for Victoria and Victorians. I am not advocating a "development at all costs" philosophy but rather a responsible and positive approach to help Victoria grow.

Above all a team approach will be required. This can best be maintained with modern corporate management techniques being introduced into all spheres of Government—especially local government.

When the Government introduced the Bill last year it recognized that a lengthy consultation and education process was essential if the new legislation was to gain the wide acceptance I believe it has subsequently achieved.

As a first step a series of six seminars were held at which the Bill was explained to appropriate municipal officers—those officers traditionally at the centre of the development process. The team headed by Mr George Pentland, secretary for Local Government discussed the proposed Bill with more than 430 delegates representing 185 of the 211 municipal councils.

The seminars provided the opportunity for councils to express their views on the Bill. Nearly 200 submissions from a wide variety of organizations and groups were received on the Bill following its introduction in December, 1980; these submissions have led to many changes to the original Bill.

In addition, in depth discussions were held with most of the organizations which are closely involved with the building process. Although there has not been complete agreement, and only a supreme optimist would have expected it, there has been general acceptance that change was necessary and that the directions proposed would greatly facilitate that change.

I should like to express the Government's appreciation to all those who made submissions on the Bill. Not all suggestions were accepted but I believe that the Bill is all the better for the extended consultation.

Whilst a number of very important changes have been made to the original Bill I would like to stress that the principles enunciated by BADAC and accepted by the Government remain intact. Some amendments were made to the Bill in another place. Most are of a drafting nature but I will speak on the main amendments at the appropriate stage.

Clause 4 sets the parameters for the Bill. It provides that the main purpose of the Bill is to facilitate and expedite the progress of building approval, without sacrificing standards and to ensure regular reviews. The task of ensuring that the principles set down in clause 4 are adhered to is alloted primarily to the new Director of Building Control. His task will not be an easy one, especially during the preparation of the new building regulations.

The Government has already appointed Mr Ray Morgan to the position of Director of Building Control; he has a unique knowledge of the areas dealt with by the Bill and has been closely associated with its development. His functions have been expanded in the new Bill to include liaison with the building industry and other interest groups. The new building regulations will not be prepared in isolation—we will ensure they are reasonable and workable.

In preparing the regulations the director is to take particular account of their possible effect on the cost of building. He is also to ensure as far as possible that the regulations are uniform with those of other States.

This does not mean that Victorian regulations will simply follow those already operating in other states—the development of an Australia-wide code is a process of consultation and we propose to take an active and innovative role in that process.

I see the director's role as actively negotiating changes to the national building code to ensure that it accommodates our needs. Clause 8 is the provision under which the Minister may, in conjunction with the appropriate Minister, appoint advisory committees to assist in the preparation of the building regulations. Special attention has been given to the setting up of the advisory committee relating to water supply and sewerage.

Because of the importance of these regulations the Bill specifically requires the setting up of this committee. Clause 8 of the Bill was amended in another place to make it clear that this specialist committee will be appointed by the Minister for Local Government on the nomination of the Minister for Water Supply.

This change recognizes that these regulations, although forming part of the building regulations, are of such a nature that they should be prepared by those with special expertise in that area.

Sub-clause (5) provides that the Minister for Local Government may establish a special advisory committee to ensure that the building regulations are expressed as simply as possible, that they achieve the objects of the Act, and that they are not too onerous in their application on the community.

This committee will contain representatives of the community and members of the Technical Advisory Council. Its task will be to act as a community watchdog during the preparation of the building regulations.

Clauses 10 and 11 deal with the appointment of the Technical Advisory Council. To better express its role, the

council will now be called the Building Control Technical Advisory Council. In the original Bill the council was to be appointed from lists of persons submitted by named organizations. This has now been replaced with a system whereby groups which feel they have an interest in building may submit panels of names for consideration.

The reason for this change is very simple; we want at our disposal the best possible advice on the way the new building regulations should be developed. In the Government's view this can best be achieved by casting the net as widely as possible. Importantly the Bill also provides for the Technical Advisory Council to contain a representative of the plumbing industry and a health surveyor.

One of BADAC's most important recommendations was the establishment of a system to co-ordinate, facilitate and expedite the processing of applications for building approval. The Bill will require each municipality to appoint or nominate a Development Approvals Co-ordinator or a Development Approvals Co-ordinating Committee of officers. A number of submissions were received questioning the need for this to be incorporated in legislation. The Government views the establishment of this concept of co-ordination as the focal point of the Bill; we also see the co-ordinator having a role in respect of planning and perhaps later the subdivision of land. This is another step towards our aim of the "one stop shop"!

It is appreciated that a number of councils already operate such a system; but for those who do not the Bill provides the necessary momentum. There were also submissions that the Bill should name the municipal officer who is to be the co-ordinator. After careful consideration the Government decided that the Bill should not specify who the co-ordinator is to be. It is the Government's view that each council should choose its own co-ordinator; that it is a local matter which should be settled locally.

To merely nominate the person responsible is not enough—the new system will only help if it is oriented towards performance. This will be achieved by setting a timetable within which building approval is to be given. The timetable has been tightened up in the Bill. It is now proposed that any authority to which the co-ordinator refers the application must respond to him within 21 days otherwise the co-ordinator may assume that the authority has deemed to have given its consent.

The co-ordinator then has seven days to grant or refuse the application There were submissions that a timetable of this nature could be unworkable for major building projects and may lead to time delays for the more simple applications.

The Government accepted that for certain special buildings—such as very large or complex developments—there may be a need for a longer period for granting building approval. The Bill was therefore amended in another place to allow the new building regulations to prescribe approval periods of other than 21 days.

Clause 20 has also been amended to allow a developer the option of either allowing the development approvals co-ordinator to obtain all necessary consents from the various relevant authorities or obtaining all or some of the consents himself.

It was originally anticipated that the house builders' liability provisions of the Local Government Act would be included as part of the Bill but time has not been available to review this complex legislation. A Bill to amend the current law will be introduced at the earliest opportunity. A new provision has been included in Clause 24 which deals with certificates of occupancy for dwellings.

At the present there is some confusion as to whether the certificate is only to show that the dwelling is suitable for occupation or whether it is meant to be a certificate of compliance, in other words as a method of proving that the dwelling complies with the

building regulations. The amendment makes it quite clear that the former is the case.

Honourable members will see that the powers under which the new building regulations are to be prepared—Clause 25—have been substantially rewritten and simplified. Because these regulations will be of such importance I would like to take a little time to discuss how I see them being developed.

Firstly, the Government is determined that there should be a concerted move towards deregulation. There is no doubt in my mind that the present regulations are too voluminous, too complex and too restrictive. We must develop a system using less words; simpler concepts and less restrictions. Common sense rather than regulation must be the order of the day.

Secondly, the new building regulations will be more performance oriented than are the current regulations, which tend to be very prescriptive and therefore rather limiting in their application. Performance based regulations state the result to be achieved rather than the means of achieving it.

For example, the roof of a house must be constructed so as to keep the water out. If the local building surveyor is satisfied a new construction method meets the performance requirements it can be used. A builder could of couse use traditionally acceptable materials such as tiles and know they will meet the requirements of the regulations.

The performance concept is an extremely useful tool in facilitating the introduction of new and innovative materials, methods of construction, designs or components. A builder or architect who does not wish to follow traditional methods or use traditional materials has scope to innovate; something that tends to be lacking under the existing building regulations. I hope new concepts will no longer be met with the response, "It can't be done; it is not in the regulation!"

One issue on which there was some divergence of views amongst those making submissians on the Bill was where the controls for the siting of buildings, particularly houses, should be placed. This is covered in Clause 29. BADAC considered that the siting of buildings was a planning matter and recommended siting controls should be contained in State-wide planning regulations applicable to all muinicipalities irrespective of whether they have a planning scheme in force.

The submissions in response to BADAC followed two lines. Firstly, there were those who agreed with BADAC, accepting siting as a planning rather than a building issue. The second view was that siting and building regulations particularly for houses, were too closely inter-related to be separated—and if they were—there could be costly time delays.

The Government has given close consideration to both these approaches and on balance has accepted the main thrust of the BADAC recommendations.

At the same time, however, it is mindful of the need to eliminate unnecessary and costly bureaucratic controls and will therefore be watching this area very closely.

For instance, it would be counterproductive if a person who wished to build or alter a house needed to apply for a planning permit when his proposed building complied with defined siting requirements under planning in an area already zoned for that use. The Bill provides for siting controls to be regulated under building controls but where a council develops acceptable planning controls which incorporate siting parameters and which keep to a minimum the need to apply for a planning permit, the Governor in Council may then introduce those controls into the council's planning instrument. The control over siting under the building regulations will cease to operate when this is done, thereby avoiding any duplication of control.

This will eventually achieve a major Government objective—to reduce the number of permits required for a single project to one and in many cases to avoid any need for a permit at all when the building complies in all respects with siting requirements in an area already zoned for that purpose.

All councils in Victoria are being actively encouraged to evolve positive planning controls—controls which will give the community confidence and certainty. Over the next twelve months the Minister for Local Government will be visiting councils to seek support and a maximum effort to achieve these worth-while objectives. The saving in costs of administration to ratepayers and taxpayers in the long run will be enormous.

Clauses 31 to 44 provide for the control of the standard of habitation of dwellings to pass from the Housing Commission to municipal councils. Provision has been made to give councils the power to permit an owner-occupier to remain in a house which may otherwise have to be demolished if it is satisfied that to do so would cause substantial hardship. This provision will, for example, allow an elderly person to live out his or her last few years in relative peace and security, without the trauma of being forced to move.

Part V of the Bill provides for the introduction of an accreditation system for building materials and methods. The main purpose of the provisions is to give scope for the innovative manufacturer or designer to have his ideas accepted and implemented. The legislation is a first for Australia; other States are watching our development with great interest.

The benefits to industry of an accreditation system are potentially large and should overcome many of the present difficulties that face a developer of innovative building systems or materials. The provisions will also permit an architect or builder to have a standard house plan accredited. That particular plan will then be acceptable to every municipal council in the State.

A similar amendment has been made to clause 72 as I have already spoken of in respect to clause 8. Part VI deals with the registration of plumbers, gasfitters and drainers. The provisions were discussed in detail with the present Plumbers and Gasfitters Registration Board and the Master Plumbers and Mechanical Services Association.

A number of changes have been made which I am sure will satisfy the plumbing industry. Two important alterations have been made to this part of the Bill. Firstly, the representation on the Board of the Master Plumbers and Mechanical Services Association and the Plumbers and Gasfitters Employees' Union has been doubled from one to two members each. This is in recognition of the breadth of specialist expertise represented by these two organizations in the plumbing area.

Secondly, the existing disciplinary powers of local authorities have been replaced with the power to suspend a plumber or drainer in the authority's area of jurisdiction pending an inquiry by the Plumbers, Gasfitters and Drainers Registration Board. The authority is to forthwith advise the registration board of the suspension. The board is to investigate the matter as soon as possible.

BADAC recommended that the Building Qualifications Board, which is provided for in Part VII of the Bill, should be able to issue certificates of competency to building consultants. It was proposed that these consultants would check and certify building plans which the municipal building surveyor would then not be required to re-check. The Bill makes no provision for this but the proposal has not been rejected.

I have arranged for the matter to be given further detailed consideration. The setting up of such a system is obviously complex and is in fact only in early stages of development elsewhere. We are closely monitoring early developments in Britain and Canada of this concept.

In respect of the undertaking given by the Minister for Local Government in another place concerning Clause 114 it has now been decided not to proceed with the amendment proposed in that place. The Bill provides that, in respect of the Building Qualifications Board, there shold be a member of the Plumbers, Gasfitters and Drainers Registration Board on the Building Qualifications Board and similarly on the Plumbers, Gasfitters and Drainers Board there is provision for a person

proposed by the governing body of the Australian Institute of Building Surveyors. The membership of both boards as prescribed above will provide an important link on the respective boards of both disciplines.

Honourable members are aware of tragic losses of life from recent major fires in buildings both in Australia and overseas. With these tragedies in mind, the fire protection provisions in the Bill have been closely scrutinized to ensure their adequancy.

The Government has expedited the process by which buildings are made safe but at the same time protected the rights of owners and occupiers. In certain circumstances quick action must be taken to protect life. The Bill allows the Minister to close a building but only on the advice of the chief fire officer and the local building surveyor. If such an order is made the reporting officers are to prepare a full report on the building within one month. That report will include recommendations on how the building is to be made safe or recommending its demolition. This provision will obviously only be invoked in an emergency situation.

A number of submissions were received objecting to the original Bill on the grounds that it seemed to require the Director of Building Control to enforce the building regulations. This was never the intention and the situation has been clarified in the new Bill. The responsibility to administer and enforce the regulation is firmly in the hands of local government. While the director does have some enforcement powers I would only see these being used in extraordinary circumstances.

One of BADAC's major concerns was that building powers were contained in too many other Acts. With few exceptions, the Building Control Act and the new building regulations will contain all powers relating to the design, structure and maintenance of buildings. The extent to which this duplication has been eliminated is clearly reflected in the schedule of amendments to other Acts.

Because so many other Acts are proposed to be amended by the Building Control Act it will not be possible to bring the whole of the Act into operation at one time. However, it is the Government's wish that these existing powers should cease to apply as soon as possible.

It hopes to have the regulations for houses completed next year and regulations for other classes of construction the following year. I am confident that this legislation will open up a new era for building development in Victoria. The legislation is not presented as a *fait accompli*; it is hopefully a dynamic approach to a complex and changing subject.

Because the Bill and its attendant regulations break much new ground, the Government will be monitoring their progress carefully and will be happy to introduce amendments as they become necessary.

Any innovative legislation must be given a chance to show its worth; to be allowed a reasonable period of practical trial and to permit fine tuning through experience. I am certain that the community will accept this concept and welcome the opportunity to be involved by responding through constructive and positive criticism in the evolution of this major piece of legislation. I commend the Bill to the House.

**The Hon. R. A. MACKENZIE** (Geelong Province)—I move:

That the debate be adjourned until such time as a proper Bill is received in the House.

**The PRESIDENT (the Hon. F. S. Grimwade)**—Order! I cannot accept the motion in that form. The honourable member will have to state some time limit. Mr Mackenzie can move that the debate be adjourned until some specified time.

**The Hon. R. A. MACKENZIE**—The Bill presented today is simply a copy of the Bill introduced in the Legislative Assembly with a lot of alterations made by the Legislative Assembly. I do not believe the Bill is proper to lay before the House and honourable members should not be asked to debate a Bill such as this which contains so many alterations. It is up to the Government to provide the House with a proper Bill.

**The Hon. D. G. CROZIER** (Minister for Minerals and Energy)—I am happy to enlighten Mr Mackenzie. The reason why the Bill has been introduced at this time would be self-evident, namely, that a number of amendments were made in the other place and because of the time frame of the Parliamentary session, the second-reading explanation has been conducted in the way in which it has, which of course is not without precedent. Certainly it is not an ideal situation, but I assure Mr Mackenzie and other honourable members that a Bill, properly printed, will be available when the debate resumes. I therefore move:

That the debate be adjourned until the next day of meeting.

**The Hon. R. A. MACKENZIE** (Geelong Province)—It is all very well for the Minister for Minerals and Energy to speak about the lack of time, but I remind the House that this Bill has been in preparation for something like twelve months. From what I have been able to find out about the alterations, which I quickly went through when the Minister was making his second-reading speech, it means that a great deal of time has to be taken up by the Opposition in consulting with the people who are involved with this Bill. Some of the alterations were to be introduced by members of the Opposition, having come from other interested parties, but the Opposition will have to spend a great deal of time contacting these groups to find out whether these amendments are acceptable.

I do not believe enough time will be available by adjourning the debate until the next day of meeting for it certainly would not provide honourable members with time to obtain information to enable them to do full justice to the Bill when it is debated. As the Minister for Minerals and Energy pointed out, it is an extremely important Bill and has far-reaching ramifications in the whole community, but honourable members are asked to consider the Bill within a day of its being received and during which time they would have to consult many people who are concerned with the ramifications of the Bill.

**The PRESIDENT (the Hon. F. S. Grimwade)**—Order! I shall put the question in two parts; firstly, that the debate be now adjourned and, secondly, that the debate be adjourned until the next day of meeting, or as otherwise determined. The first question is:

That the debate be now adjourned.

The motion for the adjournment of the debate was agreed to.

**The PRESIDENT**—The second question is:

That the debate be adjourned until the next day of meeting.

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

| | |
|---|---|
| Ayes .. .. .. | 27 |
| Noes .. .. .. | 12 |
| Majority for the motion .. | 15 |

AYES

| | |
|---|---|
| Mr Baxter | Mr Houghton |
| Mrs Baylor | Dr Howard |
| Mr Block | Mr Hunt |
| Mr Bubb | Mr Jenkins |
| Mr Chamberlain | Mr Knowles |
| Mr Crozier | Mr Lawson |
| Mr Dunn | Mr Long |
| Mr Evans | Mr Saltmarsh |
| Dr Foley | Mr Taylor |
| Mr Granter | Mr Ward |
| Mr Guest | Mr Wright |
| Mr Hamilton | *Tellers:* |
| Mr Hauser | Mr Radford |
| Mr Hayward | Mr Reid |

NOES

| | |
|---|---|
| Mr Butler | Mr Walker |
| Mr Kennedy | Mr Walton |
| Mr Kent | Mr White |
| Mr Landeryou | |
| Mr Mackenzie | *Tellers:* |
| Mr Sgro | Mrs Coxsedge |
| Mr Trayling | Mr Eddy |

PAIR

| | |
|---|---|
| Mr Storey | Mr Thomas |

## FUEL PRICES REGULATION BILL

This Bill was received from the Assembly and, on the motion of the Hon. D. G. Crozier (Minister for Minerals and Energy), for the Hon. HADDON STOREY (Attorney-General), was read a first time.

## PENSIONERS RATES REMISSION BILL

The debate (adjourned from December 11) on the motion of the Hon. Glyn Jenkins (Minister of Water Supply) for the second reading of this Bill was resumed.

**The Hon. K. I. M. WRIGHT** (North Western Province)—A Bill similar to this has been dealt with on at least three occasions in this House and each time it has raised the ceiling level of rate concessions for pensioners. The existing scheme provides that in the case of municipal rates the concession is 50 per cent or $120, whichever is the lesser, and that for water rates and sewerage rates the concession is 50 per cent or $60 whichever is the lesser, amounting in total to $120.

In his second-reading speech the Minister informed the House that the new concession will be for municipal rates 50 per cent or $135, and for water and sewerage rates 50 per cent or $67.50, whichever is the lesser. The Minister stated that the total allocation of funds for this scheme in the year 1981–82 is $35·8 million. The new scheme is to commence on or after 1 July 1981.

There are two or three additional points that I should like to make. First, I refer to the debate that occurred when the previous Bill was before the House. I believe on that occasion, if the House was not misled, there was at least an omission. The Government claimed incorrectly that the proposal to have a ceiling of $240 on pensioners' rates came from the Municipal Asocciation of Victoria. The Municipal Association of Victoria requested the ceiling because it was under the misapprehension that, if a large amount of Budget funds were allocated for this purpose, this would in some way be a deduction from the funds used for local government in other ways.

I found from reading the Budget Papers that this allocation came from the community welfare services allocation, and therefore it would not affect the local government allocation. The original amount allocated for this concession was $6 million. I can sympathize with the Government when it realized that there would be an increase to $27 million, and now it will be $35 million. This could not be contemplated.

I raised with the Government the issue that the amount proposed by the Municipal Association of Victoria being a ceiling of $250, but what the Government did not say was that the Municipal Association of Victoria proposed that concession not only for municipal rates, but it also had in mind a further ceiling of $250 for water and sewerage rates, making a total concession of $500.

The editorial comment in the Municipal Association of Victoria's publication of August 1980 states:

> In the debate in Parliament Government members said nothing about the other half of the Municipal Association of Victoria equation.

I believe that was most unfair to the Municipal Association of Victoria and honourable members. A Bill was brought into the House without honourable members knowing the full story. The reasonable thing would have been to make that concession a total of $500.

As I said I can understand the Government's predicament with this large increase. I know that some pensioners are paying close to $1000 in municipal rates, which means that the amount to be paid by the Government could reach a sum of from $50 million to $60 million. I point out to the Minister that in many ways this is a social welfare matter and the Government should endeavour to prove this point to the Commonwealth Government. The rates concession assists those people, pensioners and so on, who come under the umbrella of social welfare. The Commonwealth Government should be involved.

In the North Western Province, as I have stated many times, there are 27 municipalities and I obtained from the then Minister for Local Government, the honourable D. G. Crozier, details of payments to municipalities in the province. I do not intend to list the

entire 27 municipalities but direct the attention of honourable members to three cities in the province and the payments they each received.

In 1976–77, Swan Hill City received a total of $38 899 for 457 pensioners and by 1979–80 the payment was increased to $57 164 for 522 pensioners. In 1976–77, Horsham City received a total payment of $42 661 for 666 pensioners and this payment was increased in 1979–80 to $57 058 for 680 pensioners. In 1976–77, Mildura City received $72 884 for 1040 pensioners and that was increased in 1979–80 to $141 265 for 1163 pensioners. The scheme is useful for pensioners in the North Western Province and indeed those throughout the State.

The National Party supports the measure and hopes that the Minister responsible for the Bill will comment on the objections raised.

**The Hon. J. V. C. GUEST** (Monash Province)—Unfortunately the Bill, like its predecessors, does not tackle the problem of the effective marginal rate of taxation for pensioners who earn one dollar more than the limit specified for obtaining almost all the benefits that are available to pensioners, including rate remissions. What actually happens is that the pensioners pay a marginal rate of tax of 100, 150 or 200 per cent, in other words, a higher marginal rate of tax is payable by the people whose marginal rate of tax is possibly nil and definitely not more than 32 per cent.

It is unfortunate—with all the concessions properly made to pensioners to ensure that the rather arbitrarily fixed pension is adequate to allow them to cope in matters of health, transport and the ability to remain in their own homes—that the benefits have not been devised to prevent the unfortunate anomaly of the high marginal tax rate for people who pay little or no income tax. I suppose that is a utilitarian way of approaching the problem.

Examining the problem from the point of view of the State, or the State and Commonwealth together, the measure will not produce a disincentive effect. It is not likely to be effective in marginal tax rates paid by supporting parents and other members of the community who are of working age, because it largely concerns old-age pensioners.

The measure tends to produce distortions and it certainly means that the pensioners who are well enough advised will sell income-producing assets and deliberately deprive themselves of income. Of course, there are other reasons for doing this. One of the reasons is the means test that is applied by the Commonwealth Government, which gives pensioners an additional reason for making the type of investment with their assets that they would not normally make. For that reason only arbitrary ground rules are set by the legislation. That is most unfortunate. I hope one day the Government will address the problem.

**The Hon. R. J. EDDY** (Thomastown Province)—Over the past few years legislation similar to that before the House has been introduced concerning rate remissions for pensioners throughout Victoria. Four or five years ago when the legislation was first introduced, the 25 per cent remission of rates was increased to 50 per cent.

Last year, it was learned that the Government intended to fix a limit of $120 on the rebate which meant that, although it still amounted to a 50 per cent remission for pensioners in certain municipalities, in many cases the limit did not represent 50 per cent of the rates payable, particularly in the metropolitan area. The Government has now increased the limit of the rebate from $120 to $135, which is the amount a pensioner will be able to claim as a rate remission. Despite the increase in the limit, because of the high increase in municipal rates in the inner and outer suburban municipalities the rebate payable to many pensioners will fall well below 50 per cent which the Government granted a few years ago, but it has decided to slide away from that promise. The 50 per cent rebate should remain.

Difficulties arise when some ratepayers receive the 50 per cent rebate and pay only $50 a year in municipal rates, while others have to meet rate payments of $300 or $400 a year. This is where many pensioners are disadvantaged and I do not know how the Government will tackle the problem.

I do not blame the Government entirely for this situation. I agree with Mr Wright that pensioners are a Federal Government responsibility. Surely, it is up to the Commonwealth Government to make a contribution towards the cost of rate remissions granted to pensioners. The matter should be taken up with the Commonwealth Minister for Social Security. It will not be adequate to cover the increase that has taken place in water and sewerage rates. The increase of $15 in the rebate will not keep up with the rate of inflation in Australia.

The motion was agreed to.

The Bill was read a second time.

**The Hon. GLYN JENKINS** (Minister of Water Supply)—By leave, I move:

That this Bill be now read a third time.

I shall respond briefly to the remarks made by honourable members. I do not believe the matter raised by Mr Wright, concerning where in the Budget the funds are allocated, is particularly relevant. For convenience and to indicate the support the Government is giving pensioners, it was decided to include the cost of rebates under the division in the Budget that dealt with community welfare services.

I agree, however, with his comment that the Commonwealth Government should assume total responsibility for pensioners and the less fortunate members of the Australian community, but it has consistently refused to make rebates available to pensioners. Victoria has done so for a number of years. It is unfortunate the the level of support given to pensioners cannot be sufficient always to ensure that they are able to pay their rates and other outgoings, but it is really a question of how far the State can go.

Mr Eddy suggested the Government ought to revert to paying 50 per cent of all pensioners rates, but the fact is that if the Government has pursued that course many rebates would be going to people living in large valuable homes on extensive grounds. In view of the over-all commitment of the Government, I do not believe it ought to be supporting people in that sort of situation. If the rebates are not limited, the cost to the Government would increase enormously.

Mr Guest raised the problems of people who are just over the income limit and therefore, are not eligible for pensions. There will always be problems for those on the margin. I do not know whether a phasing in of benefits is possible, but I will investigate the matter and convey the answer to Mr Guest in due course.

This year, the Government will provide $35·8 million for pensioners and, in many cases, the rebates will allow them to remain in their own homes, which means that they do not become a burden on the community, as they would if they were forced to move into publicly funded institutions. It is a substantial gesture by the State in an effort to help pensioners.

**The Hon. K. I. M. WRIGHT** (North Western Province)—I thank the Minister for allowing the debate to be adjourned until today so that I could attend the funeral of my former RAAF fellow crew member and good friend, Captain Bob Turner, who drowned sailing his yacht home, in Adelaide on Friday.

The motion was agreed to, and the Bill was read a third time.

*The sitting was suspended at* 1.5 *p.m. until* 2.8 *p.m.*

## FUEL PRICES REGULATION BILL

For the **Hon. HADDON STOREY** (Minister of Consumer Affairs), the Hon. A. J. Hunt (Minister of Education)—I move:

That this Bill be now read a second time.

This Bill is being introduced so that the interests of consumers primarily and also of petrol retailers are protected. The wholesale price of petrol

charged to resellers is clearly the most significant factor affecting the prices consumers pay, since competition between resellers is an effective control on margins, and hence ultimate prices to consumers. If the wholesale price is reasonable, it is highly likely that the price to consumers will be reasonable. By "reasonable" I mean in accord with Australia-wide levels.

Victoria's prices should also reflect that Victoria, with three large refineries, with location near Bass Strait sources, and its relatively compact distribution network because of its population distribution and size, should have the lowest net wholesale price in Australia.

For many years this has been so, but earlier this year, Victoria's consumers were being relatively disadvantaged. Victoria's two neighbouring States already have petrol price control. It is important that Victorian consumers have similar protection. It is of significance that since the Government's intentions were made clear recently, the price of petrol has come down. Nevertheless, the Government is not prepared to see unduly heavy fluctuation in petrol prices which can cause havoc to the small business sector and which, when on an upward trend, put Victoria's consumers at a disadvantage relative to those in other States.

This month as revealed by the surveys carried out by the Ministry of Consumer Affairs, Victorian motorists are paying prices for petrol which were comparable or lower than in other States. The Government is determined to ensure that this remains so. This legislation will enable the Government to achieve this objective. The initial intent is to have the capacity to apply price control at the wholesale level through fixing maximum prices.

A combination of maximum wholesale and maximum retail prices would also give further protection to the small business retailers who are an important part of the petrol marketing system.

I now proceed to certain key aspects of the legislation. The Bill provides for the appointment of a prices commissioner who may set prices for any fuel declared. The commissioner will be required to maintain secrecy as to the information divulged and will have the power to require production of financial books and records of those selling fuel either as wholesalers or resellers.

The commissioner may, under clause 7(1), fix and declare the maximum price at which any fuel may be sold generally or in any part of the State or in any proclaimed area; or declare the maximum price at which any such fuel may be sold by any person.

Under clause 7(3), the commissioner may fix and declare:

(A) Different maximum prices according to differences in quality or description or in the quantity sold, or in respect of different forms, modes, conditions, terms, or locations of trade, commerce, sale or supply;

(B) different maximum prices for different parts of the State, or in different proclaimed areas;

(C) maximum prices on a sliding scale;

(D) maximum prices on a condition or conditions;

(E) maximum prices for cash, delivery or otherwise, and in any such case inclusive or exclusive of the cost of packing or delivery; and

(F) maximum prices on landed or other cost, together with a percentage thereon or a specified amount, or both.

Clause 10 (1) relates to the power to prohibit certain transactions. The commissioner may specify a class of transactions into which a person will not be allowed to enter. This is when the commissioner is of opinion that it is necessary to do so in order to prevent a person who carries on the business of selling declared fuel from continuing to operate a scheme which involves a departure from his normal course of trading in order to avoid the provisions of the Act in the way defined in the clause.

Clause 15(1) relates to the delivery of invoices or dockets. The commissioner may by order provide that any person who sells any goods shall deliver with the goods, or within such time after the delivery of the goods as is specified in the order, an invoice or docket containing such particulars as are so specified.

Clause 16(1) provides for prices to be displayed. The commissioner may by Order require any trader or class of trader who sells or has for sale any declared fuel the maximum price of which is fixed by or under this Act, to exhibit, in such position and in such manner as are specified in the Order, such particulars relating to any such declared fuel as is specified.

Clause 19(1) relates to the keeping of proper books and accounts. The Bill requires that every person who in the course of or for the purposes of or in connection with or as incidental to any business carried on by him produces, refines, sells or supplies any declared fuel shall in relation thereto keep proper books and accounts, and stock and costing records where applicable. There are also provisions for the preservation of certain documents.

Under clause 22(1) it will be an offence to sell petrol above maximum price. This important clause provides that no person shall sell or offer for sale any declared fuel at a greater price than the maximum price fixed under this Act, or offer to supply upon terms and conditions which would result in a greater price than the maximum price fixed, or in any other manner to the advantage of the seller or supplier.

Clause 27(2) relates to the alteration of ingredients. No person shall alter the formula or recipe ordinarily used at the commencement of this Act in the refining or production of any declared fuel except in accordance with the usual practices operating in the industry a general statement of which has been served by the person upon the commissioner, but if the declared fuel refined or produced in accordance with the formula or recipe as altered was not inferior to those refined or produced prior to the alteration, there is no offence.

It is a complex Bill but a desirable one in the interests of the motoring public in Victoria and all those who use petroleum products. 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.

## TATTERSALL CONSULTATIONS (AMENDMENT) BILL

The debate (adjourned from December 11) on the motion of the Hon. Glyn Jenkins (Minister of Water Supply) for the second reading of this Bill was resumed.

**The Hon. R. J. EDDY** (Thomastown Province)—Although the Opposition does not oppose the Bill, it offers criticism of the Government for the manner in which it has endeavoured to thrust another form of gambling upon the Victorian public.

**The Hon. R. J. Long**—What about poker machines?

**The Hon. R. J. EDDY**—I shall come to those shortly. If it had not been for the alertness of members of the Opposition, the Government would have merely allowed this practice to take place overnight. In other words, Tattersall's instant lottery tickets would have been sold to any person irrespective of age.

The marketing manager of Tattersall consultations is reported in the *Age* of 3 December this year as saying that he could not understand why there was suddenly an issue being made of children buying lottery tickets because they had been able to buy tickets in other types of lotteries for the past 100 years. A person has to be at least eighteen years of age before that persson can either obtain a driver's licence or purchase a drink in an hotel.

**The Hon. W. R. Baxter**—What is the connection?

**The Hon. R. J. EDDY**—Mr Baxter does not understand gambling. The Government was prepared to ride roughshod over the Parliament in the belief that the Opposition, like the Government, was asleep. However, the Opposition was awake to the Government's actions.

The Government has been prepared to use any means to obtain additional revenue. Indeed, the Government has been prepared to mislead the public by stating that the purchase price of an instant lottery ticket is only $1. However, those tickets cost only $1 if the purchaser is prepared to travel to the city and purchase the tickets from the Tattersall's office in Flinders Street. If a person purchases the ticket at a Tattersall's agency in the suburbs, that person pays a commission of 10 cents, which makes the purchase price of the ticket $1.10.

I have here the new instant lottery ticket. I did not purchase that ticket because it would have been illegal to do so as the proposed legislation has not been passed by this House. Last week, the Government in another place introduced a Bill for an Act to amend the Tattersall Consultations Act 1958 with respect to the sale of tickets to minors and for other purposes. Last Saturday, when these tickets went on sale, they were being sold to persons who were well under eighteen years of age. I can produce photographs of persons of fourteen years of age purchasing these instant lottery tickets in Tattersall's agencies.

The Government has been indecisive on the issue of casinos and the Government has had the opportunity to examine the effects of poker machines. I fail to understand the difference between poker machines and these instant lottery tickets. However, on poker machines, a player has the option of playing either a 5-cent machine, a 10-cent machine or a 20-cent machine. A person may purchase one of these tickets at an agency and win $2 and that person is then 90 cents in front. What does that person then do? The person can go straight back and purchase another two tickets, so he is 30 cents down the drain already before knowing whether he has won a further prize.

I know little about the game, and I should like to point out to honourable members what the odds are in this gambling game that the Government has introduced to encourage people again to indulge in gambling, although it is not prepared to introduce legal casinos or poker machines, which would raise revenue to benefit sports clubs in Victoria, as occurs in New South Wales.

People who hold one of the 754 000-odd winning tickets have a further chance of participating in the grand draw, giving an aggregate chance of winning the prize of $500 000. The chances of winning $500 000 in that draw are 5 million to 1. The chances of winning $10 000 are 2 500 000 to I. The chances of winning $2 are 7.3 to 1, and so it goes on. This game is a big take, and the public has not been fully informed about it. I know it is a game of chance, but I am still not happy that the Government introduced the proposed legislation after having stated that it would bring in a Bill to prohibit the sale of tickets to people under eighteen years of age. Last Saturday many young people under eighteen years of age purchased these instant Tatt's tickets. I saw and can produce a photograph of a fourteen-year-old purchasing these tickets.

**The Hon. H. M. Hamilton**—Tell us how old you were when you started betting with the SP bloke around the corner.

**The Hon. R. J. EDDY**—I have nothing to do with betting, and it is about time the Government did something about betting. I condemn the Government. Yesterday honourable members heard a lot about arrogance, but the Government has adopted an arrogant attitude by allowing the sale of instant Tatt's tickets to take place before introducing legislation to prohibit under-age people from purchasing them. I have already pointed out that people under eighteen years of age are not permitted to drive a car or drink in

an hotel, but they can purchase these tickets and they can gamble, as they do on racecourses, although that is a different thing.

The Government went ahead with this proposed scheme without its being approved by legislation, just as it did years ago when it started to construct the F19 Freeway. The Minister may remember that I raised the matter on that occasion and the Government was unaware that this was taking place.

Although the Labor Party supports the measure, it takes strong objection to the manner in which the Government has introduced it because it has totally ignored the people. Until the legislation is passed it will be legal for people under eighteen years of age to buy instant Tatt's tickets.

I am concerned about people under eighteen years of age, and more will be heard about them later in another debate. The Government acted irresponsibly in trying to sneak in this instant Tatt's form of gambling. Members of the Labor Party pointed out that people under eighteen years of age were permitted to purchase tickets from an agency, and not only at a cost of $1, as stated in the newspaper; one elderly lady purchased $20 worth of tickets and said that this form of gambling was not much different from pocker machines, and that is correct.

**The Hon. B. P. Dunn**—Is the Labor Party opposed to poker machines?

**The Hon. R. J. EDDY**—The Labor Party believes an inquiry should be held, but the Government does not worry about inquiries; it just rushes measures through hoping to rob the people as fast as it can.

The Opposition is to be congratulated on having forced the Government to introduce this measure. I hope the agencies which are selling tickets will be policed better than they were last week so that people under eighteen years of age will not be able to purchase instant Tatt's tickets and be encouraged to start gambling. Once they start gambling they get into other forms of trouble. I know where they finish up.

The Labor Party does not oppose the Bill.

**The Hon. W. R. BAXTER** (North Eastern Province)—The House has just been treated to the most self-righteous mish-mash I have heard in a long time from Mr Eddy. He protests too much about the fact that tickets in instant Tatt's were on sale last Saturday before this Bill prevented their sale to persons under the age of eighteen years. I point out that the party to which Mr Eddy belongs is responsible for the proposed legislation being a week late because in another place front-bench members of the Labor Party, one after another, spoke in irrelevant terms on the Bill, to the point where the Minister handling the measure could take it no longer and sought the adjournment of the debate. I do not blame the honourable gentleman for doing that. Mr Eddy has the temerity today to protest in a self-righteous manner that somehow the Government was doing the wrong thing when, in reality, Mr Eddy's party caused the delay. I am prepared to criticize the Government right, left and centre but I do that only when I know I am on firm ground, not when I am on weak ground as Mr Eddy was today.

There is no doubt that the introduction of this form of gambling caused much concern in the community, and that is understandable. The Leader of the National Party sought a firm assurance from the Government that the Government would prevent the sale of instant Tatt's tickets to persons under the age of eighteen years, before the National Party would support the introduction of this form of gambling. That assurance was given by the Government, and it is being honoured in the Bill before the House.

In due course instant Tatt's will probably take the place of the standard $1 ticket consultation. This morning I went along, as Mr Eddy said he did not, and acquired a ticket. I did not go to the Flinders Street office but I still paid only $1 for a ticket. Presumably I was at a Tattersall's owned and operated premises; it was in Spencer Street.

I share Mr Eddy's concern that the 10 per cent commission is rather substantial for anyone paying it in country areas or the outer suburban districts. I am not saying that the reseller is not entitled to a fair return, but possibly some of that commission ought more properly to be met by the Tattersall's organization and not by the purchaser. It is obviously going to be a lucrative occupation for people fortunate enough to have obtained the franchise. Last Saturday in Benalla 800 Instant Tatts tickets were sold and in Rutherglen, which is a fairly small town, 965 were sold. You appear startled, Mr President. Perhaps there are more gamblers in the area that I represent than in yours. The 10 per cent commission is considerable.

**The Hon. Glyn Jenkins**—Did you do any good?

**The Hon. W. R. BAXTER**—No. My investment did not make a return, although when I scraped the surface away and disclosed two windows with $10 000 on them, my heart began to beat. Unfortunately, the remaining four windows were disappointing.

I do not believe there is much difference between this type of card and an actual poker machine investment. Each has six windows and it is necessary to get three the same to win a prize. This type of gambling is much the same as playing the poker machines but the Government is dead against poker machines although it is prepared to accept Instant Tatts for Victoria. There seems to be a contradiction there.

I do not accept Mr Eddy's assertion that somehow this type of gambling is illegal and there has been no legislation to authorize it. The existing agreements between the Government and the Tattersall's organization, the George Adams estate, cover Instant Tatts.

All honourable members are concerned about the growth of gambling in the community. Much is said about casinos. I am absolutely opposed to casinos on the basis that they seem to be purely a facility for the well-off whereas other forms of gambling are at least available to the common man and of his own free will he decides whether he will avail himself of them. It is a personal decision.

Instant Tatts has no attraction for me personally. Having invested my $3 this morning and lost it, I believe that is enough, but the figures that I indicated earlier clearly show that a percentage of people in the community derive some enjoyment from this form of activity, and are they to be denied that enjoyment simply because some of us object to it?

It is desirable that children should not be given the opportunity of spending their pocket money or other funds that come into their hands one way or another on this sort of activity, on the misunderstanding that it is the way to a quick dollar. Those of us who are more experienced know that it certainly is not that. One has only to look at the percentage that the Government receives, the amount that Tattersall's receives and the amount that the resellers receive, to know that the participants cannot end up in front.

The National Party welcomes the Bill and is sorry that it was not in force before last Saturday. That was not the fault of the National Party or of the Government party but the fault of the Labor Party and it must bear that blame.

The motion was agreed to.

The Bill was read a second time.

**The Hon. GLYN JENKINS** (Minister of Water Supply)—By leave, I move:

That this Bill be now read a third time.

I shall respond briefly to the remarks of Mr Eddy and Mr Baxter. There was much huffing and puffing by Mr Eddy about this matter and the same sort of comment was made in the area that I represent by the Labor Party spokesman on Youth, Sport and Recreation. I regard that as an attempt to cover up the Labor Party's lack of policy on poker machines. Once again it has no policy, and the matter is to be put off into the never-never for a further inquiry.

This Bill had its second reading in another place on 4 December 1981. If the Opposition had been genuine about the matter that Mr Eddy raised, it could have facilitated the passage of the Bill on the same day. The Bill could have passed through the Legislative Assembly on 4 December and into this House early last week and could have become law long before it was proposed to sell the first of the new instant Tatt's tickets.

The moment that this matter was raised with the Premier, he agreed that a Bill should be passed. Contrary to what Mr Eddy said, it was not illegal last Saturday to sell these tickets to minors. Once this Bill becomes law it will be illegal to do so. It is to the discredit of the Opposition that the Bill was not passed and into law before the first tickets were sold.

I can recall speaking on the Tattslotto Bill last year or the year before. It is strange how fashions in gambling occur. When Tattersall's first came to Victoria I can recall the articles clearly. It was described as a licence issued to the estate of George Adams to print money. As I understand the position now, the sale of Tattersall's tickets loses money and is no longer a profitable operation. Tattslotto came about, and after the initial promotion expenses of some millions of dollars, it became a highly profitable operation. Then other factors emerged and it was necessary to vary the prizes and to introduce variations such as Super 66, to give participants a greater opportunity to win prizes. I have no doubt that in the fullness of time Tattslotto will be regarded less favourably, and it will be necessary to look for other forms of gambling.

There is nothing illegal about the sale of instant Tatt's tickets. Under the Tattersall Consultations Act of 1958 or the regulations the Government was able to approve this new form of gambling. As I indicated, as soon as the matter was raised the Government stated that it would introduce a Bill, and that measure is before the House today.

*The Hon. Glyn Jenkins*

I note the comment made by Mr Baxter, that whenever the Government steps into the gambling area it certainly takes its fair share. I do not think people are very concerned about the odds. It is just taking a chance, a gamble, and that is part of the Australian way of life. It is part of our make-up to have a flutter at the races, with the bookies or on the tote, with Tattersall's or at one's local hotel, fête or club by buying a raffle ticket. Successive Governments in all States have seen gambling as a means of raising revenue. This new form of gambling has now been introduced by Tattersall's and if it becomes fashionable and successful, so be it!

The motion was agreed to, and the Bill was read a third time.

## WORKERS COMPENSATION (ACTIONS) BILL

The debate (adjourned from December 11) on the motion of the Hon. W. V. Houghton (Minister for Conservation) for the second reading of this Bill was resumed.

**The Hon. G. A. S. BUTLER** (Thomastown Province)—The Opposition does not oppose the measure, which has been well and truly canvassed in another place. The Labor Party simply makes the point that it is the sort of legislation the party has been seeking for some ten years or more, arising out of a number of committees of inquiry. As members of the Opposition understand the measure, it will increase the benefits paid to workers and help clarify some areas of legal confrontation. We therefore welcome it.

The motion was agreed to.

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

## DIETITIANS BILL

The debate (adjourned from December 11) on the motion of the Hon. W. V. Houghton (Minister for Conservation) for the second reading of this Bill was resumed.

**The Hon. C. J. KENNEDY** (Waverley Province)—This Bill will update the law relating to the practice of dietetics and the registration of dietitians. It prescribes the type of person the Dietitians Board, formerly the Dietitians Registration Board, may register as a dietitian. The clause provides:

(2) The Board may, where it is satisfied that an applicant under sub-section (1)—

(*a*) holds a degree, diploma or other qualification in dietetics and would, if under the supervision of a dietitian, be competent to practise dietetics;

(*b*) is of good character; and

(*c*) has paid the prescribed fee for registration under this section—

And so on. I take it that "other qualifications" will cover people with experience in the profession. If so, it will prove a sensible provision, because some people who do not have formal qualifications have been working as dietitians in hospitals and other institutions for many years and they are extremely competent.

Deakin University, which is in the province so ably represented by my colleague, Mr Mackenzie, offers a graduate diploma course in dietetics, which provides qualified dietitians, as well as a degree of Bachelor of Science (Nutrition). Unfortunately, there are not all that many dietitians in Victoria. The annual report of the Dietitians Registration Board of Victoria reveals that, in 1977–78, there were 368 dietitians in this State and, in 1980–81, there were only 400. That does not seem to be many for a population of more than 3 million.

The profession is important because it is obvious that people who have had, for example, serious operations affecting their stomachs, would require quite different nutritional assistance from those who have perhaps had operations on their knees.

The Opposition believes the Government should have a firm policy in this area. It should have a firm policy covering the correct preparation and sale of food and the type of food sold in Government organizations and institutions. I have mentioned in previous debates the fact that in State schools, although the students are taught about nutrition, when they go to buy food at the tuckshops, it is often not nutritionally adequate.

The Opposition believes there are four goals for an effective food and nutrition policy. The first is to encourage a diet favourable to health. One might call it a prudent diet. Secondly, one should encourage those methods of food production, processing and distribution which are ecologically desirable and do not degrade the land. The community should make the least use of non-renewable resources. It is important that agricultural policy and health policy in the nutrition area work hand in hand. In Australia and around the world some agricultural policies encourage the production of foods that are likely to cause health difficulties if consumed in large quantities.

I do not have enough information on the situation in Norway to make a comment. However, that country has adopted a national food policy based on the recommendations of the 1974 World Food Congress for a global food supply plan. The Norwegian proposals are related not just to health promotion as it relates to individual behaviour, but also to the whole of the agricultural and food processing industries.

The third goal is to help maintain and expand employment and other opportunities, especially outside cities. The nutrition and dietary policy can be used to assist the development of agriculture and the diversification of agriculture in Victoria. A fourth goal is to make good use of Australia's advantages for low-cost food production.

A Victorian Labor Government would give high priority to the promotion of dietary change as part of its broader commitment to illness prevention and health promotion. The policy of the Labor Party has been thoroughly worked out using the expert advisers available. The policy is also based on the view that at present the Government spends much less than $1 a head on public health education and health promotion. This compares with $200 a head on hospitals. I refer to an article,

which appeared in the *Herald* on 30 July 1981 under the heading "Now stop munching your way to death", stating:

Bad nutrition is a key factor in "excess of premature heart disease, diabetes and several forms of cancer," an expert says.

Professor Mark Wahlgvist stresses: "One of the major prevention measures is so simple—everyone should eat more food rich in dietary fibre.

"That is whole-grain cereals, fruit and vegetables, and at the same time decrease their intake of animal fats."

"Bad diet is one of the key factors in cancer, and other diseases, but by no means the only one," he says.

The average weight of a man of a height of 6 feet 1 inch is 170 pounds and the average weight for a woman of a height of 5 feet 7 inches is 139 pounds. Under the heading "Are you too fat" the article continues:

One easy and quick way of measuring your fatness is to pinch a good layer of flesh over the abdomen between your thumb and forefinger.

If it is more than 2 cm (1 inch) thick, then you are too fat—and you can be sure that the fat is spread right throughout your body.

An article, which appeared in the *Herald* on 21 October 1981, concerns the diet of school children and states:

The diet of Victoria's school children is so sadly out of shape that the Health Commission is running a two year campaign to promote better nutrition.

I hope that will not merely mean that yet another glossy leaflet will be produced. The article continues:

The target is 100 000 children under eight years in state-run kindergartens and primary schools, the commission's senior dietitian, Mrs Toni Collins, said today.

"The campaign is aimed at such things as reducing high intake of salt, sugar and fat—and increasing dietary fibre from bread, cereals, fruit and vegetables," she said.

The campaign follows two recent surveys which indicate that Victorian children could be a lot healthier if they had a wiser choice of foods.

First, a dietitian's survey of 386 Latrobe Valley pre-school children found a surprising 17 per cent suffered from moderate to severe constipation.

The Government does not have a policy on diet and this is evident by examining the diets provided in the various institutions and items sold in school tuck shops. I move:

*The Hon. C. J. Kennedy*

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 Government provides the House with a statement of nutritional policy for Victoria and details of a plan to put that policy into effect".

The Labor Party's policy on diet has been well thought out by experts and can be favourably compared with the policy of the Government which is zero. I commend the amendment to the House.

**The Hon. B. P. DUNN** (North Western Province)—The Bill represents a full redrafting of the Act concerning dietitians and dietetics in Victoria. The National Party supports the Bill because the role of diet for the general health and well-being of the community is recognized more now than it ever has been. That applies to this century anyway. It is clear that dietary habits of affluent societies in particular have changed to such a degree that serious changes have occurred to the health of the population generally. It is time appropriate advice was provided particularly to school children about proper diet and perhaps this is one of the areas that the health and human relations courses could concentrate on.

Dietary advice could be incorporated into a course in the schools to teach the nutritional value of various foods. That would be a good level at which to start. Unfortunately because of convenience there is a tendency towards junk foods or food that has been prepared to take away. On many occasions the food is prepared by processes which remove much of the goodness. Dietary advice is important not only in hospitals and in dealing with people with health problems but also as a preventative measure in improving the general health of the community.

The National Party supports the Bill and cannot support the amendment. Although Mr Kennedy's comments about nutrition were valid, the withdrawal of the Bill will only delay further the implementation of these improvements. The best action is to allow the Bill to pass and deal with the issues raised by Mr Kennedy in the future.

**The Hon. N. F. STACEY** (Chelsea Province)—I support the Bill which is designed to provide for the registration of dietitians. I am absolutely astounded at the amendment moved by Mr Kennedy. The honourable member wishes the House to refuse to read the Bill a second time until the Government provides the House with a statement of nutritional policy for Victoria.

No doubt, if there were a Bill before the House providing for the registration of medical practitioners—adopting the same line of thought—Mr Kennedy would refuse to read that Bill until the Government had developed a policy on the management of cemeteries. The reason for that assumption is that there is just as much similarity between a registration board for dietitians and how that board is to be organized as there is towards an expression of policy on nutrition for Victoria.

The reason for the amendment escaped me until I realized that Mr Kennedy was reading the policy speech on nutrition published by the Labor Party. That is a valuable contribution because it is the first recollection I have in the five years I have been in this place of hearing an Opposition member state a policy on anything. No one can say the Opposition does not have a policy. It has a policy on nutrition! Eat and be good! However, the Labor Party does not have a policy on strikes, hours of work, education, and health. The Labor Party knows only what to do about eating.

I reject the amendment.

**The Hon. W. V. Houghton**—They will have an electric train to Healesville.

**The Hon. N. F. STACEY**—That is another one, but the Labor Party has not told us how to jump the bridges which are not there. Anyway, the introduction of this amendment is an insult to the intelligence of honourable members, and I completely reject the amendment and support the Bill.

The House divided on the question that the words proposed by Mr. Kennedy to be omitted stand part of the motion (the Hon. W. M. Campbell in the chair).

| | |
|---|---|
| Ayes .. .. .. | 27 |
| Noes .. .. .. | 12 |
| Majority against the amendment .. .. | 15 |

AYES

| | |
|---|---|
| Mr Baxter | Dr Howard |
| Mrs Baylor | Mr Hunt |
| Mr Block | Mr Jenkins |
| Mr Bubb | Mr Knowles |
| Mr Chamberlain | Mr Lawson |
| Mr Crozier | Mr Long |
| Mr Dunn | Mr Radford |
| Mr Evans | Mr Reid |
| Dr Foley | Mr Saltmarsh |
| Mr Granter | Mr Ward |
| Mr Hamilton | Mr Wright |
| Mr Hauser | *Tellers:* |
| Mr Hayward | Mr Stacey |
| Mr Houghton | Mr Taylor |

NOES

| | |
|---|---|
| Mr Butler | Mr Walker |
| Mrs Coxsedge | Mr Walton |
| Mr Eddy | Mr White |
| Mr Landeryou | |
| Mr Mackenzie | *Tellers:* |
| Mr Sgro | Mr Kennedy |
| Mr Trayling | Mr Kent |

PAIR

| | |
|---|---|
| Mr Storey | Mr Thomas |

The motion was agreed to.

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

## COCHRANE REPORT

**The Hon. J. M. WALTON** (Melbourne North Province) (*By leave*)—Mr Deputy President, I wish to make a complaint about the way in which I understand an important document that has been asked about in this House on a number of occasions has, within the past half hour or so, been released by the Premier and the Minister for Minerals and Energy at a press conference but yet this House is still denied the right to receive that document.

I should like to formally lodge a complaint that the House has been treated with contempt by both the Premier and the Minister for Minerals and Energy in this way, and I ask the Minister for Minerals and Energy will he now present the Cochrane report to this House.

**The Hon. D. G. CROZIER** (Minister for Minerals and Energy) (*By leave*)—I simply reiterate the reply that I have given in response to other questions during the currency of this spring sessional period when I was asked whether the Cochrane report would be released. My reply on each of those occasions was that it would be a matter for the Premiers' discretion when, and if, the document was released, and perhaps I should have added, how it would be released.

It is obviously implicit in that statement and that reply that it was entirely a matter for the Premier to determine. The Premier has determined to release the document in this way. It is now publicly available and it was never my intention to table it in this House in the first place. If the report was going to be tabled in a House of Parliament, it would have been tabled in the Legislative Assembly.

## MINISTERIAL STATEMENT

### Victorian brown coal resources

**The Hon. D. G. CROZIER** (Minister for Minerals and Energy)—I desire to make a Ministerial statement concerning the future use of Victorian brown coal resources.

In relation to the rest of the developed world, Australia and Victoria are particularly well endowed with energy resources. By comparison, our reserves of every form of energy per unit of economic output or per head of population are among the highest. In Victoria, these large energy resources are principally in the form of brown coal. This deposit of brown coal, largely contained in Gippsland, is among the largest in the world.

The so-called energy "crisis", resulting from Organization of Petroleum Exporting Countries actions since 1973 has generated a great awareness of the finite nature of the world's oil resources. It has also caused a re-assessment of the significance of these resources, and of other resources which could supplement oil reserves. Victoria, and Australia generally, come out on the credit side in this re-assessment.

Australia is perceived by industrialists elsewhere as an attractive place to diversify at least part of their highly energy dependent processing or manufacturing operations. This has led and will lead to opportunities for industrial and manufacturing growth which is certainly significant, perhaps unprecedented, and which could accelerate throughout and beyond the 1980s. Such development is an important aspect of our future growth and employment opportunities.

Brown coal can be used directly as an industrial fuel, can be converted into briquettes for a range of uses, can be converted into electricity—which is the current major end use of brown coal—and can be converted into a range of liquid fuels and commercial chemical substances which give rise to new possibilities for processing and conversion industries. The main emphasis in this statement relates to possible developments in the field of coal processing and conversion.

It is the Government's policy to develop domestic and export based industries around our energy and mineral resources and to favour the maximum degree of resource processing in Victoria prior to any export. In these respects, both the upgrading of alumina to aluminium through electricity and the development of new fuels from coal are prime examples.

The Government's over-all energy policy was published in March 1979. It is part of that policy that there will be management of Victoria's resources to ensure the wisest allocation of energy forms to particular uses, having regard to present and long term needs. It is important then for us as a community to decide, in particular, how the great resource of brown coal should be developed and used.

There has been steady progress in the development of policies towards coal utilization by the Victorian Government. In 1975 the Government released a statement of its broad policies for the future planning and development of central Gippsland. This was the "Statement of Planning Policy No. 9" entitled "Central Gippsland: Brown

Coal Deposits in the Context of Overall Resources 1975". Subsequently, in 1976 and 1977, my predecessor, the Honourable J. C. M. Balfour, MP, issued statements setting out the broad terms of the Victorian Government's policy with regard to coal exploration and utilization, and also the rights for exploration and production pending further evaluation.

Following that evaluation, and as an interim measure, two areas containing approximately 18 000 million tonnes of coal at Yallourn–Morwell and Loy Yang were provisionally reserved for the State Electricity Commission of Victoria. The balance of the area containing a similar quantity of known economically winnable coal was provisionally reserved together with suitable buffer areas for other purposes, including coal-to-oil conversion. As the coal was thus protected from unsuitable development through the various planning schemes administered by the respective municipalities, it was possible, in December 1980, for certain restrictions on coal exploration to be lifted.

This Ministerial statement provides details of recent developments in alternative fuel supply and explains the Government's objectives regarding brown coal utilization and supply as part of its over-all energy policy. I shall deal with the Government's objectives concerning the present and future use of brown coal, coal field development, and the benefits which will accrue to Victorians as a result of developments which will be based on brown coal.

## VICTORIA'S BROWN COAL RESOURCE

It is the Government's policy, recently reiterated in "Victoria's Strategy for the Eighties", that it will carefully assess the development of our brown coal resources for uses other than power generation and that it will continue to develop brown coal for electric power generation as required to meet the predicted demand. The responsible development of brown coal resource is therefore the key to economic growth based on new energy developments.

On present knowledge, the coal resource consists of 124 000 million tonnes of which 44 000 million tonnes have been classified as economically winnable. Eighty-two per cent of this economically winnable coal is in the Latrobe Valley and 13 per cent in the Gelliondale region. It represents 97 per cent of Victoria's known fossil fuel reserves.

The criteria used as the basis for deriving these quantities of economically winnable brown coal were adopted in 1977 in the light of the then current uses of coal and the established approach to coal winning in Victoria.

Criteria currently used for the identification of brown coal resources in Victoria are:

Seams less than 3 metres thick are included in overburden;

coal containing more than 10 per cent ash (dry basis) is included in overburden; and

discrete deposits containing less than 10 megatonnes of coal are excluded.

In order to determine the proportion of these resources which could be designated "economic" for present and future development, other criteria based on the thickness and depth of seams have been used. Those commonly in use were adopted by the Brown Coal Resources Interdepartmental Committee in 1977. The criteria, each of which must be satisfied, are:

Separate or individual seams must exceed 15 metres in thickness;

the top of the uppermost seam must be within 90 metres of the natural land surface; and

the vertical coal to overburden ratio must exceed 0.5: 1 calculated either to the base of the seam, or, when the coal continues to a greater depth, to a maximum depth of 200 metres below the surface. Where multiple seams are involved, seams less than 15 metres in thickness are rated as overburden.

The above criteria are not the same as those used in other situations for assessing coal reserves; for example,

German practice involves extracting brown coal from depths greater than the 200 metres used as a criterion in Victoria. When recoverable coal in deeper seams in Victoria is taken into account, reserves could possibly be doubled. Estimates of economically winnable coal are to be reviewed regularly.

Coal fields provisionally designated as being for State Electricity Commission purposes account for 18 000 million tonnes of usable economically winnable coal, to which must be added 6000 million tonnes lying under existing urban and industrial developments. Because the Gas and Fuel Corporation may require coal for the possible future production of substitute natural gas, coal has been reserved for this purpose; 3000 million tonnes has been nominated as the quantity that should be reserved from areas not currently under provisional designation for power generation. Coal field areas other than the provisional State Electricity Commission areas, therefore contain a minimum balance of 17 000 million tonnes available for commercial development, 9000 million tonnes of these being in the Latrobe Valley and 8000 million tonnes outside it. A more detailed breakdown of the distribution of Victoria's brown coal resource appears in Appendix 1 of this statement, which is not presently available.

USES FOR BROWN COAL

The Government will encourage the use of brown coal, either directly or in briquette form, in fixed installations in preference to petroleum wherever this is practicable and economic. In the generation of electricity, for instance, the Government will continue to require that new base load power stations will use brown coal and that natural gas will be preferred only for peak and intermediate load generation. The amount of oil used in electricity generation will be progressively reduced and reserved only for start up and to meet sudden unexpected demands that cannot be met in any other way.

The Government also encourages the development of coal conversion projects which will provide alternative fuels to replace petroleum, substitute natural gas (SNG) and chemicals.

GENERATION

An essential factor in promoting and maintaining economic growth is the provision of a ready and economical supply of both electricity and gas for industry and for the community's purposes generally. Hence, provision is made for future growth in electricity generation which, for the foreseeable future, will be based largely on brown coal. The State Electricity Commission has coal production facilities at Yallourn, Morwell and Loy Yang, these locations lying within the provisionally allocated coal fields. It has been established that the coal contained in these coal fields, including lower layers that will become accessible as extraction proceeds, would be sufficient to supply likely power station requirements over the next 100 years. While the commission's access to coal supplies in order that the electricity demands of the future will be maintained, it is proposed that an examination will be made to determine how coal required for different purposes can best be supplied from present and future coal field developments. The provisional State Electricity Commission coal fields are, for instance, contiguous with other coal fields and in some instances relocation of the arbitrary "boundaries" between them may produce significant benefits in terms of access to economic coal for either State Electricity Commission or commercial use. The proposal for an examination to determine how the best use can be made of the recoverable coal is dealt with later in this Ministerial statement.

Coal conversion processes require electricity and other energy forms for their own purposes; these could be produced by the processors in power plants forming part of the conversion plant complexes. The installation of electricity generating plant, either separately from or in excess of a processing plant's requirements, would make

an additional contribution by the industrial sector to meeting the State's electricity demand.

NEW USES FOR COAL

The use of coal for the production of liquid fuels and other products is a new development and requires a new approach. The potential is large. The highest volume application could be the production of substitute transport fuels. Gasoline and diesel oil made from coal are entirely compatible with the products of conventional oil refining. Coal can readily be converted to methanol, a gasoline substitute. Smaller, but still substantial, quantities of solvent refined coal—SRC—a solid material for adding to blends of coal used for making coal for steel works, could be required. SRC itself can be the basis for other carbon-based products such as electrode carbons for metal smelting, and carbon fibre for use in the plastics industry. Other products include activated carbon, brown coal char, fertilizers, organic chemicals and gases for the fuel and chemical industries. While the technology for these conversion processes is known, the economics of production and market requirements in Australia and abroad are still being studied.

The joint Australian-foreign study—Imhausen study—into coal liquefaction provided much useful information, especially regarding infrastructure and conceptual design data detailed in the report. The results of this study are encouraging for the future development of energy-intensive processing industries in Victoria, based on the State's vast brown coal resource. The study indicates that:

Brown coal is easily liquefied, and has some properties that are superior to those of the black coals of New South Wales and Queensland;

a relatively simple process can be used to liquefy brown coal, resulting in significantly lower capital cost estimates for the brown coal liquefaction plant studied compared with those for the black coal plants studied;

as a result, the estimated rate of return on the coal liquefaction process using Victorian brown coal was substantially higher than for the New South Wales and Queensland proposals based on black coal.

At this stage, crude oil prices have not reached a level which would make it economically attractive to develop a commercial scale liquefaction plant. However, many industry sources believe the existing price differential between natural crude and synthetically produced fuel will narrow to a point where coal liquefaction becomes an attractive economic proposition.

The results of the study provide a basis for more detailed investigation of opportunities for commercial production of synthetic fuels from Victorian brown coal and the development of technical and financial proposals for further consideration. One of the German companies involved in this study, Rheinbraun, has already signed a heads of agreement with Victoria to study in detail the development of an oil from brown coal plant.

Other coal conversion studies currently in progress are either conceptual or are aimed at establishing the feasibility of particular processing proposals. It is clear, however, that such projects will require very large capital investment. For this reason, and in order to utilize the private sector's considerable technological expertise, the Government intends that commercial scale coal conversion projects be developed by private enterprise.

Recognizing the capital constraints for governments to meet major infrastructure costs and the delays which may be occasioned to projects if they were to wait until such facilities could be provided, the developer of these projects will be required to make a contribution to infrastructure costs.

The Government is emphatic that there will be maximum Australian involvement in the development of the brown coal deposits so that we can acquire for ourselves the technology by which they can best be utilized. Accordingly, the Government has made

it known to the parties involved in coal conversion projects that the majority of the jobs in the projects at all levels of staffing should be offered to Victorians.

This principle is being followed in the first pilot plant to be built in Morwell, construction of which commenced last month. In addition the parties involved in this project have accepted that two of the professional staff of the Victorian Brown Coal Council will be located in the pilot plant's research and development section. This will ensure close contact with this new and exciting stage in our development.

The Victorian Government also wishes to encourage Australian ownership, and therefore supports the Commonwealth's current guidelines on Australian equity requirements.

It is the Government's policy that the needs of Victoria, and of Australia generally, will be taken into account when determining what amounts of product will be permitted to be exported. It is also the Government's intention that pricing policies should apply which do not unfairly treat the processors or the users of the products. Because the commercialization of coal conversion is some years into the future, policies relating to product sharing and pricing will be determined nearer to the date of its commencement.

DEVELOPMENT STRATEGY

The Victorian Brown Coal Council, which implements the State's brown coal research and development programme, has had discussions with many governments and corporations that wish to use brown coal.

A number of major coal conversion research and development programmes and feasibility studies have been initiated by parties interested in sharing in future large developments. The status of their work is described in the accompanying background paper (Appendices 1 and 2), *Planning for Coal Production for Conversion*, and *Conversion Plant Installation*, will require consideration of the various projects under study, the likely coal tonnage requirements, the time frame for such developments and the community's ability to accommodate the developments.

Sustained economic growth and increased employment opportunities are the Government's dual principal objectives, under the title "Jobs from Growth". Round them the strategy for the 1980s revolves. A paramount consideration in the over-all coal development strategy will therefore be the labour requirements for the prospective developments in coal conversion. State Electricity Commission and other basic regional activities, including coal conversion, will give rise to a direct demand for a substantial increase in the work force and a further increase will be required to service those activities. However, experience to date in Australia and abroad in assembling labour forces to construct and operate large projects suggests that an upper limit to direct employment in construction and operation will exist until the restricted availability of skilled labour is overcome.

Overall, taking multiplier factors into account, a major coal development programme would produce a significant increase in total employment and give a further significant boost to decentralization. The degree of controlled growth also needs to be related to the region's physical and social infrastructure.

Using preliminary information now available on the employment levels generated by different programmes of open-cut and processing plant construction and operation, programmes of coal fields development and coal utilization can be assessed in terms of their demands for labour. Feasible levels of labour supply are likely to govern the actual scope of the development programme which, when established, will give rise to a schedule of coal production rates over a nominated planning period. In preparing such a schedule, account will be taken of processing

operations which are small and specialized, in addition to those which require substantial amounts of brown coal.

The prime requirement in the development strategy is that, in addition to being manageable, it is as equitable as possible to all parties concerned—the people of Victoria as well as coal processors. Equity therefore implies that arrangements for coal extraction must optimize the economic return to the State without requiring large outlays of public moneys, keeping in mind that there should be a minimum of productive land alienated, the disturbance to existing communities should be no greater than is necessary and the smallest possible impact should be made on the quality of the natural environment. A second implication is that coal must be attractive to processors in terms of cost and quality.

Before the advent of large commercial plants, small pilot type processing plants that can be brought on stream quickly will be of particular value to a total coal production and processing strategy and are to be encouraged. Pending the establishment of new coal production facilities, they would be supplied with coal from State Electricity Commission operations of the Yallourn North extension open cut, or elsewhere if necessary, so that the benefits of the new industry may be experienced as quickly as possible.

The Government believes that the overriding aims of energy policy must be consistent with the economic, social and environmental interests of the community. The planning of specific brown coal development projects will, therefore, be undertaken in the light of detailed knowledge of the environmental characteristics of the area concerned.

RESOURCE STUDY

While new development for both electricity production and coal conversion could go ahead on the basis of results of studies already performed separately by the State Electricity Commission and the Victorian Brown Coal Council, the question can fairly be asked whether the decisions made would, in fact, achieve the "best use" of the brown coal resource.

Such a result, it is believed, requires a study of all the issues perceived in the light of the present circumstances to bear on the "best use" of coal.

To this end, the Government has commissioned, through the Victorian Brown Coal Council, a comprehensive study to:

Delineate the total brown coal resource, including those coal fields from which the State Electricty Commission will be supplied for its own use and for the future purposes of the Gas and Fuel Corporation, the Gelliondale coal field and other fields that may be discovered in the future, to establish principles for the allocation of coal for particular uses;

define "economically winnable" coal in present day and probable future circumstances, to assist in devising optimal strategies for development;

examine the roles of the State and private enterprise bodies, so that the one may most effectively complement the other in such matters as coal production, electricity generation and coal conversion; and

conduct cost-benefit studies of the full range of development options, taking into account—

all identifiable infrastructure requirements;

social as well as direct financial costs and benefits; and

effects at local, State and national levels.

Coal can be supplied to particular end uses either by facilitating access to coal deposits for certain operations or by guaranteeing the supply of coal meeting appropriate quality criteria to those operations. The Government will consider the results of the resource study when determining its policy on this matter.

CONCLUSION

The Government wishes to promote economic growth and increased employment opportunities through resource-based industries centred on brown coal. Such projects will benefit Victorians by providing:

Alternative fuels for transport and industry;

oportunities for financial investment, thereby reinforcing Melbourne's role as the financial capital of Australia and stimulating the State's economic growth.

opportunities for the supply of goods and services;

employment;

access to new technology; and

economic benefits to the whole community through coal royalties and other appropriate measures.

The Victorian Brown Coal Council has managed a commendable programme in co-ordinating the various brown coal conversion proposals. The Government looks to the council to expedite and implement, in conjunction with the Department of Minerals and Energy, the policies contained in this Ministerial statement.

On the motion of the Hon. W. A. LANDERYOU (Doutta Galla Province), it was ordered that the Ministerial statement be taken into consideration later this day.

## QUORUM

**The Hon. W. A. LANDERYOU** (Doutta Galla Province)—Mr Deputy President, I draw your attention to the state of the House.

*A quorum was formed.*

## INDUSTRIAL TRAINING (FURTHER AMENDMENT) BILL

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

**The Hon. G. A. S. BUTLER** (Thomastown Province)—The Opposition does not oppose the Bill. It is important because it deals with the future training of youth. It proposes to apply further training programmes to build up apprenticeship training. The Opposition sincerely hopes that the sentiments expressed in the second-reading speech will be carried out and that the youth of Victoria for many years can anticipate receiving a better form of training and more industrial training opportunities. The Labor Party does not oppose the Bill.

**The Hon. W. R. BAXTER** (North East Province)—The National Party also intends to support the Bill. The future of the Victorian economy depends largely on a constant and even supply of skilled young people joining the work force. Over the past decade or so honourable members have noted a great deal of unevenness in the turnout from apprenticeship schools in some occupations. For some time it was unfashionable to seek a job in which one may get one's hands dirty. Like everything else in the free enterprise system, market forces come to bear and prices increase with a scarcity. The rewards now commanded by people who have skilled crafts are much more lucrative than they were some years ago with the result that in most industries there is a greater attraction for people to join them.

Of course, some industries are desperately short of the proper skills. One of the problems is the lack of trade training teachers in some technical schools. I know that my colleague, Mr Dunn, has referred to that matter on many occasions. Not enough young people trained in craftsmanship will enter these areas unless suitably qualified instructors are supplied. Another aspect to which I wish to advert is indirectly connected with the Bill. I refer to work experience in border areas. Problems are still being experienced with students from high and technical schools in Wodonga, for example, and other border cities and towns, who enter New South Wales for work experience. Many of them undertake this experience in trades that subsequently lead to apprenticeships. The problem still exists, despite the good work of the Minister of Education to try to resolve the issue so that a keen

student may follow an apprenticeship and also cross the border for that experience.

The National Party wishes the Industrial Training Commisison well. A great burden is being thrust upon it in supplying this State with qualified personnel required to restore Victoria to its former place within the Australian States.

The motion was agreed to.

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

## EMPLOYMENT AND TRAINING BILL

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

**The Hon. W. A. LANDERYOU** (Doutta Galla Province)—In many ways the Bill is yet another showpiece and window-dressing proposal by the Government. There is no doubt in my mind that the Government had no intention of moving in this area and applying this initiative until the Labor Party announced that it would create a Ministry of employment. The Labor Party will be announcing a number of initiatives in this vital area. However, this will be done at a more appropriate time. I note with some concern that the Government set up a committee to advise on employment, and that committee has strongly criticized the Government's submissions to the Industries Assistance Commission. The spectacle appeared in the newspapers when the Minister for Employment and Training —"Meat" as he is referred to by his colleagues—was unable publicly to defend the position taken by the Government in its submission to the Industries Assistance Commission.

It is apparent that there is a contradiction in both philosophical direction and thrust by the Minister for Employment and Training and his colleagues. The fact is recorded in the *Age* today. My colleagues in another place have canvassed a number of important issues associated with the Bill. It is not my intention at this late stage of the sessional period to reargue those principles.

It is a matter of public record that Brian Dixon has been able to persuade the Cabinet—obviously against the wishes of the Leader of the House and the Minister of Education—of his death wish about what constitutes training despite objections by men and women well learned in the area. The Government predicts that approximately $10 million will be spent towards providing employment. That prediction is completely erroneous. It is nonsensical that after a quarter of a century of Liberal Party rule the Government finally understands about manpower planning. I have a story about that which I shall now recount for the benefit of *Hansard*.

Some time ago I spoke to the former head of the Treasury who was in that role at the time. I asked the man to advise what statistics were made available about manpower planning. The answer was, "None". When I asked which statistics were provided, the answer again was "None". When I asked the reason for this the reply was that no one ever asked for them. I asked whether such statistics were prepared, and the answer was, "No".

Since that time Dr Cullen of the Public Service Board has examined manpower planning within the Public Service. However, manpower planning requirements within Victoria have not been examined. Similarly despite the energy and enthusiasm of the current Minister, it is quite clear that the Liberal Government has no idea of the problems of the regional economy of Victoria or what a responsible Government ought to do to correct that situation. Nonsensical assertions are made about the importance of small business operators. I shall measure that against the background of the Government's performance.

All honourable members are aware that the former Premier decided—without authority as it turned out—that shops should be able to trade on a six-day basis. That policy would have brought about the economic ruination

of many thousands of small shopkeepers. The Labor Party believes that the best way of increasing employment is to economically enhance the business prospects of the small business operator.

Mr Chamberlain seeks to interject, but I realize that he is ashamed of the deplorable performance of his Government with respect to small businessmen. It may well be that Sir Robert Menzies was able to weld a political force together in the 1940s, but the Liberals have lost it now, and they know it. We have the absurd situation where having established a committee, that committee is now critical of the submissions made by the Government to the Industries Assistance Commission.

**The Hon. B. A. Chamberlain**—That is open Government!

**The Hon. W. A. LANDERYOU**—The only thing open about the Government is its bowels. The Government set up a committee which in turn criticized the Government's submission to the Industries Assistance Commission. At the same time the Liberal Party used its numbers in another place to prevent public and open debate on the findings and reports of the Industries Assistance Commission on the motor vehicle industry. The Premier and the Leader of the House refused to allow the matter to be discussed in another place. No wonder Government members are frightened and concerned. They were so scared that they ran away from reality. The article in the *Age* today stated:

> Mr Dixon last night refused to comment on the decision beyond saying that he had discussed the committee's comments with the Premier, Mr Thompson. "They will be taken into account in our next submission to the IAC."

The committee to which Mr Dixon referred—including representatives of large business, employer groups, the Trades Hall Council, and training authorities—stated that the submission lacked policy direction. Apparently there was critical analysis of the Industries Assistance Commission's proposal but no real proposal was forthcoming from the Thompson Government to the Fraser Government about what it should be doing with respect to protectionism and this State's need of a regional employment basis to defend the manufacturing industry base.

The Ministry of Employment and Training has only established employment for a small number of people, and its proposals have not achieved anything. This fiscal year the Ministry proposes to spend $10 million, with which it hopes to make some dent in Victoria's record unemployment level. It is absurd that despite the employment of talented, competent people within the Ministry, we do not have a submission about what the Minister or the Cabinet—let alone the Government as a whole—can agree to on the Industries Assistance Commission's proposals. The Premier is grandstanding again. He is endeavouring to defend the manufacturing base of the State and to stress the fundamental economic arguments as well as to defend the Industries Assistance Commission. That indeed was the Liberal Party's position in this House when I moved a similar motion on the interim report of the Industries Assistance Commission on the motor industry. However, the Government has failed to put a rational and logical argument to the Industries Assistance Commission.

Despite the eloquence of the Minister of Education, the Bill will give the Minister for Employment and Training the power to determine matters of training that ought to be determined by the Minister of Education. The Minister of Education can provide no weight of argument or eloquence to convince one otherwise. The honourable gentleman knows that that idea was either put over him in the Cabinet or party room or that he overlooked it.

Under the provisions of this Bill, the Minister for Employment and Training will be putting proposals on training to the Cabinet and to the Executive Council from Cabinet and he will be the man who will argue the Government's position on training. If that represents a significant departure from Government policy on training and if training is to have the broad definition that the Minister referred to in another

place, the Minister of Education ought to say so and he ought to acknowledge the complete change of policy on training by the Government. The Minister of Education ought to be honest and frank with those academics who have criticized the Bill on extremely proper grounds.

Many months after the establishment of the Ministry of Employment and Training, in the dying stages of Parliament, during a rush of legislation, the Government has introduced a Bill to create the Ministry of Employment and Training. The objectives of that Ministry are noble and ought to be commended.

The authorities that will be established under the Bill will be important authorities that, it is to be hoped, will perform important tasks for Victoria. However, the Government has no fundamental concern for finding work for those people who seek it.

The Government could not really care less about the problems of the unemployed. Indeed, the Government's record substantiates that assertion.

Although the Minister for Employment and Training has been persuaded by officers of his department to become almost half involved in the community debate on the definition of employment, job sharing and so on and, while the honourable gentleman has that imagination, the mind boggles when one envisages the old Cabinet shellbacks who are trying to understand what that debate is about, let alone appreciate its importance.

As I indicated at the opening of my remarks, it is not my intention to canvass the real alternatives that will be put to the electorate by the Labor Party at the next State election.

**The Hon. H. R. Ward**—You would not have any alternatives, otherwise you would be canvassing them.

**The Hon. W. A. LANDERYOU**—The Labor Party has an alternative representative to Mr Ward for the South Eastern Province, if Mr Ward would care to resign and force a by-election.

It is to be hoped that the public will view the Labor Party's policies on employment and training as being bold and imaginative. Although the Federal Government has considerable power in this area, that is not to say that a State Labor Government would not use whatever resources and powers are available to maximize employment opportunities in Victoria.

It is interesting to note that no Minister has criticized the Labor Party's proposed 10 per cent average weekly earnings rebate for those firms that employ additional labour. No Minister has seriously debated that issue from a critical point of view.

On the need for a responsible but realistic public works programme, I point out that one Minister in this House has chosen to debate the finer points of the report of the Public Bodies Review Committee and the Labor Party's "Develop Victoria" report, which alludes to the recommendations of the committee.

It is interesting to note that the Minister who has been most critical of that Labor Party policy, the Minister of Water Supply, has announced his intention to use money, which, up until recently he refused to acknowledge even existed, for public works.

It is extraordinary that this Bill personifies the Government's attitude which is: "Let us do it in the interests of surviving. Let us persuade the people of this State, belatedly as it might be, that the Liberal Party is genuinely interested in finding employment for those who seek it and who have so far been unable to find it. Let us demonstrate to the community that we are genuinely interested in new concepts of employment and training". The Ministry of Employment and Training is a result of the massive advertising conducted around the Government's new directions policy, which has become lost, as has the Cabinet.

Victoria has had a change of Premier, the Government has had a change on its front bench of both Houses and it has taken an inordinate length of time for this Bill to emerge.

Approximately $10 million has been allocated for the Ministry and officers have been employed. The House is now debating the formal establishment of the Ministry. After years of Liberal Government rule, honourable members opposite are now pretending that they are concerned about employment and that there is a need to create another Ministry to cope with employment.

I promised the Leader of the National Party that I would speak for only 90 seconds on this matter. However, I have spoken a little longer than that. As Leader of the Labor Party in this House, I shall make some announcements in the next few weeks on employment and training. It is to be hoped that those announcements will be bold enough to capture the enthusiasm of the Victorian people, who will recognize that the Labor Party is the only political party that is genuinely concerned about finding employment for all of those people who seek employment.

**The Hon. W. R. BAXTER** (North Eastern Province)—Mr Landeryou was a little unfair when he alleged that members of the Government were not interested in the plight of the unemployed. Almost without exception, honourable members of this House, irrespective of their political affiliation, are deeply concerned about the problems of the unemployed, especially young people.

There is nothing like the risk of an honourable member losing his seat to concentrate his mind on the issues of the day. Therefore, unemployment will be a major issue at the next election. Mr Landeryou was less than fair when he said that the Labor Party is the only political party that is interested in the unemployed. I was also interested in Mr Landeryou's indication that he would in the next few weeks inform the public of Victoria how he would improve the unemployment situation. It would have been appropriate for Mr Landeryou to have informed Parliament today if he has some brililant ideas on how to overcome this problem rather than releasing such suggestions as he may have in the depths of the silly season during January when they may well be lost. If he had some substantial recommendations or suggestions, why did he not tell us of them today? We may have been able to make use of them, if they are as good as he says.

The Bill establishes a Ministry for which a *de facto* Minister for Employment and Training has been operating ever since the famous announcement of the new directions policy was made during the reign of the former Premier.

Today, in the death throes of this Parliamentary session, a Bill is introduced to put a Ministry around the Minister. If one reads the second-reading speech by the Minister for Employment and Training in the other House, one sees that it was nothing but a series of clichés run together with talk about "working smarter" instead of working harder, and these sorts of things. The Minister will find running the Ministry for Employment and Training greatly different from running the Department of Youth, Sport and Recreation. "Life: Be In It" was a successful slogan, but the Minister will have to do better than "Plan ahead to get ahead" in the portfolio of employment and training if he is to solve the problems. No one disputes that grievous problems of unemployment and the like face Victoria.

I was disappointed with the Minister's second-reading speech. After having been in the job for six or seven months, I thought he would have been able to come up with more substantive proposals than those outlined in the speech. In some respects, the setting up of the Ministry means the hiving off of other responsibilities to give the Ministry some structure. The Industrial Training Commission has been transferred from the umbrella of the Department of Labour and Industry. Possibly there is logic in that move. Certain aspects of the educational system have also been included, such as the TAFE scheme. The Minister will have some input into that, so effectively there will now be three Ministers in the educational area. That would seem to be fostering confusion for the future, to say the least.

The National Party does not for one moment consider that the issues facing the new Ministry are slight. They are the most difficult and crucial issues facing the community. The Minister is an enthusiast; he has shown achievement in the past. I hope that he can come to grips with the new Ministry, although, as I said, the second-reading speech did not show that he had done so.

Nevertheless, we can do nothing but give the Minister as much encouragement as possible.

**The Hon. D. K. HAYWARD** (Monash Province)—Like Mr Baxter, I listened to Mr Landeryou's speech with considerable interest and some disappointment. Mr Landeryou is a man of considerable background and ability in the industrial area, and I was hoping that this afternoon honourable members may have heard from him some ideas on how employment should develop in Victoria. He says that he is going to announce some programmes at some other time, but I venture to predict that those programmes will be short-term programmes and simply an attempt to get votes in the next few months.

Victorian industry is undergoing significant and fundamental change at present, and that change is gaining momentum and will further accelerate in the years ahead. The problem with the political process is that we do not seem to be able to focus our attention on a long enough perspective. The political process does not seem to be well suited to helping people to understand and cope with change. Politicians, as Mr Landeryou illustrated in his speech this afternoon, are too preoccupied with the short-term view and too reactionary in their approach, and their reaction is often to obstruct change.

We must beware of short-term solutions, because these often seek to bolster up particular sections or particular interests, yet they may substantially damage long-term prospects for growth. For example, it is debatable whether increased protection will in the long term sustain growth and employment. In fact, the evidence is that in a number of industries, increased protection has been coupled with reduced employment. Many politicians and public officials in Victoria do not seem to have put the required amount of interest and study into these long-term changes which are occurring, and therefore, we are not coming up with the types of strategies which are necessary for coping with change.

The economic policy of the Australian Labor Party, which has now been released—honourable members will not have to wait for Mr Landeryou's document—focuses essentially upon the present and is predicted only upon preserving our existing industrial structure. It takes little heed of the need to harness technical change or to make the most of the new opportunities flowing from it to accelerate growth and increase the number of jobs through developing viable, internationally competitive, long-term industries.

I became increasingly aware of the forces for change while spending approximately twenty years in managing manufacturing operations in Australia and in South-East Asia. In particular, the rapid growth of South-East Asia and the industrialization which is occurring there seem to me to present special opportunities for Australian suppliers of manufacturing equipment, components, machine tools and technical services to participate in that growth.

However, the full force of the impact of electronic technology on Victoria and on the rate of change in Victoria was brought home to me during this last year while I was chairing a Parliamentary inquiry into the use of computers. It became clear to me that practically every new manufacturing process is directly influenced by electronic technology. For example, the transfer of molten aluminium into moulds to make piston rings is now handled by electronically controlled robots. Metal machining operations are increasingly programmed electronically, and the transfer of components between machining operations is likewise controlled electronically.

The experience of using electronic technology in manufacturing operations has shown not only that it increases productivity, but also that it improves quality, lowers energy use and helps in the achievement of better inventory control.

Product design is also significantly changed through the use of electronic components. For example, an Australian developed small on-board computer now controls fuel combustion in some late model motor cars.

We have to bring our thinking on technology up to date, otherwise our industries will not keep pace with overseas firms, particularly in South-East Asia. The irony of the situation is that there is little incentive for those firms to keep in the forefront of technical development if they are sheltered in the home market from international competition. Many people adopt a negative approach to the whole question of the employment effects of technological change. However, it can be argued that we have been experiencing considerable changes in technology ever since the Industrial Revolution. In fact, it is an evolutionary process, and that process has not resulted in long-term increases in unemployment. There have been short-term increases from time to time, but no long-term increases in unemployment.

This is not surprising when one considers that technical progress is one of the primary engines of economic growth and therefore a basic source for new jobs.

It is true that technical advances sometimes destroy jobs, but at the same time they increase the community's wealth and ability to purchase different and additional products and services and thus create the potential for new jobs.

Moreover, technical advances are often directly the source of new employment—the internal combustion engine being a classic example. Finally, technical change has markedly improved work conditions, eliminating the need for people to do many dangerous and unpleasant jobs as well as making it possible to reduce working hours, while at the same time helping to improve the standard of living.

It is inevitable that in some situations some people will be displaced by technical change. In these circumstances the challenge for Government is to provide the relevant retraining to assist people to take jobs in the new growth industries or to encourage them to provide a needed service in their own community. It is here that the role of TAFE will be of critical importance.

Let us look at examples of how technology can create employment and wealth. Some of the best opportunities for growth will flow from the harnessing of Victoria's 5000 small to medium sized engineering based firms to meet the pressing needs of Australian resource development and South-East Asian industrialization for equipment components and technical services. The means of achieving this will be the innovative adaption of new and changing technology to meet the specific market requirements in both these growth areas.

One Victorian firm, for example, which was a supplier of conveyor belt components to the automotive industry, has been able to adapt its components to meet the needs of iron ore mining in Western Australia and copper mining in the Philippines. Another firm which produced electronically controlled navigation beacons for the port of Melbourne has found new markets for port navigation equipment for harbours in the north west and Malaysia. In fact, many of these firms say that the constraint upon their growth is not orders but obtaining sufficient skilled people to enable them to fulfill orders.

It is ironic that studies have shown that the lack of one skilled person can often hold up the creation of jobs for 3 to 5 unskilled people in a firm. Adaptation of skills to gain real benefits from change, and to provide the resources to enable growth to take place, must assume a high priority now and in the future. Only through training to grasp the real opportunities emerging from change will people be

able to gain full benefits from growth. The problem with our education and training system is that it has not always fully prepared people to adapt to the realities of change.

However, in all cases, initial training is no longer enough, training must now be an ongoing process throughout one's working life to update continually one's skills and adapt them to the changing opportunities emerging from new technology. Retraining, as well as the initial provision of skills must be the order of the day.

This training for change must have two roles: firstly, general training to enable people to cope with change and eliminate trauma from change—to avoid Alvin Toffler's *Future Shock*, and secondly, specific, precise and recurring training from time to time to help people to grasp the real opportunities emerging from change at that particular time.

The process of training people to be more adaptable to changing technology begins in the schools, and that is where some of the problems begin as well, especially in mathematics and the physical sciences.

There has literally been a flight from mathematics and the physical sciences in our secondary schools in recent years, not only for girls, but for boys as well. The results of the Secondary-Tertiary Education Planning Study, for example, show that an increasing number of students are giving up maths in the middle years of their secondary education and are thus limiting their opportunities to take on technically oriented careers. This ongoing study has been conducted by Monash University since 1975.

After secondary school the role of TAFE will be all-important. I see TAFE as undertaking four main types of training, firstly, the initial training to provide a basis to enable people to cope with changing technology, and to enable them to be adaptable to those changes;

secondly, recurrent training to keep people abreast with changes in technology, and to make the most of the specific work opportunities which emerge from those changes;

thirdly, "second chance training"—to bring into the skilled work force those who had earlier decided against skills training; and

fourthly, retraining for workers who have been displaced by structural change so as to enable them to take up new opportunities in the growth industries.

Training should always be a dynamic process, which evolves as technology develops. Moreover, it should no longer be a once in a lifetime experience, but a continuing process. Its curricula, its teaching skills and its training equipment must be flexible, adaptable and always up to date to best equip people for the real opportunities emerging from technical change.

This will require a very close involvement by industry in training as was well recognized by the TAFE principals when I addressed their national conference in Melbourne recently. The challenge is to find the most practical way of achieving this involvement.

One method is through the new skills development centres, such as the one being established at the Holmesglen factory in Malvern for the building and construction industry. These skills development centres will focus on a particular industry, and will deeply involve the industry groups and trade unions in the development of the curriculum, in the provision of training staff and in the acquiring of equipment.

This pattern of deep involvement by industry and the unions in skills development centres is a characteristic of the training systems in countries which are gaining the most benefits from technical change, including Japan, Singapore and Scandinavian countries.

It is essential that TAFE teaching staff are both flexible and adaptable and that they are aware of the changing needs of industry. It would be helpful to provide for more opportunity for

exchange of people between industry and training on secondment for set periods so that both technical training and industry are exposed to the realities of each other's situations.

Also, more provision should be made for the employment of specialist teaching staff on a contract basis for limited periods to ensure that a full range of skills is available within the skills development centres and the TAFE colleges.

Training for technical change is not limited to the production aspects. For example, technical marketing is a whole new area which requires development in Victorian technical training institutions. I have pointed out that some of the best opportunities for Victoria lie in the adaption of new technology to meet the specific requirements of Australian resource development. There is little doubt that the firms which successfully grasp these opportunities will be those which have the full range of marketing skills including market research, negotiating ability and after sales service.

Whether it be on the factory shop floor, in the laboratory, in the drafting room, in the planning room or out selling or servicing equipment, the real gainers from technical change will be those whose training has helped them to adapt to the continually changing activities. The real losers will be those who are locked into old skills which are becoming increasingly irrelevant to our changing industrial environment.

The current chronic shortage of key skilled tradesmen in some areas does not only reflect the limitations of the training system, it also illustrates our inadequate industrial relations system. It is pointless to revitalise our training systems when people walk away from their trades because of inadequate margins for skills.

The 1976 census showed that 300 000 males with tradesman qualifications are working in non-tradesman jobs. The Williams Report on Employment and Training showed that about 40 per cent of apprentices plan to leave their trade after completion of their indentures. The common-sense solution is to allow greater flexibility in the determination of wages so that the rewards of labour can adjust more quickly to changing market conditions. This could lead to a changed set of wage relativities between industries, location and between skilled and unskilled wages.

**The Hon. B. P. Dunn**—That is particularly evident with motor mechanics.

**The Hon. D. K. HAYWARD**—That is a classic case. The other adverse influence of our industrial relations system has been on apprenticeships. Over the centuries, the apprenticeship system has been recognized as the most effective method of combining theoretical knowledge with on-the-job training. However, in recent years apprenticeship training has become more closely involved with industrial relations.

For example, wages for apprentices have traditionally been below those for skilled labour. However, along with the general squeezing of relativities between skilled and unskilled labour, there has been a narrowing of the margins between wages paid to apprentices and tradesmen. Consequently, employers are sometimes reluctant to take on apprentices. Also, because tradesmen's wages seem relatively low, young people are reluctant to enter apprenticeship training.

The reform of the apprenticeship system is long overdue, but it must be achieved through a combined co-operative effort between industry groups, unions and government. The group apprenticeship system, under which a young person is apprenticed to an industry group rather than to an individual firm, is the first stage of that reform. The skills development centres, combined with the group apprenticeship system, will mark the next major step in helping to make skills training more available to a wider cross-section of people, as well as helping them to become more adaptable to the changing needs of industry.

An underlying aim of this reform process must be to increase accessibility of skills training on a continuing basis to all who seek it, no matter their

age or sex. For instance, women are far too often discouraged from entering technical training courses in which they may have equal or superior proficiency to men. In fact, the creativity of women in technical design constitutes a rich and largely untapped reservoir of skills which could transform some of our industries.

I am not saying that things ought to be done just to make it easier for women. We have a great reservoir of talent and creative skill that is not used at present and I believe that has been a limitation on our industrial situation. If we could bring in those female skills and harness them, industry would be much the richer and we would be in a better position to compete overseas.

Notable examples of women's design ability can be seen in the adaption of electronic technology for monitoring and signalling systems. For example, a woman's design for a series of coloured lights in an electronically controlled navigation system proved much more effective than those of her fellow male designers.

To sum up then: Our basic economic objective is to increase growth because this will increase community wealth and increase job opportunities. One of the engines for growth is technical change, which is reshaping our industries, increasing productivity, improving quality and enhancing our ability to capture new market opportunities in Australian resource development and in South-East Asian industrialization. I know from personal experience in having worked in Asia, subsequent visits to Asia and having been involved in major decisions made by large companies and governments in Asia, that a typhoon of technical change is sweeping across South-East Asia. This technical change is lifting the economic growth of countries such as Singapore to rates which are more than double that of Australia. That is a startling and extraordinary situation.

Unless Australia whole-heartedly embraces new technology, we will not keep pace with the growth of our northern neighbours and we will risk becoming the poor white trash of Asia. Unless we keep pace with technological development and our industries become more competitive internationally by using new technology and unless we get away from the idea of hiding behind big barriers and looking only at our own little markets and protecting our own little situations in a cosy way, our standard of living will progressively fail to keep pace with the standard of living in South-East Asian countries and the standard of living of those countries will overtake ours. It is a serious situation and I do not make these statements lightly. I have given a good deal of thought to the problem over a number of years.

There is no way in which we can keep pace with technical change unless we revolutionize our training methods and institutions so as to assist people to cope with and adapt to technical change.

The new Holmesglen Skills Development Centre is the beginning of that revolution in technical training. It is also the beginning of a new era of close participation by industry groups and unions in the development and operation of technical training which must be the keynote of technical training in the future. We must have this continued involvement and participation by industry and by unions in technical training, otherwise we will not keep pace with trends and developments and our technical training will not be producing people with the skills we really need, so that, to some degree, it will become irrelevant.

The role of government is to create the climate in which change can proceed in the most beneficial way for the community. It is the Government's task to increase the ability of the community to respond to change, to cope with change and to make the most of the remarkable new opportunities emerging from change.

However, before this is possible, politicians and bureaucrats must lift their horizons beyond the present. That is what disappointed me so much about Mr Landeryou's speech this afternoon. He is a man of considerable intellectual

ability and of considerable knowledge and experience of the industrial situation, but he did not put forward any long-range, visionary idea. Mr Landeryou was preoccupied with small-time comments and tried to gain some short-term political advantage. That does not do him justice and is a sad situation because it is about time he and his party started to use this House effectively.

One of the purposes of the Upper House is to provide an opportunity for the display of visionary ideas and discussion about where possible solutions to important questions such as employment lie. The Upper House will not be helped by the short-term comments of the Australian Labor Party policy speech. The Government will make Australian industry more adaptable to technological change and push the country further ahead. That is what is required. We must recognize that change and view long-term employment growth as the way ahead. That is a matter on which attention should be focussed, not upon short-term political gain. The contribution from members of the Opposition is disappointing.

**The Hon. H. R. WARD** (South Eastern Province)—The House has just heard one of the finest speeches on employment that has ever been produced by my colleague. This is in direct contrast to the remarks made by honourable members of the Opposition. Mr Landeryou is a member of a party which created unemployment, and that is all that party can talk about. After the activities of the "great white god", Mr Whitlam, the country will need a decade or more to recover from the tragedy of that despicable form of Government. It is typical of any Socialist system; a Socialist system creates disasters. Socialist countries around the world can talk only about what the Capitalist system has done; they cannot say what Socialism has ever achieved.

Mr Landeryou is in love with himself and tried to prove that last night. However, he showed how weak he was when faced with a real proposition to provide something worth while for Victoria. Victoria has the best employment record of any State and has 94·5 per cent of people employed. The figures are not produced by the Minister for Employment and Training but by people who have illustrated what can be done and what ought to be done.

In the 1970s the Australian Labor Party Federal policy caused unemployment, boosted inflation, thwarted personal initiative, encouraged greed and wrecked the economy. That policy is supported by Mr Landeryou and his cohorts. However, those very people pretend to stand behind the poor and unfortunate people within the community. All those honourable members ever do is talk; they never produce any policies. This was proven once again today. Mr Hayward, of course, discovered that very smartly and drove the point home.

Brian Dixon is a man of initiative and a person who knows of the problems faced by the poor and the unemployed. He realizes the need to provide jobs so that people have a right to live a happy life and attain the best possible results for their labours. Mr Landeryou, of course, is a star in creating strikes, as honourable members found last night. In comments earlier this month when discussing hidden unemployment, Mr Dixon said that little credence could be attached to the figures published by the Institute of Applied Economics and Social Research of the University of Melbourne.

The point was well made by Mr Landeryou that there was a need for the development of a national manpower planning policy. Mr Landeryou probably read that statement on the second page of the press release issued by the Minister for Employment and Training. Mr Dixon emphasized the need for a coherent national manpower policy. He stated that that policy should be developed co-operatively between Governments, unions and employers. He further stated that every attempt should be made to plan for economic and social development and

that a sound data base on employment is the essence of good employment management.

Brian Dixon has worked extremely hard to establish the Ministry and to ensure that it works for the benefit of Victoria's economy. Mr Landeryou and his mob are intent on causing unemployment, strikes and destroying the economy. That fact has been proved and that is why the Wrongs (Public Contracts) Bill was introduced last night.

On 5 November the Minister for Employment and Training highlighted the initiatives that he had had adopted by Ministers of Labour throughout Australia at their Darwin conference. The press release stated:

> The State Ministers for Labour accepted the necessity for a system of assistance for unemployed young people who cannot be catered for under current training and transition programmes.
>
> The principles are directed towards:—
>
> (i) providing an integrated career advice, training and retraining scheme to optimize resources for young people;
>
> (ii) providing a framework for the co-ordination of educational, employment, training and social resources to maximise opportunities for learning and personal support for young people preparing for employment;
>
> (iii) establishing an environment in which employment opportunities for young people continue to expand;
>
> (iv) developing an economic and social orientation towards "entrepreneurship" and "excellence" as prerequisites for the expansion of employment opportunities; and
>
> (v) improving the availability of information on economic, social and community resources to facilitate young people's participation within a market economy.

I note that Mr Landeryou has disappeared from the Chamber again, which illustrates that he does not have any interest in the employment of people and does not possess a policy which will help the economy. Mr Landeryou saunters around the House with a sneer on his face because he treats the House with contempt. That is Mr Landeryou's attitude towards the problem of unemployment. The Opposition does not have a policy for solving the unemployment crisis.

The time has long gone when the business economy of the State should provide a social welfare structure that would employ the unemployable. Jobs were found in the past, but because of inflation and the high cost of wages—exacerbated by the attempts of unions to win higher wages beyond the ability of companies to pay—those people were thrown on the unemployment scrapheap and were destroyed for the rest of their lives. It is a serious problem and one which the Labor Party has no intention of solving. The Labor Party will create its own Auschwitz. Its attitude is to throw people on the scrapheap. Although the Labor Party pretends to solve the problems of the unemployed, that is how it treats them. Young people may be fooled in some ways by the attitude of the Australian Labor Party but they will discover that it has nothing to offer and they will be destroyed by the folly of that party.

**The Hon. G. A. S. BUTLER** (Thomastown Province)—One cannot allow that sort of raving and ranting to go by without making some comment. Mr Ward spoke almost as if those who have spent all their life in the industrial movement are not concerned with the issues of training and employing people and that it was the industrial movement that had created this problem. The Government has been in office for over twenty years and it has been suggested that when the Labor Party came to power in Canberra in 1972, it wrecked the economy and that the Liberal Party had been trying since then to correct what occurred in that period. The Liberal Party has been in power in Canberra for six years and has done nothing. We still have the highest rate of unemployment for many years. In fact, it is a record unemployment.

The introduction of this measure has been brought about by discussion with people within the industrial movement, within the educational structures and with those who are concerned about how this very fine scheme will help to find a solution to the problems that confront society at this point of time. No amount of ranting and raving in

the House will solve those problems; what is needed is constructive work and activities outside this Chamber.

I have no doubt that the policies which the Labor Party will be offering the people early next year will be very attractive for those people who are unemployed, who have not received an apprenticeship training and who have not had the appropriate educational standards provided for them. The problems confronting the community suggest that not sufficient attention has been paid to the proper training of persons at the apprenticeship level.

Most honourable members would know that in Europe most apprenticeship training is carried out as a continuation of the normal school work and the apprentices go out from their school and into industry. They are not taught by a single, individual employer, because it has been demonstrated that their scheme is one that ensures that the various skills are retained to ensure a highly skilled work force.

If honourable members are to speak about the retention of skills in this country, it is necessary to establish some of the industries which are required to perpetrate those skills. As it is, it seems we are now currently engaged in a big argument on whether or not to close down a major manufacturing industry in this State. We have to decide whether General Motors-Holden's Ltd and the Ford Motor Co are to be removed from the scene and we are to import motor vehicles from other countries.

**The Hon. B. P. Dunn**—Does Mr Butler support full tariff protection?

**The Hon. G. A. S. BUTLER**—I support the retention of the 260 000 people who are involved in the motor car industry—I support those persons continuing in their employment.

**The Hon. B. P. Dunn**—What about the footwear, clothing and textile industries?

**The Hon. G. A. S. BUTLER**—They are the same there. It is no secret that the 28 per cent tariff cut was a disaster, but I suppose the Labor Party is just as likely to make mistakes, based on advice from economic advisers, as is the Liberal Party. However, the Labor Party does not believe we should close the whole of an industry so that farmers can obtain their motor vehicles at a cheaper rate, because that is what will happen.

Who is going to buy all the gods and commodities which are produced? The workers who will be displaced will not be there to purchase them so the question of quotas is a very important one for this country.

I refer now to the history of this country. Instead of trying to make Australia purely an agricultural producing nation, serious attempts should have been made to bring about the establishment of heavy industries, not just bring workers to this country to become farm labourers, as used to be the case. The Government should have been trying to engage these workers in industries which could have been established because Australia, with its population, should have been one of the major industrial nations in South-East Asia. Why did that not happen? None of the graziers wanted to see developed in Victoria, for instance, a substantial textile industry, but they allowed a few areas to develop which in the past could have been incorporated in the type of industry to attract skilled personnel to this country.

Heavy industries should have been established so that when the State Electricity Commission had to build a power station, it did not have to purchase its equipment from overseas.

**The Hon. B. P. Dunn**—Does Mr Butler call the aluminium industry a heavy industry?

**The Hon. G. A. S. BUTLER**—No, it is a by-product. The only reason the aluminium industry is coming here, and Mr Dunn knows this as well as I do, is that the Government was prepared to provide it with electricity at a cheaper rate than any other country. The industry was thrown out of the United States of America and Japan and it had to find another sucker and Victoria has been taken in very well.

The Government will not achieve the sort of thing which this Bill hopes to achieve, if we simply point score, but we are individuals—there are nice fellows, bad fellows and other fellows—and there has to be a lot of goodwill and give and take, and I am sure that the industrial movement is prepared to play its part. It has every reason to do so for in recent days it has indicated that it will co-operate with the Labor Party to ensure that that sort of programme takes place.

The motion was agreed to.

The Bill was read a second time and committed.

Clause 1 was agreed to.

Clause 2 (Interpretation)

**The Hon. A. J. HUNT** (Minister of Education)—Firstly, I thank honourable members on all sides of the Chamber for their tribute to the energy, enthusiasm, initiative and innovative thinking of the Minister for Employment and Training. They are energies which are generally recognized throughout the community and there could not have been a better choice to head this Ministry. It was rightly stated by Mr Landeryou that the establishment of the Ministry did not need a Bill of its own. A Ministry can be established by direction of the Parliament and a Ministry can be created under the Public Service Act.

However, the purpose of the Bill is to provide a clear legislative framework and the sense of direction of that Ministry and the Bill sets out these goals and objectives in a very clear way.

I, too, should like to join in congratulating Mr Hayward for his very thoughtful and well-prepared contribution, even though he may have feared at one stage that nobody was taking any notice, but his contribution is on record and will be read by many people. It was a very informed and thoughtful contribution to the debate.

I also commend the remarks of Mr Butler. He was replying to remarks that had a political edge to them and so his own did as well, but by the same token, every honourable member would agree with him that meeting the problem of unemployment requires mutual co-operation and goodwill, and I commend him on that thought. Without these genuine endeavours of mutual co-operation and goodwill, our attacks upon the problem are likely to be far less effective than they otherwise would be.

Mr Landeryou raised a question of training and the definition of it. That was a matter I anticipated in my introduction to the Bill. I dealt with it in some detail and I do not believe I could usefully add anything further.

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.

## EMPLOYMENT AND TRAINING (PAY-ROLL TAX REBATE) BILL

The debate (adjourned from December 10) on the motion of the Hon. Glyn Jenkins (Minister of Water Supply) for the second reading of this Bill was resumed.

**The Hon. G. A. S. BUTLER** (Thomastown Province)—This is a short and simple Bill. It is of course a money Bill and, as such, the Opposition does not oppose it. Its purpose is simply to enable an employer to obtain a rebate on his pay-roll tax for a first-year apprentice. If it achieves the employment of more apprentices, all to the good, but I do not know that it will resolve the problem of the shortage of apprentices. It may encourage some smaller businesses to take on apprentices as, at this stage, they may have second thoughts about it. It will cost the Government $2·5 million a year, and the Opposition does not oppose the Bill.

**The Hon. W. R. BAXTER** (North Eastern Province)—The National Party supports this measure. As Mr Butler remarked, any initiative that can encourage the taking on of additional apprentices is to be applauded. The sum of $2·5 million is not an insignificant sum of money for the Government to contribute by way of additional employment. It is another step along

the line. As Mr Butler said, there is no single way of increasing the number of apprentices, but if this is one of a series, it is to be commended.

The motion was agreed to.

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

## SUPERANNUATION BENEFITS BILL

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

**The Hon. E. H. WALKER** (Melbourne Province)—This is a Bill for an Act to make provision with respect to retirement benefits for certain contributors who are retrenched, to amend the Superannuation Benefits Act 1977 and for other purposes. In the main, the Bill has addressed itself to the matter of amalgamations within the tertiary education sector in Victoria. The Labor Party does not oppose it, but in my view and in my party's view there are certain oversights and weaknesses in it.

The Act, as is indicated, will come into operation on 1 September 1981, but bodies representing academic staff believed it would be retrospective until May—I think it was May 5—the date on which Mr Hunt, Minister of Education, made a statement in this House regarding amalgamations. In fact he may have intended that, but the Bill still has 1 September as the operative date, and I think that ought to be corrected, simply as an act of good faith.

I am a little in the dark, since the *Hansard* report of the debate in another place is not yet available. Therefore, some of my comments may have been answered in another place, and I do not like to repeat a debate. However, it seems that a person whose service ceased prior to the age of 30 will not be eligible for a deferred benefit, which is one of the three kinds of benefits that could occur under this Bill. That is an anomalous situation and it does affect certain staff. It is a pity that form of benefit does not apply to people under the age of 30.

Clarity is needed in terms of the definition, "resignation for the purposes of this Act", because it is an important definition and it is still of some concern to members of teaching staffs. There are certain conditions under which that definition does not apply and the benefits will not apply. I think the Minister might comment on that point.

The Bill has become necessary because there will be a fair amount of redundancy within the system. In my view, the redundancy that has occurred, and will occur, will be a direct result of the inept procedure set in train by this Government for amalgamations within the tertiary sector in Victoria. It has caused a great deal of heartache and anxiety. I spoke at some length in the House a short time ago on the problems of amalgamation between Frankston and Caulfield, and I gave some details of the anxieties that have arisen because of ineptly managed amalgamations. I indicated also that at Melbourne State College there are some concerned and worried people.

The development of post-secondary education in this State, since the early 1970s, has been poorly managed and this is one of the end results. The Government is trying to clean up a situation and at least to be reasonably fair. The Bill is necessary. The Labor Party does not oppose it, but I have pointed out what I see to be detail weaknesses. I shall not make any further comment in that regard during the Committee stage. I simply ask the Minister to pay some attention to those remarks. The Labor Party hopes the whole measure will be applied in a generous and fair fashion. There is some concern that certain persons may be left out and be poorly treated. With those comments, I offer no opposition to the Bill.

**The Hon. W. R. BAXTER** (North Eastern Province)—The National Party also supports the Bill. I was interested in the issues raised by Mr Walker, and I look forward to having assurances from the Minister that persons who

ought to be covered by this Bill are covered and that no one is being overlooked.

The motion was agreed to.

The Bill was read a second time and committed.

Clause 1 (Short title)

**The Hon. A. J. HUNT** (Minister of Education)—Perhaps the most important remark of all made by Mr Walker relates to this clause. It was my intention, and I understood it to be the intention of the Government, that the redundancy provisions should apply to any persons who left, believing they were redundant after the date of my statement to this House in May. To the best of my belief, no such persons left the college system between 5 May and 1 September.

**The Hon. E. H. Walker**—I think there were some.

**The Hon. A. J. HUNT**—If Mr Walker can give me evidence that there were such people, I will consult with the Treasurer immediately.

The further provisions to which Mr Walker referred resulted from careful consideration by the Superannuation Board and Parliamentary Counsel. They were drafted having regard to all the financial implications and went as far as the Government believed it could go at that time.

I would like to have the opportunity of discussing that matter further with Mr Walker so that I can take up all issues with the Treasurer when I am discussing the matter with him.

It is the intention of the Government to see that justice is done, and that is my objective also. If any defects need to be remedied and can be remedied within the financial limitations that naturally exist in schemes of this nature, it would be my desire to effect rectification. To enable those further discussions with Mr Walker and, if necessary, with the Treasurer, to take place, I therefore suggest that progress be reported.

Progress was reported.

## EDUCATION SERVICE BILL

The Order of the Day for the resumption of the debate on the motion for the second reading of this Bill was read.

**The Hon. W. A. LANDERYOU** (Doutta Galla Province)—Mr President, I draw your attention to the state of the House.

*A quorum was formed.*

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. E. H. WALKER** (Melbourne Province)—This is an important Bill for an Act to establish the Education Service, to repeal the Teaching Service Act 1958 and for other purposes. The Opposition has serious concern about the Bill. At a later stage, I will move a reasoned amendment and I indicate that, because of certain points that I will make, the Labor Party will oppose the Bill.

I do not want that to be seen as a totally negative position, because much work has gone into the measure. I shall refer mostly to the process by which the Bill has come about and indicate concern about the lack of real attention to the work of the joint working party in the preparation of the Bill.

Firstly, it would be agreed across the board that there has been grave concern over worsening industrial relations with teachers in this State. There is a tendency on the part of Government supporters to believe that is due to the teachers and teacher unions and that the poor relationship that has grown and worsened in recent years is the fault of the teachers. I happen to believe that is not a fair description of the circumstances.

**The Hon. H. M. Hamilton**—You cannot afford to admit that. They will put $1 million into your election campaign.

**The Hon. E. H. WALKER**—There has been some structural difficulty and the Bill addresses itself to that, but Mr Hamilton probably does not understand that.

**The Hon. H. M. Hamilton**—I understand that you ought to disclose a vested interest.

**The Hon. E. H. WALKER**—I should be interested to hear Mr Hamilton speak of a vested interest in this regard.

**The Hon. H. M. Hamilton**—I should be delighted to do so. The vested interest is that the organizations Mr Walker is talking about have offered to contribute $1 million to his party.

**The PRESIDENT (the Hon. F. S. Grimwade)** — Order! Mr Hamilton should cease interjecting.

**The Hon. E. H. WALKER**—I am pleased to have that matter resolved directly in *Hansard*. I do not wish people to believe I have some vested interest either in the Government as such, in the teaching profession or in teacher unions. However, I have some interest in the matter of industrial relations as between the Government, the people of Victoria, and the Teaching Service because that body is probably the most important body of individuals that this State employs. Apart from their numbers, they do an extraordinarily important job. Perhaps Mr Hamilton wants to decry or diminish that job. No doubt he is wealthy enough to send his children to schools whose teachers are not necessarily subject to the provisions of the Bill, so perhaps he does not need to worry about the Bill. However, I have grave concern, as do other honourable members who are interested in the State school system.

The intention of the Bill is to bring some new structure and management to the department, propably as a response to the work on the White Paper and as a response to the initiatives taken, starting with the seminar in March last year which ran on into a joint working party about which I will speak in a moment.

As an exercise in industrial relations, I do not think the process by which the Bill has reached the House has necessarily caused an improvement, because the goodwill that existed throughout the seminar and throughout the joint working party has been diminished to a large extent because much of what was called for has been pushed aside.

**The Hon. B. P. Dunn**—Most of it is in the Bill.

**The Hon. E. H. WALKER**—I shall point out what I consider to be most important. The key elements of the recommendations of the joint working party have been pushed aside. The Bill is still antagonistic to the unions concerned and rejects many of the working party's recommendations. In my view, it demonstrates a lack of trust. It should not centralize power around the Minister and the director-general in a way that I consider is not intended in this kind of structure. I do not expect to speak at length on this measure.

I shall try to be brief and summarize my points as this Bill was debated at length in another place where the Labor Party spokesman, to his credit and the credit of the Labor Party, summarized the report of the joint working party.

As I mentioned, the Minister called for a seminar which was held on 27, 28 and 29 March 1980 and at which agreements were established. The parties represented were the Minister and his representatives, the Education Department and representatives of the various teacher unions. One of the main agreements was that the joint working party should be established. The working party was to address itself to three points. Firstly, the salaries, terms and conditions of employment should be negotiated between representatives of the Education Department, as the employer, and the three teacher unions. That would seem to be self-evident, but the reality is that the existing legislation did not clearly define the Education Department as the employer. It was necessary to come to an agreement on that point, and the intent of the seminar was that there should be direct negotiation on salaries, terms and conditions.

Secondly, when negotiations do not result in agreement, there should be a mutually agreed conciliation process. That was the agreed basis for the working party. Thirdly, when agreement cannot be reached by negotiation

and conciliation, the parties may jointly refer the issue to a mutually-agreed arbiter authority.

Those points were to form the basis of the work of the joint working party, and the result was the Bill before the House. The working party was asked to refine the general agreements reached at that seminar and to report to the Minister. The important point I make is that the membership of the working party was certainly fair. It was well balanced. Apart from the chairman, who was Mr Kevin Hince, who is Dean of Business and Social Sciences, Gippsland Institute of Advanced Education, there were three nominees of the Minister and three nominees of the teacher unions.

**The Hon. B. P. Dunn**—There are more than three teacher unions.

**The Hon. E. H. WALKER**—I was making the point that the representation was balanced with three Minister's nominees, three union nominees and a chairman. The chairman was a person of high standing. The Minister's nominees were Alan Hird, the Assistant Director-General of Education; Mr G. Rogers, the Director of Personnel in the Education Department; and Mr W. Stelmach, the Director of the Office of Industrial Relations Co-ordination (Public Employing Authorities).

The teacher union nominees were Mr Crocker, President of the Technical Teachers Union of Victoria; Mr L. Rootsey, President of the Victorian Teachers Union; and Mr P. Vaughan, President of the Victorian Secondary Teachers Association. The group was serviced by two persons—Mr D. Richardson of the Education Department, and Mr R. Peatfield of the Gippsland Institute of Advanced Education. Both acted as secretary to the working party at various stages of the proceedings. I am referring to the final report of the working party dated 1 May 1981.

That was how the working party was constructed. It began work with a great deal of optimism with extremely capable people. It met on twenty occasions between May 1980 and April 1981 and produced certain working papers and two key position papers.

**The Hon. A. J. Hunt**—You are technically right, but it met in April and then adjourned.

**The Hon. E. H. WALKER**—From this report, I understand that it met on twenty occasions. Certain working papers were prepared and presented.

Paragraph 1.21 on page 4 of the report states:

> The Working Party has been concerned with developing a new framework for industrial relations involving all matters concerning the employer and employees in the Victorian teaching service.

Paragraph 1.2.2 states:

> The Working Party has placed a primary focus on the development of a system of industrial relations based on negotiation, conciliation and voluntary arbitration. The Working Party has been aware that the operation of such a system would be facilitated if consensus could be achieved covering the nature and structure of the system, and further that the operation of such a system is based on the goodwill and a desire for success on the part of all parties.

I stress the last sentence, namely that the operation of such a system is based on the goodwill and desire for success on the part of all parties. That is one of the major points in my speech, namely that the essence of any reasonable arrangements of this kind between the Government, as employer, and the Teaching Service of Victoria relies on that basis. I do not consider that the desire for success that was expressed by all parties during that joint working party has been reflected in what has occurred since or in the Bill before the House. That is a problem because it will exacerbate many of the problems that have plagued teachers in industrial relations.

It is a pity that that goodwill was lost. I do not consider that it is lost permanently; it can be reinstated. The recommendations and provisions of the working party document are eminently practicable and sensible. In a letter of transmittal to the Minister dated 29 April 1981, the chairman of the body, Mr Hince said in part:

> The Working Party wishes to confirm its willingness to meet in the future should you deem it appropriate—in order to assist in the process of drafting prospective legislation based on the report.

That was a reasonable and fair effort. The working party had done its job, and in a letter of transmittal it indicated to the Minister that it was willing to assist in the drafting of the legislation or any other related matter. Following receipt of the report, the Minister took no public action on the matter. He refused to discuss the issue with the unions and refused to table the report for at least one session of Parliament, as he said he would. He then introduced the Education Service Bill without prior and proper consultation.

I believe those actions have been incendiary, and it was unnecessary for the Minister to function in that fashion. The process had begun and in May 1980 the joint working party was in process. It could have resulted in a better piece of legislation and more satisfaction for the Teaching Service because the joint working party had come to reasonable agreements. It worked hard, and it received the ultimate of insults when the results of the working party, to a great degree, were pushed aside. The intent is as important as the letter.

Goodwill that has been built up is hard to regain when it is lost. In many ways, the Government repudiated the result of the negotiations of the joint working party. However, new machinery is needed and, in that regard, I am not entirely unhappy that the Bill has been introduced; I am simply unhappy that it does not reflect all the work that has been done. Agreements were reached that should have been maintained.

I shall briefly outline the working party recommendations. They are that, firstly, the Education Department should be the employer, which I have already mentioned; secondly, all matters that come within the Teaching Service should be negotiable, which is eminently reasonable; and, thirdly, there should be established a Teaching Service conciliation and arbitration commission. In a sense, this replaces the old and ineffective Teachers Tribunal.

The fourth item provides for the commission to make determinations in a whole series of circumstances. That is an important issue because the intention of the working party is that the commission should have the power to make the determinations. The Bill provides that the director-general and the Minister can go over the top of that power. In a way that does not exist elsewhere, and I shall go into detail about that later. The fifth item refers to detailed grievance procedures, which is reasonable. The sixth item relates to the detailed promotion and appointment provisions, and the seventh item details reasonable agreements in matters of discipline.

The document indicated that the working party should be consulted by the Parliamentary draftsman before proposed legislation is presented. That specific recommendation was made. The Minister has generously complimented the working party in statements he has made and, indeed, in the second-reading speech. The Bill largely repudiates this agreement. What do we find? The Governor in Council—that is the Minister—takes back the power of veto in terms of the determinations of the commission.

The Post-Secondary Education Remuneration Tribunal Bill which was before the House recently was similar. However, it did not contain those provisions about the Governor in Council, and general industrial commission machinery does not contain that provision. In a sense, the Bill is paternalistic and reflects a lack of trust in the machinery it establishes.

**The Hon. A. J. Hunt**—You are talking about provisions that are no longer there.

**The Hon. E. H. WALKER**—If that is so, it may be because I am working with patched-up information. As I stated, I have not read the full debate which took place in another place. I should be pleased if the Minister would correct me, and I am happy to withdraw any comments that are not applicable. I have done my best with the material offered to me with what appears to be a Bill rushed through this

House. The Bill has been rushed at this stage, and I shall be pleased to be corrected in some of my comments if required.

I have said before that the spirit of co-operative endeavour in making appointments to this commission seems to have been tossed out. There appears to be what one might call "a good behaviour clause" brought in with respect to appointments to the commission. The Government has widened the Bill to include all Education Department employees. I do not know whether or not that is a worth-while move, but it should not have taken place without proper consultation with the unions involved. I refer to the Federated Miscellaneous Workers of Australia and the Victorian Public Service Association.

I have letters which have been addressed to the Leader of my party and to the Minister indicating grave upset that this move has been taken without consultation. It is not characteristic of the Minister of Education to function in this way, and I am not sure why it was done. Discussions should have taken place because the Bill affects many people. This action destabilizes the industrial base with these two unions. Perhaps it was a move to try to cause a certain disruption of the industrial base, but that would be uncharacteristic of the Minister. It may have been an oversight, but it should not have occurred. I am pleased to note that after debate in the other place, the notion of voluntary arbitration was included.

**The Hon. A. J. Hunt**—It was in the Bill anyway.

**The Hon. E. H. WALKER**—This was not reflected in the original drafting, but it is in the Bill now. I am concerned that the director-general is given the power to over-ride the appointments board and the appeals board. That should not be the case.

As I read the Bill, the old notion of limited tenure employment remains. Temporary employees are not at all well off under the provisions of the Bill. The Government is pushing this "underdeveloped" Bill too quickly through the House in the last couple of weeks of the sessional period. The Government is anxious to see the Bill brought to bear, and I realize that it will reply that the Bill can be corrected once it has been proclaimed and is in operation. It is not good practice to have major amendments to a Bill and still find that the constituents to whom the measure is addressed were not consulted.

Major amendments were made to the Bill in another place and the constituents—teachers, schools and parents—have not had an opportunity of examining the amended measure. In the past the Minister has adopted a different procedure. He has allowed a significant time to elapse after the introduction of a Bill before debate is resumed. That has been a worth-while move, and honourable members have been able to debate effective issues at a much higher level because of it. In this case the matter is "underdone" and has been pushed through the House too quickly. This may be convenient for the Minister, and I hope it is not his intention to destabilize the industrial relations scene once more. Provoked actions of teachers and militant teacher unions do not do anyone any good. No responsible Government would wish that to take place.

The Bill is still strongly paternalistic in style and does not reflect the constructive attitude in which the seminar was run or the joint working party functioned. The Bill does not reflect the good work that occurred there; although it reflects some of the details. The Bill reeks of distrust of teachers and it can only exacerbate poor industrial relations. The working party laboured in good faith and in many ways has been pushed aside. For those reasons, I move:

> 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 a new industrial relations structure and processes in full accord with the Report of the Ministerial Working Party on Industrial Relations in the Victorian Teaching Service".

I commend the reasoned amendment to the House.

**The Hon. B. P. DUNN** (North Western Province)—This is one of the most important Bills affecting education that I can remember in my time in this place and it is likely to be one of the most important measures for some time. The Bill provides a complete change of direction and restructuring of the Victorian education service.

It is one of the processes that flow from the lengthy efforts of the Minister over the past two and a half years to come to grips with the Victorian education system which was run in a way that could not be allowed to continue. The situation had got out of hand. The system simply outgrew itself and became out of control. Minister after Minister in Victoria was not prepared to come to grips with the mammoth task of re-organizing the department.

The current Minister of Education is a man who is prepared to tackle the immense problems of reorganizing this vast area of State responsibility. Regardless of one's political complexion and whether one is a teacher, unionist or student, one must give credit to the work undertaken by the Minister. He will go down in history as a reformer of education. I hope the Minister has sufficient time in that role to ensure that the implementation process can effectively take place.

The changes contained in the Bill will create difficulties in the field of education for the next two to three years. Although there have been Green Papers, White Papers, inquiries, implementation task forces and so on, the foundation for education will be laid within the next few critical and important years. It is to be hoped that the present Minister of Education will ensure the implementation of these policies. The Bill may mean the provision of a new structure about which a new Minister of Education may have different philosophies which he would implement, to the detriment of the education system.

In recent years the National Party has been concerned that the State education system should regain the confidence of the community. There can be no doubt that over the last ten years the community's confidence in the education system has deteriorated rapidly. People have taken their children out of the State school system and enrolled them in private schools, which have been seen as providing the high standard of desired education.

One of the first and key objectives in regaining the community's confidence in the education system must be the provision of the highest standard of education. One of the key decisions that parents face is the type of education suitable for their child. Education is important today and parents are taking those decisions with the utmost seriousness. The enrolment figures demonstrate that parents do not have much confidence in the State education system.

Enrolments in non-Government schools are increasing, and enrolments in State Government schools are decreasing. One of the principal reasons for that decline in confidence has been the industrial action of teacher unions. Strikes are the key factor. Indeed, when teacher unions have taken strike action, I have told them that their actions are only hardening the community attitude towards the needs of the unions. In many cases those actions detrimentally affect the teaching profession and create a lack of confidence in Government schools, which in turn means a decline in enrolments and fewer jobs for the teacher union members.

In the 1970s there was much teacher union strike action. Some of that action was justified, although one could not fully justify strike action that affects the education of children. However, teachers were frustrated with the system, as was the Minister of Education at the time. The system was virtually running out of control.

In my role as spokesman on education matters for the National Party, I visit a large number of schools and meet with many teachers. Today, teachers in the main are as dedicated as they have ever been. There would be very few cases in which I could take exception to the work performed by teachers at schools. My children are

educated in the State primary and high school system. I have been satisfied with the standard of education that my children have received. The State education system, with improvements, can serve the needs of most communities and students.

The majority of Victorian teachers are responsible and dedicated. Unfortunately, their standing in the community has been affected by the actions of a minority group of teachers. There have been scandals in the education system that have affected the community's confidence in the system. I cite the example of the health and human relation course. That course has led many parents to believe that the incorrect curriculum was being used in State schools.

It is pleasing to note that steps have been taken to ensure that sound guidelines and scrutiny are exercised over school curriculums. It is to be hoped that the Minister of Education will ensure that the guidelines that are used to protect students and their parents will be adhered to in all State schools.

I congratulate the Minister on attempting to come to grips with the problems involved in education. The Minister of Education is a man one can talk to. He is a man who listens and acts. He does not pass matters over to some departmental officer so that those matters become lost in the system. It is to be hoped that the Minister can restore the community's confidence in the State education system.

One of the major areas of concern with this Bill has been voiced by the Victorian Public Service Association, which sees its members being integrated into a service that will be largely tailored to meet the needs of teachers and schools. Like the Labor Party, the National Party has received letters and met with representatives of the association and discussed its objections to aspects of the Bill. The association has held meetings, which have passed unanimous resolutions totally rejecting the concepts contained in the Bill. Those meetings have voted to totally oppose the removal of public servants from the provisions of the Public Service Act 1974 and their incorporation under one Education Service. At a meeting called by the association on 20 November, its members called on the association to make representations to the political parties and their representatives in Parliament to advise the Government of the likelihood of industrial action in protest at the Bill. A similar meeting was held on 25 November.

The association is concerned that its members will no longer enjoy the provisions of the Public Service Act, but will come under the provisions governing salaries, conditions and so on contained in the Bill. The association is alarmed and, therefore, the National Party will support the reasoned amendment moved by Mr Walker.

The National Party will register its protest at the lack of consultation the Government has had with the association. The National Party is concerned that this detailed and complex Bill has not been discussed with the relevant associations throughout Victoria. The Minister sent out a list of questions and answers on the Bill, and that information has been of help, but the document was dated 3 December, and there has not been much time in which discussions could be held. That is a second point of concern to the National Party—the Bill has been brought into the House fairly hurriedly and is being pushed through both Houses.

The other aspect of concern in the Bill is that of the working party. Mr Walker referred to the excellent work undertaken by the Ministerial working party on industrial relations in the Victorian Teaching Service. I have studied that report, and it is a credit to the people who were involved in it that they agreed on such a far-reaching document. Obviously there was give and take on all sides to achieve this document, and I pay a compliment to the working party. The National Party is concerned because the Bill was drafted and brought into Parliament without being referred back to the working party.

One of the recommendations made by the working party was that further discussions should occur before this took place. The recommendation provided that before any of the recommendations agreed to by the working party were drafted as prospective legislation, the Parliamentary Counsel should discuss the recommendations with the working party. It need not be the Parliamentary Counsel. I suppose it is the responsibility of the Minister or his representatives on the working party to undertake this task. I do not believe that members of the working party were called together to discuss the terms of the Bill. If that had been done, it may have short-circuited some of the concern and opposition that has been expressed to the Bill.

Those are three of the key areas. The fourth key area has been dealt with by the Minister of Educational Services in another place. That refers to the decision after the procedure of conciliation and arbitration being binding on the Minister to accept.

In the Bill the Minister has also made a change which will give him discretion in regard to Public Service employees in the Teaching Service. However, that overcomes only part of the objections, and I want to deal with those two or three broad areas of principle before coming to individual aspects of the Bill, because these are the key areas of concern.

The first area of concern deals with the Public Service. In clause 4(3) the Minister has added the provision that:

> The Minister, after consultation with the Public Service Board may from time to time in writing specify that certain offices or classes of offices in the education service correspond with specified offices or classes of offices in the public service.

Later in clause 10(4) the Bill provides:

> In making any determination in relation to an office or class of office in the education service which has been specified under section 4 (3), the Minister shall have regard to the public service determinations for the time being in force in relation to the corresponding specified office or class of office in the public service.

Those provisions allow the Minister to determine a class of office in his department as corresponding to the Public Service and to ensure that the determination of the Public Service Act 1974 may be the determination applying to those offices. That overcomes some of the problems envisaged by the Victorian Public Service Association, and means that the Minister will have some discretion. However, the association is still deeply concerned about the Bill and is generally opposed to its members being incorporated in the Education Service.

As I said earlier, those are the key areas. The first is the Public Service situation, which has been partly overcome. The second is that the matter was not referred back to the working party which originally drew up the proposals on industrial relations, and the third is that insufficient time has been allowed to deal generally with the Bill or to allow members of the public to study the Bill and comment on it.

The National Party intends on those grounds to support the reasoned amendment moved by Mr Walker to express its concern. As I said, the Bill is a far-reaching one: One of the prominent features of most of the legislation introduced by the Minister of Education is his firm belief in Ministerial responsibility and control. The Minister operates in that way, and in the Education (Amendment) Bill and now in this Bill extensive Ministerial control has been provided, either expressed through the Minister or the Director-General of Education or, if they wish, delegated to somebody else. Nevertheless, the power given to the Minister in this Bill is immense. So, too, is the power given to him under the Education (Amendment) Bill, which was passed through the House and which gives him the power to appoint persons right through to regional directors. Under this Bill the Minister is given extensive powers, and I shall come to those shortly.

I trust that Parliament never regrets the passing of this legislation. I hope the Minister realizes that the measure that he is proposing to place on the statute-book with this Bill could be irresponsibly abused and used by a Minister in office, and the effect of

that could be disastrous for education in this State. Victoria could face the prospect of a Labor Government being in office next year, and the Minister of Education may well be facilitating the passage of legislation now which could be used by another Government.

**The Hon. R. A. Mackenzie**—Are you implying that a Labor Minister would abuse it?

**The Hon. B. P. DUNN**—I am not implying that, but I am saying it could be used by people of a different political philosophy to make major changes in the education system, and through these Bills the Minister will have the power to do this. The Minister can even change the regional directors, if he wishes.

**The Hon. R. A. Mackenzie**—That may be necessary.

**The Hon. B. P. DUNN**—If that is done, it will cause instability in the education system. As the Minister would realize, there is a lack of confidence in the schools amongst principals and teachers. They are not sure where they are going, and I do not blame them for that, because who knows where they are going? Not many people understand the changes that are taking place in education at present, because they are extensive. I hope the House is aware of the degree of Ministerial control allowed in the Education (Amendment) Bill, and which is also evident in the Bill now being debated.

Some of the major points in the Bill are designed to give the Education Department the power of the employer in place of bodies such as the Teachers Tribunal, the Teachers Registration Board and the Committee of Classifiers. The department will be the employer and there will be a system of direct negotiations by unions and people in the service with their employer, which is the department, and I agree with that concept. We do not have any real contact with the Teachers Tribunal. The Minister maintains that the Government does not even instruct its representative on the tribunal. That tribunal has not been able to come to grips with the sorts of problems that it must deal with in an area as extensive as this. The tribunal has not been able to make decisions; it has been a source of frustration and difficulties. The sooner the powers of the employer are transferred to the department, the better it will be. Direct negotiation procedures will be establised as a result of the working party report and this Bill.

I wish to mention some points contained in the Bill and I shall go through them in order. The department will have the power to make appointments. One of the key points is the provision for probation. Every officer of the education service, not just teachers, will be under a probation period. I think it has been limited to one year.

**The Hon. A. J. Hunt**—One year plus one extension of not more than one year—possibly two years.

**The Hon. B. P. DUNN**—Yes, but the Minister's earlier consideration meant that probation could continue indefinitely. The National Party believed this put the employee under considerable duress. He or she would not be able to feel secure in his or her employment during the whole time of that employment in the service. Most people agree that there should be a probation period. The National Party believes when teachers are being trained they should be involved in schools as much as possible to test them for adaptability. If possible, they should be tested before going into training, to ascertain whether they have the aptitude for teaching. I do not think there will be any qualms about the probation period, but that is an important power.

The Bill will give the director-general the ability to engage temporary personnel. That may include the provision to deal with part-time employment or temporary employment. There will be a register of people prepared to teach on a part-time basis. The director-general will select from that register and the persons selected may be employed for a year in that temporary position with extensions for another year if so required. The director-general will determine salaries and conditions and at any time may dismiss those

temporary employees. That will be a mammoth task which will be a role delegated to some degree by the director-general. It will give the department some flexibility.

Salaries, wages and conditions will be determined by the Minister. That is one of the important powers vested in the Minister by the Bill. Clause 10 reads:

> The Minister shall determine the salaries wages or other remuneration for officers and employees in the education service.

That power was normally vested in the Teachers Tribunal but now the employer, the Minister, is taking it over. Of course these determinations may be disallowed by Parliament under the provisions that normally apply, and teachers and employees of the education service may, through the Victorian Education Service Conciliation and Arbitration Commission, seek direct negotiation in relation to their salaries, wages or conditions and so on, and go through the procedures of conciliation and arbitration.

The establishment of that Education Service Conciliation and Arbitration Commission is probably the second most far-reaching aspect of the Bill. It has been arrived at after lengthy and valuable debate by the working party. It will work on a voluntary system whereby, in my understanding, the employer and the employee will first voluntarily agree to seek these procedures. That process, if it will and can work, and only time will tell, should lead to much better relationships and a much quicker solving of industrial disputes that may occur. That commission will have power to prevent and settle disputes. Disputes regarding salaries, wages and remuneration and terms and conditions between employer and employee will go straight to the commission. That body will be tested but I think the provision is an enormous step forward.

The new director-general, Dr Curry, has a mammoth task as has the Minister under this Bill and I wish him well as I do the Deputy Director-General, Mr Kevin Collins. Together with the Minister they have an important role to fulfil but their role is a permanent one. In politics, political appointments and portfolios, nothing can be as permanent as the permanency offered to a head of a department such as Dr Curry. Under this Bill he will have enormous powers which it is believed he will exercise with responsibility and fairness. The National Party wishes him well and we will be co-operating with him in these very important years of change in education. His role here extends to a whole range of matters which can be delegated through the Minister or are responsibilities he has himself, such as leave of absence and discretion as to the time of granting leave so that the service will not be unduly affected by the granting of such leave. That is a huge provision. For years honourable members have been talking about the shortage of teachers that occurs at different times of the year, particularly in the mid-term period.

This clause provides the power for the director-general to rationalize leave. I do not know how that will work when the director-general actually instructs a maths-science teacher that he cannot go on long service leave in mid-term but must take that leave at another part of the year. I can envisage some problems developing there, as no doubt can the Minister. Whether this Bill will work is anybody's guess. I do not know whether in all other fields the employer has the discretion to say when his employee can take long service leave.

**The Hon. W. A. Landeryou**—In all of it.

**The Hon. B. P. DUNN**—Mr Landeryou says that it occurs in all of it. I hope this provision will work. There have been tremendous problems in mid-term when schools have been disastrously affected and teachers have gone on leave from areas in which there has already been a massive shortage.

Another provision of the Bill allows for the retirement at 60 years of age of persons employed in the service. That provision will have some acceptance from teachers. Some principals

would like to leave the system and they would be better off doing so at the age of 60 years. The director-general will have the power to call on people to retire if they are between the ages of 60 and 65 years, if he so desires. In other words, if the Minister believes the person is not capable of filling the position he will not say, "We will terminate your employment", but he has the power to call on that person to retire from the service. That is another far-reaching power that will be in the hands of the director-general.

The Minister will even have the power to set rentals for premises owned by the Teacher Housing Authority.

**The Hon. A. J. Hunt**—No, that will only apply to a few departmentally-owned places.

**The Hon. B. P. DUNN**—I thought it had a wider application. I can see the Minister's point. In reading the clause, I excluded the Housing Commission and so on, but the Teacher Housing Authority comes under that area.

Appointments to schools will be made by appointment boards that will be established and I am pleased that, in the case of appointments of principals, those boards will be required to consider the recommendations of school councils. The National Party supports that provision. That situation has worked well in the field of technical education, where, I think, the rights have gone even further than recommendation. The community and the school council should have a say in who occupies the important position of school principal. The principal will become a key figure, even more than before. Under the provisions of the Education (Amendment) Bill, the direct line of control was through the Minister, to the director-general, the region and then the principal.

The principal will have a vital role to play and members of the National Party are amazed that the Minister, who must have had these things in mind when he took action after the principals were granted an increase in salary by the Teachers Tribunal earlier this year, should have taken the action of overturning that decision. The honourable gentleman must have known that he was about to ask principals to accept even greater responsibilities than they had had before, but he nonetheless overturned the decision of the Teachers Tribunal, for the first time on record, and threw out the wage rise. The claim of the principals has still not been dealt with by the tribunal. Victorian school principals have had a skinful of this system. They are bitterly disappointed with the Minister and the Government.

It staggers me that the Government could have taken that action. The principals have taken it on the chin for the Minister at school level. They are the ones who have taken the flak because of the problems that have been created by these proposed changes, but what did the Government do? It deserted them. It overturned a salary rise, which members of the National Party were prepared to support, although many members of the community would have said, "Blow them". Members of the National Party stuck their necks out and supported the principals.

**The Hon. W. A. Landeryou**—Courage!

**The Hon. B. P. DUNN**—If Mr Landeryou cared to remember, he would recall that at the time there was considerable discussion about the salaries of principals and many members of the community were against any rise of that order. That led to a knee jerk reaction from the Minister. The claim has now been thrown in with all the other claims before the tribunal. It should have been dealt with separately. The Minister has taken the principals into a separate stream and has done it through this Bill.

The tribunal took account of the additional responsibilities of principals at the time of making the determination, which is why they were given the award, which was just, and their responsibilities have increased since that time. They are disappointed and disillusioned and will take a long time for the Minister to regain their confidence.

The director-general will be empowered, under the Bill, to take extensive disciplinary action. For instance, clause 67 provides:

(1) Every officer who—

(*a*) commits any breach of this Act or the regulations;

(*b*) commits any act of misconduct;

(*c*) conducts himself in a disgraceful, improper or unbecoming manner in his official capacity or otherwise; or

(*d*) fails to fulfil his duties—

shall be guilty of an offence.

(2) An officer who is guilty of an offence under sub-section (1) shall be liable to any one or more of the following penalties:

(*a*) Reprimand;

(*b*) A fine not exceeding $2000;

(*c*) Reduction in classification or grade;

(*d*) Removal from office and appointment to another office;

(*e*) Dismissal.

The tribunal has that power at present, but the measure provides for it to rest in the hands of the employer, the director-general. The power will probably not be used very often, but it exists and it is a wide power.

Members of the National Party place great importance on the delegation of responsibilities to the regions and to the regional directors. We are bitterly disappointed with the way in which the Minister has dealt with the Horsham region, because that important centre has been left without a regional director. Ballarat and Bendigo have become the regional centres and the people of the Wimmera will have to deal with a regional director who is based in Ballarat. I have had this out many times with the Minister, who has taken an uncompromising position. I am not approaching him again, because I believe his word the other night was final, but this issue is vitally important in the Horsham area.

**The Hon. A. J. Hunt**—I appreciate that.

**The Hon. B. P. DUNN**—All of the municipalities, virtually the whole community, would like the Minister to reconsider his decision. The National Party will seek to restore the position of a regional director based at Horsham. Regional education has worked well there and it can work well throughout the whole of the State.

The particular problems of country schools have been discussed in this House many times. Country schools have specific problems with staffing because of the enrolment situation and because quite a number of students are leaving the State system and moving into non-Government schools. Country schools must receive special consideration to enable them to fulfil their responsibilities in providing students with the appropriate educational services. Much responsibility should be delegated back to the school level. Contracts should be left in the hands of regions and in the hands of schools themselves. As many contracts as possible should be in the hands of school councils with support services being provided through the regions.

Time and again I have mentioned shared teachers, but the Minister has still done nothing about it. The Minister promised that he would examine the shared teacher scheme in 1981, but he did nothing about it. The Minister also promised to examine the scheme further in 1982, and I do not think I shall hear anything but promises. The Bill gives the Minister the power to act in this area.

I hope the honourable gentleman comes to grips with the problem. It is unfair that Victorian school children are often denied a musical education, for example, particularly in country areas. A shared music teacher scheme operated a few years ago. A scheme for shared librarians and physical education teachers as well as a whole range of specialist people also existed, and this was abolished by the Education Department to try to save a few lousy dollars.

The result is that the libraries of small schools have been downgraded. These schools do not have a trained librarian. The libraries have been provided by the parents and mothers' clubs who have bought the books and facilities. Therefore the Government cannot

claim credit for them. The Government has withdrawn staff to save a few lousy dollars.

The Minister is also aware of the extensive development required to fulfil the technical needs of students in Victoria. I refer to technical education through technical schools, technical high schools, technical and further education and the development of technical components at various secondary schools. The Minister has been prepared to recognize that need, and I thank him for it. However, a shortage in trade teachers exists. In a letter to my colleague, the honourable member for Rodney in another place, the Minister of Education stated:

> General speaking accusations of shortfalls in teaching strength in technical schools and colleges are not substantiated.

That is not right. In 1980 a shortage of 155 trade teachers existed. This information was provided to me by the Minister of Education in reply to a question. In some schools, apprenticeship classes have been dropped because trade teachers are not available. A similar problem exists this year although the figure may not be as high. There is a shortage of mathematics and science teachers in Victoria. The Minister provided figures recently in this House which indicate that a disastrous position is confronting us. These areas will have to be given special attention because, as was pointed out earlier in the debate about the Ministry of Employment and Training, Australia is limited in the development of its natural resources as it lacks technicians and trained personnel.

The need to provide audio-visual resources in Victoria is recognized by virtually all country members of Parliament. The service would involve films, publications and a whole range of other activities. The National Party trusts that audio-visual resources can still become a major part of the education service which is being set up, and I trust that it will be based on regional headquarters to service each and every school in Victoria.

As recently as yesterday a cut was made in the number of personnel in the audio-visual resources branch in Bendigo. The original staff was five. One member of the staff was informed that she had to go back into the teaching system at the beginning of the next school year.

I understand that considerable problems exist regarding the health and human relations courses in schools. I received complaints that the guidelines are not adhered to. The complaints come from parents who feel that the children are not given the full facts and from teachers who consider that the parents are interfering. We need to examine the extent to which the guidelines are adhered to in our schools.

The Bill, which is of tremendous importance in restructuring Victoria's education system, generally has the support of the National Party. However, because the Minister did not return to the working party and discuss the matter further, this was detrimental to the congenial atmosphere in which the Bill could have developed.

The Public Service employees are not happy about being lumped into the education service, and that will be a sensitive area with which the Minister will have to deal in the future. Because of the amendments made to the Bill in another place many requests will come to the Minister to declare certain officers in the service to be in line with the Public Service Act and to have the same remuneration and conditions under which public servants work.

The National Party wishes the Bill well although it realizes that the teacher unions are not happy with it. The Minister has been receptive to some of the amendments proposed, and I congratulate him on dealing with a considerable volume of amendments. The National Party supports the amendment proposed by the Opposition as a protest about the points of opposition that I have outlined.

*The sitting was suspended at* 6.18 *p.m. until* 8.5 *p.m.*

**The Hon. N. F. STACEY** (Chelsea Province)—I support the Bill and reject the amendment moved by Mr Walker. Mr Walker was kind to the House in that he tended to indicate, on my

understanding, that he would adopt the speech that was made in another place and give a brief resume of what his thoughts were and in his final remarks, he moved the amendment that is before the House.

On the other hand, in a carefully prepared speech, Mr Dunn had a clear understanding of education in Victoria and some of its difficulties and problems which are inevitable in such a large organization. However, it is my impression that then Mr Dunn went outside the ambit of the Bill and raised some of the difficulties that he observed in the development of the regional office at Horsham and other matters, and then indicated that the National Party would support the amendment.

It is my hope, in the time available to me, that perhaps I can convince Mr Dunn to reconsider his position and recognize that this measure is an important piece of legislation.

**The Hon. D. M. Evans**—Therefore it is important to get it right.

**The Hon. N. F. STACEY**—I agree that it is important to get it right and I shall come back to that. This is a very vital measure that will chart the course of administration of State education for decades to come. At this point I compliment the Minister of Education for the amount of dedication, effort and intelligence he has applied to what is in fact a reformation of education administration in this State.

There is no doubt that since the 1870s education has gradually grown somewhat like topsy and in recent years politicians of all ilk have recognized some of the difficulties that are implicit in the system of administration of education.

When one thinks for a moment one realizes that we have some 55 000 registered teachers and a large administrative section dedicated to the administration of that group. There are also 660 000 pupils or customers and therefore education, without a doubt, is the largest industry in this State and one of the most important from the point of view of State administration.

It is interesting to note that when I joined the Education Department in 1954, for a period of some twenty years I remained in the Teaching Service but when I joined the education service there were only 21 000 teachers and one was not very long in the Teaching Service before one knew a large number of the people involved in the Teaching Service. I can remember people who were intent on promotion crossing off the names on the promotion list as they died in the hope that in ten years time they would be in such and such a position.

Now with a Teaching Service of 55 000 teachers, the personal contact that actually made the education system work over the 1950s and 1960s just does not exist any more. With more and more teachers in the classroom, we have seen the administrators in Nauru House controlling their destiny more and more. This is a very temporary intervention by a responsible and authoritative Minister in casting the whole administration of education. I have no doubt that the Honourable Alan Hunt, the Minister of Education, will be remembered far more for this proposal than for his pioneering work in the field of planning.

This Bill was introduced in another place a month ago, and to suggest that people have not had time to fully consider it in that month is not a fair representation. There were more than 50 amendments made to the Bill in the Legislative Assembly. That has not changed the tenor or the flavour of the Bill but it has clarified the provisions set out in the second-reading speech.

I compliment the Minister for his flexibility in arranging for these amendments to be made in aonther place. The Minister, in answer to a question on the motion for the adjournment of the sitting in the past three weeks,

said that he was willing to accept proposals for amendment and change before the Bill got to this stage. I compliment him for having a broad approach to this measure.

When the Bill was introduced a month ago in another place, I made it my business to talk to a number of practising teachers in the field whose opinion I respect. I spoke to Mr Barry Smith, a regional officer of the Victorian Teachers Union based in Frankston, and he was at that time talking about editorial amendments. In answer to the interjection, Mr Ward was an outstanding editor of the Victorian Teachers Union journal and he made useful comments on workers compensation for teachers. Mr Barry Smith, the Victorian Teachers Union representative in Frankston was concerned about editorial amendments to the Bill, and he said, "We are not very happy with the Bill as it is". Since that time 50 important amendments have been made. Those amendments are the result of the Minister consulting very closely with the group now known repulsively as the "three ORGs". It sounds almost as if it is concerned with the stomach of things.

I am sure that the leaders of the three main teacher unions have made representations to all parties. I also had a talk with Mr Lester Rootsey, the President of the Victorian Teachers Union. I have known him for a number of years and I have had close discussions with him on a number of occasions. A few weeks ago he said, "We are frightened about this legislation. We do not know where it is going to lead us. Maybe we will have to challenge it in the High Court". The representatives of the Victorian Teachers Union to whom I have spoken are concerned about the Bill because it will bring change. There is nothing more comfortable than what one knows, and nothing more fearful than what one is not sure of. These people are concerned that the Bill will not be applied in the way they think it should be applied. It is difficult for these people. They have grown up in a system for 20, 30, 40 years, to which they have become accustomed, but now this is a new ball game and they are not sure if it will work.

Mr Dunn made the point that teacher union representatives have made representations to all parties, as is indeed their right, and I suppose their obligation. The only thing that concerns me about it is that the ruling councils of these teachers organizations have made a political commitment to the Opposition. What is the independence of the Australian Labor Party political spokesman considering the commitment that has been made to the Australian Labor Party by the three organizations?

**The Hon. B. P. Dunn**—They are supported by a lot of the teachers.

**The Hon. N. F. STACEY**—I question whether many teachers are willing to go along with that. I do not believe that to be so, and I talk specifically of the 23 000 members of the Victorian Teachers Union. The Victorian Teachers Union, in recent days, has agreed to become affiliated with the Trades Hall Council. The Victorian Teachers Union has a long and honourable history of being separate from political parties, and now it has made a commitment, together with other unions, to support the Australian Labor Party election campaign to the extent of $100 000. It frightens me when I hear Mr Walker talk in brief terms about this Bill and say, "We are going to ask for it to be re-written". Who is wagging the tail in this situation? A great number of teachers do not understand what is proposed. Teachers are fearful of finding themselves the pawns of political parties involved in an election campaign. Teachers have the blessing of not having compulsory unionism, and more and more teachers in the past three months, since the three organizations of teacher representatives decided to make considerable cash donations to the Australian Labor Party, have chosen to opt out of the unions because they do not want to be part of a political organization. They see the main role of their teacher organizations as representing them as

a profession, and they do not want to become the tool of a trade union organization. That is the view of a number of teachers in this State.

It is a surprise to a number of people in the community that the Education Department was never the employer of teachers. It is a great surprise to a whole host of teachers because the cheque they received every fortnight was marked from the Education Department. Honourable members now recognize that the Education Department was not the employer. In fact it was difficult to determine who was the employer. Six or seven years ago the Teachers Tribunal decided that primary schools with more than a certain number of pupils should have a principal and two non-teaching vice-principals. That was a vital decision that should have been made on educational grounds. It should have been made on the grounds of educational understanding of placing teachers in schools with an enrolment of more than 500 pupils, but the Teachers Tribunal decided there would be two non-teaching vice-principals in addition to the principal in schools with an enrolment above about 500 students.

**The Hon. B. P. Dunn**—Why didn't you move to disallow it?

**The Hon. N. F. STACEY**—I was not here at the time.

**The Hon. D. E. Kent**—You were the political teacher.

**The Hon. N. F. STACEY**—One might be a member of a political party, but one does not instruct the Parliamentarians. That is a perfect example of an organization that had control over teachers but was not the employer of teachers, although it made a determination in terms of non-teaching vice-principals that really was not thought through in the light of educational objectives. I am not arguing about how that decision has been carried out in practice. It is my experience that, in practice, much good work has been done by non-teaching vice-principals.

**The Hon. R. J. Eddy**—Are you saying vice-principals do not teach?

**The Hon. N. F. STACEY**—I am trying to make the statement that, in practice, the system has worked well. It was a clear example, however, of not considering the educational objectives of the employer in terms of determining how employees should spend their time. That is the distinction I am drawing. This is not an isolated example. One can go through the 55 000 teachers and the massive administration of education in this State that is now centred in Nauru House.

As an example, one could quote the Counselling, Guidance and Clinical Services Branch of the Education Department. That branch has performed a useful service in this State. There are, to my knowledge, many dedicated people in that service who have provided important back-up for schools throughout the State, but the sort of problem they face and the sort of problem the Bill recognizes is that, in that staffing set-up, there are teachers, public servants, teachers who work beside public servants doing similar work and teachers who, at about this time in December, take a six-week or seven-week Christmas vacation while their partners working beside them in the same office, doing similar work, receive only four weeks' Public Service annual leave and not the terminal vacations to which teachers are accustomed.

Why do teachers have nine or ten weeks' vacation each year? The real reason is that it was decided some 100 years ago that children should be able to enjoy the best part of the summer season. That there should be ten weeks' annual leave for children is reasonable and responsible, but the question arises whether teachers should continue to enjoy the same sort of holidays that children enjoy.

**The Hon. D. E. Kent**—Do you not acknowledge the fact that teachers spend much of that time in preparation work?

**The Hon. N. F. STACEY**—No.

**The Hon. D. E. Kent**—They do.

**The Hon. N. F. STACEY**—Mr Kent has been conned again. The few teachers throughout this State who

work on educational matters—and I say this with due regard to the profession of which I am pleased to think myself still a part—between 19 December and the end of January could be put in a paper bag. The only people who voluntarily work as teachers during that period are those teachers in secondary schools, both high schools and technical schools, who have the responsibility of organizing the time-table and organizing class-rooms.

**The Hon. Joan Coxsedge**—How many are in the paper bag?

**The Hon. N. F. STACEY**—Very few teachers work throughout the whole of January. The question that is addressed by the Bill is that all of those people involved in the Education Department will become employees of the Education Department, including teachers, professional officers, people involved in support services, school cleaners and laboratory assistants. There can be no doubt that a consequence of this Bill will be that, in years to come, people will examine the vacation that teachers enjoy because children do not come to school. In years to come, teachers who at present take leave for study courses and in-service training will be asked whether they could not better undertake those courses in January than at the beginning of March. The employer should ask teachers whether they ought to disadvantage children in schools in order to undertake in-service training which could equally be undertaken during what is now the children's vacation period.

Every teacher knows that, when the chips are down, he is working Public Service hours. If he is working Public Service hours, when the chips are really down he is entitled to Public Service annual leave.

One matter mentioned by Mr Dunn and acknowledged in the Bill is the question of long service leave. I will not bore the House by quoting the statistics relating to teachers who take long service leave during the cold months of the year, but that situation poses a huge administration problem for the Education Department in providing more than 2000 teachers with long service leave in the second term when those teachers, as I did in 1974, go north for the middle term of the year.

The problem is compounded in terms of the decision to grant long service leave, and it has always been the case that one made application to the employer saying, "Please, can I have long service leave starting in May and ending in September?"

The problem is compounded by the fact that females in the Teaching Service wish to take confinement leave in June and July, so the problem is not that 2000 teachers require leave but rather that 4000 teachers require leave. Mrs Coxsedge, who interjects, need not worry; the Government will not make people have babies in June or July, but under the terms of the Bill it is hoped to regulate long service leave so that the whole service is not disrupted when teachers wish to take long service leave in the cold months of the year.

**The Hon. G. A. S. Butler**—Are you banning sex in schools?

**The Hon. N. F. STACEY**—No, but I would rather keep it out of the playing fields!

I wish to raise two other points. The first relates to the Teachers Tribunal. Many teachers look back to 1947 when the Victorian Teachers Union managed to have a Bill introduced and passed by Parliament which set up the body known as the Teachers Tribunal. In terms of professional activity for the reform of the service, that was a high water mark for union members at that time.

The Teachers Tribunal served the State effectively and efficiently for 30 years. However, during the past decade or so, people have manipulated that system so that the tribunal now has representatives from the primary, secondary and technical sectors and from whoever else can get on it. Over the past five years at least, doubts have been cast upon the tribunal by teacher union spokesmen and the esteem in which the tribunal was

previously held has been diminished. That was the beginning of this legislation. The tribunal was diminished in people's minds. It certainly needed replacement, and the replacement was to recognize the responsibility of the tribunal, for instance, in disciplinary action, which Mr Dunn mentioned earlier. The power of the tribunal was not frequently used. It was not the power of an independent body but properly the power of the employer, the Education Department.

The tribunal was the body that was supposed to be responsible for determining wages. It was on that point that the Minister of Education began contemplating the problems that this Bill answers. One of the difficulties the Minister faced, and the Hince committee contemplated, was in trying to determine whether a demarcation line could be drawn between vital issues that should go to conciliation or arbitration and minor issues that could be dealt with by a smaller group, which in this Bill would be the Education Service Appeals Board. The vital issue of teachers wages and conditions should by definition come within the arbitration and conciliation provisions of the Bill; and other minor things should go to the employer and by appeal to the Education Service Appeals Board.

The Bill sets the ground work for that sort of declaration to be made in future. The Bill sets up a body for arbitration and conciliation and also provides an appeals mechanism for those things that come within its power. To my mind, that is a wise decision. Legislation always comes unstuck when some bright person tries to define how it will work in precise terms. This Bill has a broad framework and, with the goodwill of all parties involved, such as the four teacher unions that operate at present in the service, and with the understanding and willingness of the unions that are represented and the goodwill from the thousands of teachers who choose not to belong to either organization, the Bill has a framework on which a proper, just and equitable basis for employer and employee relationships exist.



I consider that Mr Dunn should reconsider his position because I believe it was based on matters outside the Bill. The matters that concern him are the elected representative in the Horsham regional office and other matters such as library services, visual education and so on.

**The Hon. B. P. Dunn**—I was outlining the grounds on which the National Party would vote.

**The Hon. N. F. STACEY**—Overriding those grounds were concerns over matters that are already in place and have nothing to do with the employment conditions and working rights of teachers and the employer, the Education Department. I support the Bill and reject the amendment.

**The Hon. C. J. KENNEDY** (Waverley Province)—This is the type of Bill that will ensure the most radical change in the political set up in Victoria in the past ten or fifteen years. When one considers the situation in 1967, one realizes teachers had never been on strike before. They were forced into striking over the years by Liberal Party Governments, whether it was the Bolte Government, the Hamer Government, the Thompson Government or whoever replaces Mr Thompson as leader in the next imminent coup.

I recall that when I was a candidate for the Labor Party in 1967 I visited the Victorian Teachers Union and was introduced to a gentleman, Mr Roy Ward, the assistant secretary. He asked me what I wanted. I said that as the Labor candidate for Bennettswood I wished to speak to the man who ran the Victorian Teachers Union, as it was a large and important education body. It was then and still is now.

I was told by Mr Ward that I would not be able to meet the secretary, Mr Schubert. Mr Ward asked me who I was standing against. I replied that it was Mr Ian McLaren. Mr Ward said that he was a good friend of his. That demonstrates the type of organization the Victorian Teachers Union was then. The policy of telling teachers that they could strike until their feet dropped off

gave them plenty of cause to strike. The current Premier, who was previously Minister of Education, gave them the same sort of treatment as the present Minister of Education is giving them. Newton's law that, for every action there must be an equal and opposite reaction, applies.

This Bill deals with 50 000 of the finest teachers who teach 600 000 of the finest children in this State. There has been no consultation on the measure with teachers or Public Service unions. The salary of the Minister's own company union secretary is paid by the Government. At no stage was the Victorian Teachers Association, the Victorian Secondary Teachers Association or the Technical Teachers Union of Victoria consulted on these matters, nor was the Victorian Public Service Association. None of those important organizations was consulted.

I shall not say much about the school principals because they have been responding to the Government's cause for many years and have raised enormous amounts of money in fees and charges of up to $25 million to $30 million a year. The Minister is too miserable to ensure that they receive a proper pay rise to which they have been entitled in the past two years. The Government is running out of friends, and in politics one should not have more enemies than friends.

With the Post Secondary Education Bill the Government successfully antagonized students. I point out that the Government is making a serious mistake. It is dealing not with Mickey Mouse organizations, but with highly-organized professional people who have some of the finest qualifications in this country and who know how to organize themselves and to teach. They know how to do many things, including how not to lie down and take it.

One has no choice other than to support the excellent reasoned amendment moved by my distinguished Deputy Leader, Mr Walker. This massive piece of legislation is a complete replacement of the Teaching Service Act 1958 and should not become law if there is the slightest question regarding the adequacy of its provisions, or if it is open to challenge. I commend the amendment to the House and oppose the motion.

**The Hon. ROBERT LAWSON** (Higinbotham Province)—I could not possibly match the marvellous display of oratory by Mr Kennedy but I intend to clear a point of confusion that arose during the debate because of an interjection from the Leader of the House. Many inquiries have been made about what was actually meant. Mr Stacey made reference to the number of teachers he could fit into a paper bag, the Leader of the Government interjected that possibly it was the same number as those that could fit on the head of a pin. This interjection caused great confusion among Opposition members.

The Minister of Education, as befits him, has had a liberal education and was referring to one of the great debates of the Middle Ages when the universities of the time taught the art of logic. One of the questions that students were asked to debate as an exercise in logic was, "How many angels can dance on the head of a pin?" The answer was, "One, or up to an infinite number". This was the basis of the Minister's interjection; he did not intend to denigrate anyone. It may be the thrust of the point about the number of teachers who carry out activities connected with their profession during the holidays—that number being the same as the number of angels that can dance on the head of a pin, either none or thousands.

My comments may not have added much to the debate, but I merely attempted to lift the palpable fog of ignorance hanging over the Labor Party benches.

**The Hon. A. J. HUNT** (Minister of Education)—It is more appropriate for me to reply to the amendment now than on clause 2. I thank Mr Lawson for his intervention and assure him that I denigrate neither angels nor teachers —although they are often interchangeable.

I agree with those who have expressed appreciation of the dedication and capacity of the vast majority of teachers in the State. They are not only as good as they ever were, they are also producing better results than ever before, as the recent survey conducted under the auspices of the Australian Education Council indicated without the slightest doubt whatsoever. This is contrary to the belief of those people who suggest that educational standards are declining, either generally or in State schools. The proof is there.

Generally, and in State schools, the standard of education and standard of literacy and numeracy are increasing. This ought to be the case because teaching conditions are better than ever before; class sizes are lower than they ever were; curriculum advances have taken place; and the professionalism of teachers, as a body, is higher than it ever was.

It is unfortunately true that that which is regarded by the public as undue militancy by a small portion, has besmirched the good name and reputation of the teaching force and has led to many questions being asked by people as to the efficacy of our State schools. The proof is there; our State schools are performing exceedingly well and are producing students of a higher standard.

I pay tribute to those people who have suggested that teachers work far beyond the hours ascribed to them because those suggestions are obviously correct. The vast majority do. The vast majority of teachers put their pupils first and are largely unconcerned with such strife as mayhem, the more radical elements and confrontations that may be promoted in one area or another. Most teachers like to get on with the job and are not interested in these side issues or in politics.

**The Hon. Joan Coxsedge**—They are not side issues, they are gut issues.

**The Hon. A. J. HUNT**—Mrs Coxsedge suggests that they are not side issues. Where we have a technical school system that is the best staffed school system in the world, where the teacher-pupil ratio has moved over 21 years from 1:25 to 1:12 and where many schools the ratio is better again than that, one still finds some schools claiming disastrous staff shortages. This makes one wonder. Our secondary school system has the shortest teaching hours in the world, the vast majority do not complain about the hours but the radical teachers who follow union dictates complain that the hours are too long. Something is amiss.

The misfortune is that the people who attack the system in those circumstances, those who loudly complain of inadequacies, those who vociferously allege that the system is failing the pupils cast a doubt upon its validity, upon its efficacy upon the public as a whole. They are the ones who, whether they mean to or not, denigrate State education, underestimate its great success, reject its potential and frequently force people to consider other alternatives because they believe that if teachers, educationalists, those associated with State education have so little faith in the system perhaps those parents should look elsewhere.

Those people who attack a system that is so far ahead in so many respects do the system a great disservice and do themselves a very real disservice. Union groups who provoke strikes —often in individual schools that are well served by interstate standards and certainly very well served indeed by world standards—upon the grounds that they are under served, do nothing but damage their position. That is not the attitude of the vast majority of teachers around the State. I repeat, teachers are dedicated to the children; they want only to serve the students and they want to uphold State education, yet so often some, who claim to support State education, undermine it. I hear Mrs Coxsedge again interjecting and saying that the teachers want decent conditions. Those conditions in Victoria are demonstrably high by any standard one would care to name.

I turn now to the questions raised by the Bill and the amendment. It has been universally agreed to by those honourable members who have contributed to the debate tonight; it was

agreed to by almost everyone who contributed to the White Paper and it was agreed to by the working party on industrial relations that the Education Department should have the powers of an employer. It surprised most people to learn that the Education Department does not currently have those powers. However, I have wondered tonight whether all honourable members have understood what those powers imply.

Some honourable members have said that the Bill will place powers that are too wide in the hands of the Minister of Education. If one believes in the Westminster system, one must accept that a Minister is responsible for everything that occurs in his department. A Minister must delegate and accept responsibility for what occurs lower down the line.

If one expects the Education Department to have employer powers, those powers cannot reside in an enormous department, whereby the person who exercises the powers in an individual case has powers that are largely undefined. The powers have to be sheeted home, so that with power goes responsibility and accountability. A Minister should accept responsibility for the exercise of power, even though he may delegate the exercise of that power to others.

The Government recognizes that many teachers, although they may say they believe in the Education Department having the powers of an employer, may doubt that and, indeed, may think for a second time when they realize that it is the Minister in the last resort who is responsible for the exercise of those powers. For that reason, many of those powers contained in the Bill will be assigned not directly to the Minister but directly to the Director-General of Education. That is the only system applicable in the assignation of employer powers to the department. The powers will reside in either the Minister or the Director-General. The main thrust of the Bill will mean that the other bodies will play an advisory role. The Education Department can exercise these powers and undertake the necessary structures. The department can effect the principles contained in the White Paper and make the necessary decisions.

Another thrust of the Bill however will confer the right on teacher unions to challenge decisions and to declare that a dispute exists and to seek negotiations on that dispute. Naturally, negotiations can only be effectively conducted if those who are conducting the negotiations for either the department or the employer body concerned have full employing powers and can make decisions and can reach agreements. That is one reason why the teacher unions not only agreed that the department but also requested that the department should have full employer powers. A prerequisite to the establishment of agreements between employer and employee parties is the knowledge that those agreements will be effected. Therefore, the employer powers will back up the power of negotiations.

It has been suggested that there should have been more consultation on the development of the industrial relations provisions of the Bill. Of course, there was a long period of consultation through the working party and many of its principles were adopted by the Government in implementing this Bill. Some of the principles were not adopted, but others may yet be adopted.

Last July, when the results of the working party were under consideration by the Government, a series of strikes were called by the Victorian Secondary Teachers Association. Those strikes were called on conditions, which, as I have indicated, in secondary schools are the best in the world. The strikes were called at a time when negotiations on those conditions were in train. The strikes were called despite a warning issued by me that, if the union proceeded with strikes on that issue, that action would prejudice the acceptance of the results of the working party. When the series of rolling strikes occurred, the Government took no action at that time upon the results of the working party.

The Government, on its own discretion, drew upon the results and did not negotiate mutual acceptance, as would have been the case in the absence of industrial action. The Bill, however, drew substantially upon the results of that working party, and it seeks to implant the broad thrust of the recommendations.

Despite those rolling strikes called by the Victorian Secondary Teachers Association, taken overall, this year has been the best for industrial relations in education. Indeed, this year has seen the lowest number of school strikes for more than eight years. It is to be hoped that, during the next six months, there will be an equal absence of industrial action. If that is the case, the atmosphere will then have been created that will enable the principles adopted by the working party to be implemented more fully. It may enable the type of selection procedures for the proposed commissioners of the Victorian Education Service Conciliation and Arbitration Commission to be implemented in line with the recommendations of the working party; whereas at present there is no firm method of appointment for those commissioners.

I recognize the work of those who have contributed to that working party, and the greater part of what they have done has been taken up in this Bill. I add that the Government does not intend to implement the provisions of the Bill relating to the proposed commission unless and until there has been a reasonable period of industrial peace and a considerable degree of further consultation with the teacher unions. As Mr Walker rightly said, the operation of a system of this kind depends upon mutual goodwill and good faith.

The Government looks forward to that goodwill and good faith and it will endeavour to engender it. If that good faith and goodwill can be developed, the way will be clear for the institution of that segment of the Bill in a manner that will be mutually acceptable to both the union movement and the Government. If that does not occur, the Government is prepared to leave that segment of the Bill aside for a time and to implement only the employer powers.

For those reasons, the Government does not believe a case has been made out for the reasoned amendment, and suggests that the passage of this Bill is essential to the implementation of the White Paper and the devolution of power which it envisages to regions and schools as well as to the efficacious working of the department as an employer with true employer powers.

The House divided on the question that the words proposed by Mr Walker to be omitted stand part of the motion (the Hon. F. S. Grimwade in the chair).

| | |
|---|---|
| Ayes .. .. .. | 23 |
| Noes .. .. .. | 16 |
| Majority against the amendment .. .. | 7 |

AYES

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|---|---|
| Mrs Baylor | Dr Howard |
| Mr Block | Mr Hunt |
| Mr Bubb | Mr Jenkins |
| Mr Campbell | Mr Knowles |
| Mr Chamberlain | Mr Lawson |
| Mr Crozier | Mr Long |
| Mr Granter | Mr Saltmarsh |
| Mr Guest | Mr Stacey |
| Mr Hamilton | Mr Ward |
| Mr Hauser | *Tellers:* |
| Mr Hayward | Mr Reid |
| Mr Houghton | Mr Taylor |

NOES

| | |
|---|---|
| Mr Baxter | Mr Trayling |
| Mr Butler | Mr Walker |
| Mrs Coxsedge | Mr Walton |
| Mr Dunn | Mr White |
| Mr Eddy | Mr Wright |
| Mr Evans | |
| Mr Kennedy | *Tellers:* |
| Mr Kent | Mr Mackenzie |
| Mr Landeryou | Mr Sgro |

PAIR

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| Mr Storey | Mr Thomas |

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

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|---|---|
| Ayes .. .. .. | 28 |
| Noes .. .. .. | 12 |
| Majority for the motion | 16 |

AYES

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

NOES

| | |
|---|---|
| Mr Butler | Mr Sgro |
| Mrs Coxsedge | Mr Trayling |
| Mr Eddy | Mr Walker |
| Mr Kennedy | |
| Mr Kent | *Tellers:* |
| Mr Landeryou | Mr Walton |
| Mr Mackenzie | Mr White |

PAIR

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| Mr Storey | Mr Thomas |

The Bill was read a second time and committed.

Clauses 1 to 3 were agreed to.

Clause 4 (Creation and abolition of offices).

**The Hon. R. A. MACKENZIE** (Geelong Province)—I seek some clarification from the Minister on this clause. I refer him to the fact that public servants employed in schools will now come within the ambit of the Education Service Act. Can the Minister clarify the position of people in schools who are employed under the school council legislation because, if they are not included under the Education Service Act, many serious anomalies will occur in schools with people working under different sets of wages? Is it the intention of the Minister to employ these people under the Education Service Act also?

**The Hon. A. J. HUNT** (Minister of Education)—I thank Mr Mackenzie for his question because he raises a vital issue. With his permission I will go beyond the question he raises and deal with both public servants properly so-called and those employed by school councils because somewhat different considerations apply to each category.

The public servants, as Mr Walker suggested, were concerned about the way in which the Bill will operate. Assurances were given to them that their position would in no way worsen *vis-à-vis* those who remained in the Public Service. Indeed, the provisions of the Public Service Act have been imported into this Bill. Clause 10 (4) contains a provision to ensure that where the categories of administrators are similar to those in the Public Service, they shall be deemed to be in that classification. Later in the Bill it will be found that in determining terms and conditions, the Minister is bound in essence to follow what are known as lead determinations of the Public Service. This is in the interests of everybody, the Government and the employee alike. If there are different terms and conditions of employment for similar standards of work, one group or the other is likely to feel uncomfortable about it and unjustly done by. In addition, if one group can get ahead of another, a dangerous leapfrogging can occur which causes an extra demand on the public purse. Thus it is proper that Public Service Board determinations should follow. That is provided for and it is in the Bill. It flows from clause 10 (4) and is picked up further in the Bill to ensure that Public Service Board determinations follow.

I move to school council employees, some of whom have their conditions determined by the Public Service Board, but many of whom have their conditions determined under other awards, mainly under the aegis of the Miscellaneous Workers Union. A further condition has been imported into this Bill direct from the Post-Secondary Education Remuneration Tribunal Act which provides that where a more appropriate lead determination exists, the commission under this Act will decline to make a determination. This means that the lead determination is followed automatically. The Minister is bound by it and there is no way in which the commission under this Act can disturb it.

**The Hon. E. H. Walker**—The more favourable determination?

**The Hon. A. J. HUNT**—The more applicable determination which affects more people is followed. That leaves one a substantial hiatus, and that is that where people do the same work in a school as is done under another determination, clearly the other determination, if it is a generally applicable one, will be followed. However, it may well be that the hours in which that work is done are less favourable. In those circumstances the group concerned can ask for special consideration and if it is not satisfied with the result, it can seek conciliation and arbitration.

**The Hon. E. H. Walker**—Within the terms of this Bill?

**The Hon. A. J. HUNT**—Yes. I give an example that does not relate to school employees but relates to public servants. It may be that a public servant in a regional office is doing work of precisely the same status, type and responsibility as another public servant and thus he would be categorized in the same way as other public servants and would receive the same salary and in general the same conditions. The terms of his employment may well require him to go out at night outside the 38 hours a week and to attend meetings. This may occur ten or twenty times a year. In respect of that added disability, he therefore can make a claim under this Bill rather than under the Public Service award.

Similarly, if it could be shown that a secretary of a school council employed under some other award represented by the Miscellaneous Workers Union suffered a disability in the same way, that secretary could well get exactly the same salary as secretaries in a whole range of other fields, but an added payment under this Act for the disability of having an obligation to go out at night or at unusual hours to perform his or her duties. The provision under this Act, in effect, becomes supplementary.

**The Hon. R. A. Mackenzie**—Does that apply to promotion within the service as well? For example, if it was desired to transfer from one school to another.

**The Hon. A. J. HUNT**—The secretary or other employee of a school council would have the right to use the machinery provided under this legislation in seeking promotion to a higher level.

The clause was agreed to, as were clauses 5 to 7.

Clause 8 (Appointment to be on probation).

**The Hon. E. H. WALKER** (Melbourne Province)—I move:

Clause 8, line 22, after "probationer;" insert "or".

The next two amendments to clause 8 circulated in my name are consequential. I shall talk in relation to the first clause. The opposition believes clause 8 (4) (c) should not apply because it extends the probation for a further period, not exceeding twelve months. The appointment of probationers ought either to be confirmed or anulled after the expiration of the proper period, as indicated. The extension is an imprecise provision and not acceptable. The decision should be made one way or the other and the Opposition prefers that clause 8 (4) (c) be deleted.

**The Hon. A. J. HUNT** (Minister of Education)—I find it had to follow the logic of the amendment, particularly when one reads the clause. The clause, in its present form, has already been amended after consultation with the Deputy Leader of the Opposition in another place, who is the Opposition spokesman on education. It represents a substantial advance on the Public Service Act, which allows a succession of extensions of appointments upon probation. But, under that Act, if at the end of a year the department is not satisfied one way or the other, it may extend the probation for a period not exceeding a year and at the end of that year it may further extend the probation, and may continue to do so.

In this Bill, although we have imported most of the provisions of the Public Service Act, we have modified the rigour of that Act in that provision and made it clear that the department must make up its mind whether it

wants to confirm or annul the appointment within a total of two years. The essence is that it should be done in twelve months, but in cases of doubt there can be an extension of the probationary period for a further year. At the end of the second year, the department must make up its mind.

**The Hon. B. P. DUNN** (North Western Province)—The National Party does not support the amendment. I can envisage situations in which a probationer, after the first year, may need to be assessed for a further period of 3, 4, 5 or 6 months, and up to another year is not unreasonable. As the Minister said, there is a maximum of two years. That is not unreasonable.

I can also foresee circumstances in which the amendment moved by Mr Walker could prove detrimental, and it could be detrimental in as many cases as it could be beneficial. If the department were forced to make its decision at the end of twelve months, it could well be detrimental because it might be that the person whose appointment was annulled at the end of twelve months might, if given further time, have proved to be acceptable for long-term employment.

**The Hon. R. J. EDDY** (Thomastown Province)—I support the amendment. The clause provides that a person can be appointed on probation for a period not exceeding twelve months, at which stage the director-general shall either confirm the appointment of the probationer, annul his appointment or extend the probation for a further period, not exceeding twelve months. That is a total of two years, but sub-clause (5) goes on to say, in line 30:

> the Director-General shall as soon as practicable confirm or annul the appointment or extend the probation for a further period.

What the clause is really saying is that the appointment could be extended into the third year, and that is the point Mr Walker made.

**The Hon. E. H. WALKER** (Melbourne Province)—I reinforce the point made by my colleague and indicate to the Minister that I want to correct an impression he gave, that my colleague in another place, the Deputy Leader of the Opposition, who is the Labor Party spokesman on education, had agreed to the amended provision.

**The Hon. A. J. Hunt**—I did not say that.

**The Hon. E. H. WALKER**—I understood the Minister to say that the Deputy Leader of the Opposition considered it an advance. I agree that the amendment was made by the insertion of the words that appear in brackets "not exceeding twelve months", but the Deputy Leader of the Opposition still believes the clause is unacceptable and moved for its deletion. The suggestion from the Minister seemed to be that I was at some variance with my colleague, and that is not correct. I still believe the provision is open-ended and in my view there should be a reasonable period of probation after which the decision should be made.

**The Hon. D. N. SALTMARSH** (Waverley Province)—I cannot support the amendment. It seems to me to be clear that the total period for extension will be two years, and that seems an appropriate period in which to make the determination. Sub-clause (5) follows on from sub-clause (4) (*c*), and it appears that, if the period of extension under sub-clause (4) (*c*) is accepted, at the expiration of the time the director-general must make the determination, so it is within the period. I believe that two years is totally adequate and highly desirable.

**The Hon. A. J. HUNT** (Minister of Education)—Mr Eddy, with his substantial legal knowledge—picked up over a long period in this Chamber—and his native perspicacity has pinpointed a defect between the redrafted sub-clause (4) and sub-clause (5). In that case, it is only fair to foreshadow that, if Mr Walker's amendment is rejected, I shall move a verbal amendment to correct the defect poinpointed by Mr Eddy in sub-clause (5).

**The Hon. E. H. WALKER** (Melbourne Province)—If the Minister is willing to indicate that both clauses need some review to bring them into line, I would be willing to withdraw the amendment.

**The Hon. A. J. Hunt**—No, I do not. Sub-clause (5) needs amendment to bring it into line with sub-clause (4).

**The Hon. E. H. WALKER**—I should be willing to withdraw my amendment to allow the Minister to propose new wording that might be acceptable to the Opposition.

**The Hon. A. J. HUNT** (Minister of Education)—I again confirm that the intent of the amendment made in another place was to ensure that the total period of probation, including any extension, would be no longer than two years. It could be one year or any period between one year and two years, but it should be no longer than two years. When sub-clause (4) was amended, the words in sub-clause (5), line 31, "or extend the probation for a further period", should have been deleted to make the total period a maximum of two years.

**The Hon. E. H. WALKER** (Melbourne Province)—I am willing to withdraw the amendment, so that the Minister can move a suitable amendment.

By leave, the amendment was withdrawn.

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

Page 5, sub-clause (5), line 31, omit the words "or extend the probation for a further period".

**The Hon. B. P. Dunn**—Will that limit it to two years?

**The Hon. A. J. HUNT**—That is the effect.

**The Hon. E. H. WALKER** (Melbourne Province)—Just for absolute clarification, if the extension at the end of sub-clause (5) is removed, does the provision really finish at the end of sub-clause (4) (c)?

**The Hon. A. J. Hunt**—That is right, not exceeding two years in all.

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

Clause 9 (Register for temporary employment)

**The Hon. B. P. DUNN** (North Western Province)—I have received a number of queries about clause 9(5). I ask the Minister to explain the intent of the clause, which states:

Sub-section (4) shall not apply to the employment of a person in the performance of work which the Director-General has certified to be work of a kind which the Director-General could not ensure the performance if the employment of persons in a temporary capacity were not continued.

**The Hon. A. J. HUNT** (Minister of Education)—I shall give two examples. Firstly, there may be a specific job that is likely to be completed within a year or a little longer. Assuming that the job takes a little longer than a year, but is still likely to be completed within the second year, there is obviously no need for the appointment of a permanent employee. Thus, a temporary employee may be retained.

Secondly, in the case of a teacher aide employed in a disadvantaged school at, perhaps, the lower portion of the disadvantaged schools list—that list is changed every two years—those teachers at the lower end of the list may find that they move higher up the list or, that they have dropped from it. The teacher aide would not know whether the position would be confirmed or whether the opportunity of that school employing a teacher aide may disappear at the end of that year. Therefore, the Director-General, who uses Commonwealth funds to fill the temporary position—he does not know whether those funds will be confirmed, reduced or withdrawn—cannot be certain that there will be a permanent position. So, there is only room for a temporary employee and that type of person is engaged in those circumstances.

The clause was agreed to, as were clauses 10 to 32.

Clause 33 was verbally amended and, as amended, was adopted, as were clauses 34 to 63.

Clause 64 (Appeals)

**The Hon. E. H. WALKER** (Melbourne Province)—I move:

Clause 64, pages 32 and 33, sub-clause (14), omit this sub-clause.

That clause is at the end of the section dealing with appeals, which sets up the Education Service Appeals Board and specifies procedures in regard to appeals. Sub-clause (14) ruins the job done by handing the power all the way back to the Director-General, with the consent of the Minister. The Labor Party does not believe that is a reasonable situation. An insult is inherent in it in the whole process of establishing the Education Service Appeals Board. I know the Minister will say that that power must reside in the Director-General, with the consent of the Minister, but it is not really necessary. It would, in good faith, if the clause were removed, allow the determination to be made by the board itself rather than necessarily by the Minister. The powers are broad. Sub-clause (14) states:

> the Director-General may, with the consent of the Minister, defer confirmation of a promotion for a specified period and at any time before the end of the period specified he may confirm the promotion or, with the consent of the Minister, cancel the promotion.

They are total powers and the Labor Party does not accept them.

**The Hon. A. J. HUNT** (Minister of Education)—I can understand why Mr Walker has moved the amendment, but the Commitee should understand why the Government cannot accept it. The principle involved is the conferring of powers to the department, and, of course, the powers of the department are exercised by the Director-General or by the Minister. Many of those powers are delegated to bodies, one of which is the appeals board. The decisions of the appeals board on promotions are normally effected. Sub-clause (14), in conjunction with sub-clause (15) leaves a residual power with the Director-General, after consultation with the Minister, who may, upon giving reasons in writing to the person concerned, cancel a promotion.

That may occur for either of two reasons. Firstly, the position to which a person has been appointed may have disappeared. That happens far more frequently than may be thought. For example, the principal of a school may give notice of his intention to resign or to apply for one or two years leave —which would be somewhat short of tendering a resignation—and, for some reason that supervened after the position has been advertised and a prospective appointment made, he may decide not to proceed with the resignation or the application for one or two years' leave. In that cast, the vacancy would no longer exist.

**The Hon. D. M. Evans**—Do your comments relate to the Mount Beauty incident?

**The Hon. A. J. HUNT**—In that case, the decision of the Teachers Tribunal rendered a position redundant. That is the sort of decision with which I disagree. It was made in defiance of the employer's powers and one which the department would not make. It may be that we are putting on record a reference to something that only those who know about the Mount Beauty case would understand. In that case, a principal who had endeared himself not only to the whole school, but also to the entire school community, was forced to move on by a decision that applied across the board. Under the provision of the Bill, that will not happen.

Clearly, where a promotion is being made on the basis that a position is vacant and something transpires rendering it no longer vacant, there ought to be some residual power to cancel the promotion or appointment.

There are many other circumstances in which a position cannot be filled because it is being abolished. Occasionally—in fact, very rarely—a case may arise where a problem is found concerning the fitness of the applicant after he has been appointed. That case is so rare that it is not worth worrying about. However, if it does occur there is a safeguard in that the person concerned must be advised in writing of the reasons for the cancellation of the appointment.

**The Hon. B. P. Dunn**—What right of appeal does he have then?

**The Hon. A. J. HUNT**—At that point, no right at all. However, he would have a right to apply to the Supreme

Court if that power was arbitrarily exercised and if the reasons given for the cancellation could not be substantiated. The person concerned could issue a writ of prohibition against the council. He would have a right not under this Act but at common law and the rationalization of common law which has been recently under consideration.

**The Hon. D. M. EVANS** (North Eastern Province)—By putting the reasons in writing, is there any way in which the matters can be subject to challenge in the courts or anything of that nature?

**The Hon. A. J. HUNT** (Minister of Education)—They would be challengeable but not under this Act. They would be challengeable by law by way of a writ of prohibition issued in the Supreme Court of this State.

**The Hon. E. H. WALKER** (Melbourne Province)—I am interested in the comments of the Minister of Education, but it seems to me that clause 64 is of a Machiavellian nature. The Minister gave an example of cases which I should have thought would normally be referred back to the appeals board. A decision or determination is taken by the appeals board. One would have thought that if the determination or decision was to be reviewed, surely the body to review the determination or decision must be the body which made that determination or decision in the first place. Why must it be a Ministerial decision?

**The Hon. A. J. Hunt**—It is not a Ministerial decision.

**The Hon. E. H. WALKER**—It is by the director-general with the consent of the Minister of Education. I am sure that provision has been added because it has been legitimately believed that the director-general should not have all the power.

My point is that the clause suggests that the Minister of Education or the director-general do not really trust the appeals board, and the Minister or the director-general desire to hold very tightly the reins of that process, whereas I should have thought that the appeals board, properly set up and functioning, should be able to review a decision of its own, given that the circumstances alter following the release of that decision. This type of clause may never be used in relation to the Teaching Service, and I suggest that the Minister should review it.

The amendment was negatived, and the clause was agreed to, as were clauses 65 and 66.

Clause 67 (Offences)

**The Hon. R. J. EDDY** (Thomastown Province)—The clause provides that every officer who commits any breach of this Act or the regulations, or any act of misconduct, or conducts himself in a disgraceful, improper or unbecoming manner in his official capacity or otherwise, or who fails to fulfil his duties, shall be guilty of an offence. Clause 67(2) provides that an officer who is guilty of an offence shall be liable to any one or more of the following penalties; reprimand, a fine not exceeding $2000, reduction in classification or grade, removal from office and appointment to another office, or dismissal.

I should like the Minister to explain just what is meant by the phrase "fails to fulfil his duties". Would that mean if a person was instructed by his union to take strike action, the principal could report him for failing to fulfil his duties, and could he have a right of appeal under this clause?

**The Hon. A. J. HUNT** (Minister of Education)—Yes, it certainly would include failure to fulfil his duty in any way, but that would not, as I understand it, be interpreted to include normal industrial action of a reasonable kind.

If I could give an example. the strike at Kealba without notice, where children were left on the streets without their parents receiving any warning, is the sort of case where I would certainly be prepared to use this power and to invite those concerned to consider whether the evidence justified a charge under this provision. That is the sort of reprehensible conduct that brings teachers into disrepute. Normal

industrial action like the one-day strike in protest against this or that is of quite a different character.

Mr Eddy is quite aware that the teachers at the Preston East Girls High School did defy the principal by refusing to produce the marks of children which the principal desired. The teachers persisted in that conduct for a considerable period and were ultimately charged under a similar provision and fined $100 each. That sort of protection would remain and the opportunity would remain for dealing with them.

What the provision provides is for the Director-General to deal with these matters in the first instance, as the employer, but the appeal provisions also apply as they apply under other provisions and a right of appeal would exist to the appeals board.

The officer would have a right of appeal and a right to receive natural justice before the appeals board, but if the officer believed he had been denied justice in any way, once again the officer would have a right of appeal by way of prerogative writ to the Supreme Court of Victoria.

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

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

## SUPERANNUATION BENEFITS BILL

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

Discussion was resumed of clause 1 (Short title)

**The Hon. A. J. HUNT** (Minister of Education)—Mr Walker very rightly raised the fact that it was generally assumed that the new legislation would date back to 5 May, the date upon which I made a Ministerial statement relating to staff redundancies and rationalization in Colleges of Advanced Education. Of course my statement did not cause the redundancies. What caused them was the reduction of places for students in teacher education at colleges and the reduction of funds by the Commonwealth, a prospective event which did not have effect at that time.

However, I have investigated the point made by Mr Walker, and considered and discussed with others the action which this Legislative Council could take. I first thought, after consulting the Constitution, that this Council might be in a position to suggest an amendment to the Legislative Assembly. I must, however, refer to section 64 of the Constitution Act 1975, which deals with and delimits the power of the Council to suggest amendments to financial Bills. Section 64 of the Act deals with the power of Council to suggest alterations in Appropriation Bills. It states, *inter alia*:

> Provided that the Council may not suggest any omission or amendment the effect of which will be to increase any proposed charge or burden on the people.

If there are any persons who resigned between 5 May and 1 September in expectancy of the redundancy, it is clear that to provide for them would involve an extra charge on the revenues of the State and hence ultimately on the people of Victoria. Thus it is not competent for the Council to pass even a suggested amendment to the Legislative Assembly.

If, however, Mr Walker can produce to me evidence of hardship between 5 May and 1 September incurred by any person in expectation of a change, such as is being made, or indeed under the two propositions which he put to me, I will be glad to take those matters up with the Treasurer for consideration of *ex gratia* relief if the circumstances warrant it. The Council is unable at this stage to pass any amendment on the point at issue.

**The Hon. E. H. WALKER** (Melbourne Province)—I thank the Minister for his comments. It is extraordinary that a Chamber of this kind, having agreed, as it were, that there is the prospect of some injustice occurring because of legislation, is unable to recommend a change because of the Constitution Act 1975. I wish to go on record as saying that seems amazing.

I accept the Minister's comments in good faith. It is not the best way to handle the matter. The Bill should have been drafted in a better way in the first instance, but since the Minister said that he will not see an injustice done, I accept that, but it is a strange Constitution that will not allow a correction to be made of that kind.

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.

## DRUGS, POISONS AND CONTROLLED SUBSTANCES BILL

The debate (adjourned from December 9) on the motion of the Hon. W. V. Houghton (Minister for Conservation), for the second reading of this Bill was resumed.

**The Hon. R. J. EDDY** (Thomastown Province)—Drugs are a great problem within this State and the Commonwealth. It is one of the most frightening problems that confronts members of Parliament, members of the Police Force and all people within the State of Victoria and within the Commonwealth of Australia. Drugs have been the ruination of far too many people of all ages, but mainly young people. Certain people who want to become millionaires, and who are known as the "Mr Big's" in the drug trade, and also the people known as the "Mr Respectables", sell or traffic in drugs of addiction such as heroin, opium or whatever. I have witnessed the pain and suffering of young people when they are going through withdrawal symptoms as a result of drugs, for instance, a heroin cap.

I have seen young people with injection marks on various parts of their bodies—arms, ankles, anywhere that they can inject into a vein. One sees these injection marks and witnesses the suffering of these young people, and knows that the people responsible are walking around, probably not in Melbourne or even in Victoria. These "Mr Bigs", as they are known, operate from outside Australia with their understudies or underdogs—that is all they are, dogs—handling drugs, passing them on to their operators who are known as traffickers. They operate in many municipalities of the metropolitan area of Melbourne and, no doubt, in a number of country towns as well.

Honourable members are informed that the Bill is the first step in the complete updating of the Victorian poisons legislation, and that updating is long overdue. In 1978, the Government established a working party, a body of well-respected people, including members of the medical profession and others, to delve into the problem and make recommendations to the Government. The recommendations are numerous. The main one deals with increased penalties. Legislation increasing penalties in respect to the very people I am speaking of tonight, drug traffickers or pushers—whatever term one cares to use—was passed in 1979.

The Bill proposes to increase penalties for trafficking in various drugs. I say here and now that the extension of penalties in the manner proposed by the Bill will not do away with drug traffickers in this State. Fines mean nothing to these people. Very few of them are apprehended. With the money that they make from sending drugs into this country, in a way that appears to be so easy, fines mean nothing to these people. They obtain millions of dollars and the money is not retained in this country. Nevertheless, the Government intends by this Bill to do certain things about drug traffickers. It is not as easy as the Bill makes it appear.

The Labor Party would never oppose a measure to deal with these people. Nevertheless, I cannot support the extension of maximum terms of imprisonment or additional fines, because those penalties mean nothing to these people. As I have already mentioned, very few of them are apprehended.

**The Hon. R. J. Long**—What would you do?

**The Hon. R. J. EDDY**—I believe they must be imprisoned.

**The Hon. B. P. Dunn**—First, you have to catch them.

**The Hon. R. J. EDDY**—I was about to add that they must first be apprehended. Our Police Force does not have the strength to cope with the numbers of drug traffickers who are operating openly in the metropolitan area today.

**The Hon. D. N. Saltmarsh**—Have you passed on any information?

**The Hon. R. J. EDDY**—I do not need to pass on any information. One has only to read last night's *Herald* where a headline on page 3 states, "Hamburger with the lot, death included". The article quotes a member of the Police Force who is working under cover. The report states:

> Two weeks ago a woman ordered a hamburger in a take-away food shop in Fitzroy St., St. Kilda.

That is where the drug trade is really rife. There are drugs in practically every second shop along Fitzroy Street, St Kilda.

**The Hon. R. J. Long**—Have you seen this?

**The Hon. R. J. EDDY**—I get around. I live in the city, not out in the bush where one sees nothing. The article continues:

> She ended up with a mouthful of silver foil and plastic.
>
> The indignant woman complained to health authorities and was shocked to learn that she almost ate two "caps" of heroin.

The article continues:

> Police say many shopkeepers in and around Fitzroy St are using such methods to fool them.

The woman could have got $100 for her hamburger, or $50 a cap.

The article further states:

> A senior undercover police officer told the *Herald* that hundreds of thousands of dollars changed hands each week because of drug deals in and around shops in the Fitzroy Street area.

A member of the force admitted that he was employed in an under-cover capacity to detect what was happening. I am bewildered to read that article and to ascertain that he knew what was going on and yet no arrests were made by the Drug Squad. The Drug Squad employs 27 men on active duty who work two shifts usually involving 8 hours each. How can thirteen men cover all the areas of Melbourne? That number of men could barely cover Fitzroy Street, St Kilda, alone!

I am proud to say that I often visit the schools in the electorate that I represent. However, I am concerned when principals tell me about the drugs that are freely available to students who attend the school—either provided by pushers or purchased from nearby shops. Nothing is done about the problem. I do not blame the Police Force, because it is understaffed. This has led to the situation that I mentioned previously where a young woman finished up with heroin in her hamburger. The article also points out that heroin and other drugs are also found in ice-creams and other items of food. The people who traffic in drugs are low animals. They do not realize the debasement, discomfort, disfigurement and damage caused to young people.

**The Hon. B. P. Dunn**—Not only young people.

**The Hon. R. J. EDDY**—Mainly young people are involved. A report on the subject was not produced until two years after an inquiry was called. The Government took twelve months to produce legislation. This Bill should have been presented during the last autumn sessional period because of the seriousness of the problem. Mr Long seeks to interject, but I do not think he realizes the seriousness of the situation. Has he ever seen a person suffering from withdrawal symptoms? I suppose the honourable member has never visited a drug clinic.

**The Hon. R. J. Long**—I have. The honourable member should come to a disco with me.

**The Hon. R. J. EDDY**—The honourable member will probably finish up in the same condition. I am concerned to learn that this situation is allowed to go on and will continue until the police Drug Squad numbers are increased. Three years ago I informed the House of the case of a 15-year-old boy who was collected from a skating rink, taken to St Kilda, pumped full of drugs and used for homosexual purposes.

The parents of the child came to my office worried out of their minds. I am not "knocking" the police because I appreciate their problems. The police are limited in their activities because often they knock on the door of a suspect and when the door is opened nothing illegal is happening. Police claim that if they kick the door in the civil liberties groups will complain. The police are in a bind because they cannot take the necessary action. The men and women who are responsible for the drugs situation should be placed in prison. If necessary a new prison should be built—but not at Castlemaine as the Minister suggested. The sooner wrongdoers are treated in this way the sooner we will rid them from the State. I now turn to examine the maximum penalties that have been recommended by the interdepartmental working party and contained in the Bill. It is well known that, when a person apprehended on a charge of possessing drugs is brought before the court, the judge rarely imposes the maximum penalty.

Last week reports appeared in the newspapers of a young athlete who was apprehended on a drug charge and pleaded guilty to supplying sixteen of his friends with heroin, opium, barbiturates—in fact the lot. The judge did not impose the maximum sentence of imprisonment. That young athlete was freed to appear before the court again next year when, if he behaves himself in the intervening period, he will be placed on probation. The sentences for drug traffickers who operate in and around the metropolitan area are inadequate. The current penalty for the possession of narcotics like morphine, opium, heroin or the synthetic drug of methadone is either fifteen years in prison or a fine of $100 000.

**The PRESIDENT (the Hon. F. S. Grimwade)**—Order! Mr Eddy is presenting details of his vast experience in these matters, but the details do not relate to the Drugs, Poisons and Controlled Substances Bill, which only in part deals with drug trafficking, and that was the subject-matter of a previous Bill, which has passed through this House. I suggest that Mr Eddy round off his remarks and then address himself more closely to the Bill.

**The Hon. R. J. EDDY**—I was under the impression that the Bill deals with the penalties prescribed for drug trafficking.

**The PRESIDENT**—I ask Mr Eddy to continue.

**The Hon. R. J. EDDY**—I was about to outline the penalties for possession of these drugs.

**The PRESIDENT**—I suggest that Mr Eddy relate his remarks to the Bill rather than to some other matter.

**The Hon. R. J. EDDY**—I had not seen the Bill until tonight. Therefore, I would suggest that the debate be adjourned.

**The PRESIDENT**—Order! I could not accept that motion from Mr Eddy. Mr Eddy has been speaking for approximately 25 minutes on this matter. I suggest that Mr Eddy round off his remarks rather than seek to move the adjournment of the debate.

**The Hon. R. J. EDDY**—The Government is at fault for not making copies of the Bill available to honourable members earlier. I was under the impression that the Bill deals with penalties for various types of drug trafficking.

**The PRESIDENT**—The Bill is accompanied by explanatory notes which deal with the report of an interdepartmental working party on the drug problem in Victoria. It deals with many other matters as well. Mr Eddy's general remarks have been most interesting, but I suggest that he now relates his remarks to some of the other matters.

**The Hon. R. J. EDDY**—The Bill, when proclaimed, will fix maximum penalties for the possession of the drugs I have mentioned. The Bill seeks to increase the maximum penalty from 15 years to 25 years and to increase the fine from $200 000 to $250 000 for drug trafficking.

When the Bill is proclaimed, Victoria will have the toughest drug penalties in Australia. The working party

is to be commended for its recommendations on the penalties. Although I stated earlier that, in many instances, the courts do not impose the necessary penalties for drug traffickers, I congratulate the Government on seeking to increase the penalties. It is to be hoped that the penalties will deter drug traffickers.

I turn now to the schedules to the Bill, relating to the trafficking in restricted substances like tuinal. Honourable members should note that the trafficking in tuinal has been responsible for the death of many people in Victoria. The maximum penalty for trafficking in a restricted substance will now be ten years' imprisonment or a fine of $100 000 or both. All the penalties for these types of offences are being increased. The penalty for forging a prescription for a drug remains at five years' imprisonment. It is easy for people to obtain prescription pads, and, unfortunately, some medical practitioners and pharmaceutical chemists may issue prescriptions so that people can obtain drugs illegally. Those who supply the prescriptions are well paid for doing so.

Another recommendation of the working party deals with cannabis, which is also known as marijuana, Indian hemp or hashish. In answer to a question I asked, the Minister stated that he does not approve of the use of marijuana, although members of the Young Liberals have recommended that its use should be legalized. A former Prime Minister has also recommended that the use of marijuana should be legalized. I suppose some members of the Labor Party may also make that recommendation, but I do not agree that the use of marijuana should be legalized. The penalty for trafficking in cannabis resin has been increased to fifteen years' imprisonment and/or a fine of $100 000. That penalty may appear to be harsh, but I do not believe it is too harsh for people who use this type of drug.

The Bill also makes provision concerning the destruction of drugs pending trial. Where members of the Police Force have obtained large quantities of hashish through raids on properties, instead of having to load the drug in bundles for transportation to a store where it will be kept until the trial, as honourable members have often seen in press photographs, they will now be permitted to get rid of most of the hashish and retain only a sufficient quantity to present as evidence at the court hearing.

That provision could be dangerous, because there are some smart lawyers about—the majority of them think they are smart—who could suggest in evidence that the amount of the drug presented in the courtroom is sufficient only for the personal use of the defendant. That is one danger that I point out to the Minister, which could be taken advantage of by some of these smart lawyers. I sincerely hope nobody would get away with doing anything like that.

Amongst the types of drugs I have mentioned is methadone, which is used in low or medium doses to ease the withdrawal symptoms of a drug addict. Methadone is also a drug, so by using it the addict is replacing one type of drug with another. I do not believe this should be permitted, because I have seen treatment of drug withdrawal symptoms carried out by dietary means and megadose vitamins. The treatment uses different types of vitamins including vitamins C, B12, E, calcium and B6. Vitamin B12 stops the shakes that an addict may experience when undergoing withdrawal symptoms during visits to a drug therapy clinic. Vitamin B6 helps the addict to improve his food intake. This is a much better form of treatment to help drug addicts overcome symptoms of the drugs that have been injected into them or which they have ingested.

The Bill will do much to improve the existing legislation and will give judges in the courts the opportunity of imposing penalties on people who are apprehended for offences such as trafficking in drugs. Over two years the working party made these recommendations and I believe that if it had made an interim report in the first

twelve months, a similar type of Bill may have been introduced much sooner.

There is much to be said in respect of drugs and the manner in which they are so easily obtainable today. I have endeavoured to cover as much as I can without having a Bill to peruse. One section of the working party report refers to court order treatment, where a judge may, instead of sending a person for a term of imprisonment, send him to one of five or six institutions for treatment. This may be better for the addict than being imprisoned at Pentridge or another prison in this State where there are no psychiatrists from whom he can receive treatment. The one or two phychiatrists at Pentridge are fully occupied making out court reports.

In the institution the addicts may receive treatment and may be able to return to society drug free. I hope when that occurs they will remain drug free. I commend the Bill. I do not think the extended prison sentences will be a deterrent. It is necessary to catch the "Mr Bigs" and they are the hardest people in the world to catch. The numbers in the Police Drug Squad must be increased to wipe out drug traffickers in Melbourne. On behalf of the Opposition, I have much pleasure in supporting the Bill.

**The Hon. D. N. SALTMARSH** (Waverley Province)—This is one of the most significant pieces of proposed legislation that has come before Parliament for many years. It attempts to deal with what must be regarded as one of the most serious social and economic problems that the current society faces. The drug problem generally covers a wide range of activities and in this Bill the Government has been at great pains to bring together into one piece of legislation what was previously legislated for in a number of disparate and almost unrelated laws. Now that these have been consolidated and grouped together, it enables the community and later the courts to understand and review, when necessary, various offences that are relative in important ways.

Not only has there been this important task of bringing together into one new piece of legislation all these related aspects from the manufacture of drugs to the accreditation of people who can prescribe and sell drugs, but also the proscription of certain other drugs in new schedules in an attempt to relate these schedules to other legislation already passed in this State, to work for greater uniformity throughout Australia to therefore have better laws affecting these areas throughout the whole nation.

A number of important new initiatives have been taken in this legislation and this State will be the first in Australia to introduce, for example, sequestration of property. Under a major section of this new Bill, from clauses 110 onwards, wide-ranging powers are given to the courts to control property, firstly, as trustees and, if the courts then find a person guilty of trafficking offences, the property that has been obtained by that trafficker as a result of illegal activity will be forfeited. This is one of the most significant new pieces of action being taken by any Government to highlight the problem and ensure justice in relation to these most evil of people in the society at present—the drug traffickers.

I am delighted that Mr Eddy has supported the Bill as generously as he has. I should not exactly like to lock horns with him, but to debate further one of the issues that he raised that would be the concern of all honourable members, that despite the fact that there have been a number of Royal Commissions producing a vast amount of evidence to indicate that many persons clearly are involved in the whole trafficking empires of drugs of all sorts, whether drugs such as marijuana, heroin or cocaine or of other manufactured varieties, unfortunately the community still has not been able successfully to prosecute some of the "Mr Bigs" of the Australian drug scene. There was, of course, a trial in England recently which was related to certain murders in Australia and I hope the further trials which will be conducted in that regard

will lead more effectively to the prosecution of major criminals involved in Australia in drug trafficking.

As part of this proposed legislation the Government recently announced the addition of some new manpower resources to be attached to the Victorian Fraud Squad. The purpose of that addition to the squad is to have skilled people able to track through the financial affairs of some of the "Mr Bigs" in Victoria. Up to the present it has been regrettable that the Police Force generally has not had the skill and perhaps not sufficient manpower to follow through the intricate money transactions and the formation of companies used as a means for laundering funds. That one company may go out of business and new companies are formed, with either the same or different directors, but with funds being recycled through new companies. It is necessary to unravel this complicated corporate activity more effectively and to identify the people who are the real manipulators behind the scenes, in order to lead to effective prosecution of "white-collar" criminals.

The proposed legislation has been designed to introduce severe penalties for traffickers and the Government has understood the point alluded to by Mr Eddy: That there must be better systems within the Police Force and within the community to track down the real offenders. To start with, the additions to the Fraud Squad is an important start.

I take further a point made by Mr Eddy, and indicate yet again that there is growing concern in the Victoria Police, from the Chief Commissioner down, that Victoria must move towards a situation in which a crime commission will be established. Commissions of inquiry into a number of drug-related activities have taken place in this State and elsewhere in Australia—such as the inquiry into the activities on the waterfront—which have included evidence of large-scale drug activity. At the same time as the Royal Commission there have also been police inquiries. There is a need to have that sort of two-pronged attack to track down and counter the influence and devices of clever and evil men who have the ability to buy the best legal and other protection. It seems to me to be absolutely imperative that Australia should develop a more effective means of policing the problem and of bringing to justice the people who are involved in these activities, through the establishment of a crime commission.

In the past year or two, evidence has been produced through various courts of inquiry showing the size of the economic investment in the drug trade in Australia, and the figures given have been as high as $8000 million a year. That is almost double the entire Victorian Budget. It is an enormous activity if measured in economic terms alone, but if that incredible amount of activity is related to the number of people, mainly young people, who are harmed by the drug-trafficking, the result is even more alarming, because I understand that at present there are between 12 000 and 14 000 addicts in Melbourne alone.

Despite the evidence, one of the new men in charge of the Victoria Police Drug Squad has challenged these figures and said that the police had arrested only about 1700 people last year for drug offences. Surely even the police must understand that there are many, many more addicts around the streets and around the city than those they have apprehended. The use of drugs is a vast and sad attack on the people, mainly the young people, whose lives are being crippled. Many of them end up as suicides or die as a result of overdoses. Last year, in the City of Ballarat, there were approximately 70 deaths from drug overdose. It is a major problem and it must be attacked, and the Victorian Government is attempting seriously to tackle it through the proposed legislation.

The drugs listed in the schedules to the Bill and the major drugs of addiction, such as heroin, are not the only drugs involved. It is unfortunate that, because of the attractions of drugs and the ability of the pushers to present those attractions to young people to get them started, and because the price of heroin is high, new drugs are being

introduced. Mr Eddy mentioned that the price of heroin was $50 a cap. My understanding is that within the past few months the price has risen to $70 a cap, although with the increasing use of cocaine, which may be even more damaging, the price of heroin has dropped. However, recently a new synthetic drug that can be manufactured in a normal kitchen has been introduced. It is known as "speed". I shall not go into the formula but it is extremely dangerous and has very bad psychiatric effects. Regrettably, it is relatively cheap. Following the introduction of the heroin trade into Australia, which is being systematically and organizedly pushed and directed, there is now a burgeoning of these other drug activities that are equally, and perhaps even more, destructive of young people.

It is clear, as has been said before, that the apprehension of the people involved is made even more difficult because of the huge sums of money they have at their disposal. During the recent Mr Asia trial, the police indicated that the defendant had private funds of approximately $50 million or more. It is obvious that with those measures of resources people are able to buy the best legal advice and the best possible assistance in every field that they believe might help them escape the net of justice, including bribery and other corrupting activities.

As well as provisions for the sequestration of property, the Bill provides for the funds obtained through these sources to be paid into a drug rehabilitation and research fund. It is anticipated that those who are causing the problems and are benefiting from this terrible trade will be required to contribute to a fund to provide for re-education, community education, rehabilitation and a whole range of other activities. That move is greatly applauded and will be supported by the community. There is no doubt that there is a need for greater community awareness, more education and more research concerning the problem of drugs and drug rehabilitation.

*The Hon. D. N. Saltmarsh*

I reiterate that the emphasis of the Bill is on trafficking. The Bill will assist the courts to deal with some of the clever antics that have been performed by skilled lawyers in the past. These lawyers have been able to command large prices because of the enormous amounts of money that the people involved in these drug-related activities have accumulated. Under this Bill, if a drug of dependence or an hallucinogenic drug or cannabis or a restricted substance is held in more than the quantity specified in Schedule Eleven, the person involved will be deemed to be trafficking in that drug or substance unless the court is satisfied to the contrary. We believe that item in the Bill will provide the courts with an easier means of ensuring that justice is done to protect society.

Finally, it seems that, regrettably, long prison sentences need to be depended upon to deal with the problem. In many instances, prison sentences, espeically for young offenders, may not be the desirable outcome. However, long prison sentences for major drug trafficking, seem just, but for younger persons who could be referred elsewhere, it is appropriate to provide rehabilitation opportunities. The community should ensure that rehabilitation opportunities are made available through a whole range of services. Clearly no single method of treatment can be useful in rehabilitating all offenders. There are obviously many different approaches required and many different organizations working in the Victorian community, which have effective programmes for some people, but they may not be effective for everyone.

The drug and research programme envisaged in the Bill will ensure better co-ordination between all agencies working in the field to enable the agencies to cope with different demands and needs of people. Hopefully, the Bill will provide a more co-ordinated approach to rehabilitation of people who have been seriously affected by the activities of drug traffickers. The Bill is extremely important and enthusiastic community support for it has already been demonstrated through the daily

press. More resources will be made available in the necessary areas to ensure that the serious social problem of drug abuse is tackled vigorously. Hopefully, it will be eliminated as soon as possible.

**The Hon. B. P. DUNN** (North Western Province)—The more I listen to the debate, which I think has been a genuine expression of concern about activities within the community, the more I wonder where we and our whole way of life have gone wrong. It is almost unbelievable that such an extensive number of people in the community are prepared to resort to the use of drugs with the known effects of heroin and so on. I find it hard to believe that people in the community—which has affluence, a high standard of living and tremendous. opportunities for most—can resort to that sort of activity. Somewhere, something has gone wrong with our way of life. To talk about police, fines and penalties is one thing, but one needs to examine where everything else has gone wrong and the cause of the problem, because we are heading on a disaster course, towards a complete breakdown of the whole fibre of our civilization. I do not know how we can continue in this way.

Today, one is able to read articles in the *Herald* about the massive increase in the use of pornography through video tapes, at drive-ins and so on. Upon examination of the matters raised tonight by two members who are obviously knowledgeable of the subject, Mr Eddy and Mr Saltmarsh——

**The Hon. E. H. Walker**—Pornography?

**The Hon. B. P. DUNN**—No, I mean drugs. Mr Eddy and Mr Saltmarsh have explained what has gone on in the community and, obviously, they have had sufficient experience to be able to back up the points they have raised. Where have we gone wrong? Why are people turning to drugs? Surely, it cannot be just because they do not have a job. Other generations have faced that problem before and managed to live through it. Why are they not interested in living?

**The Hon. D. N. Saltmarsh**—Basic greed.

**The Hon. B. P. DUNN**—Mr Saltmarsh says it is greed, other people say it is because we are too affluent, and yet others say that we have too much leisure time. The problem has concerned me for some time and I am determined to examine the situation closely over the years ahead. I will not stop talking about the problem for fear of being labelled—as other people have been labelled—a wowser or narrow-minded. That will not inhibit me from talking about anti-drugs, anti-pornography and so on.

We must come to grips with the problem sooner or later and some action needs to be taken. I do not believe the correct solution is to slap the offenders in gaol; the problem needs to be tackled earlier than that. I have always maintained that the real cause is, firstly, a gradual breakdown in the family, and, secondly, a lessening of respect for authority, whether it be parents, teachers, or the police. Those are the two key areas which I believe need to be closely examined although there are many others. The cause of the problem must be tackled as well as the remedial action that will follow.

The Bill seeks to increase penalties and to prevent and discourage people from trafficking in drugs in an attempt to limit their availability. The Bill does not seek to limit the persons who wish to use drugs; it is merely trying to limit the availability of drugs to those people. However, that does not necessarily attack the problem of what causes those people to resort to drugs in the first place. Many questions need to be asked about the society and, although it is easy to say, it is not easy to offer a solution to the problem. Tangible steps need to be taken and implemented.

I emphasize the need for education on drugs because people, particularly young people, need to know about their effects. The majority of those people are unaware of the effects of drugs on persons who have habits of using hard drugs. Many people are unaware of the physical, mental and

other effects. How could people start on a downhill slide, as it were, of drug taking, knowing what will be the end result? I do not believe the education provided and used at present is sufficiently effective.

**The Hon. D. N. Saltmarsh**—The Bill provides for that.

**The Hon. B. P. DUNN**—I shall come to that. A concentrated effort should be made to educate not only young persons, but also the whole community, on the effects on persons of drug abuse. That is one way in which the problem could be tackled.

The Bill contains a number of provisions, which are supported by the National Party. The provision allowing courts to confiscate assets accrued by persons through drug trafficking is significant and, if it were used effectively, the courts would be able to confiscate the assets of those persons, including cash, and use them for rehabilitation and research purposes, which would assist in drug rehabilitation and education. There has been some doubt about whether the clause relates to property outside of Victoria.

I believe the provision must relate to property and assets held within Victoria. It is hoped that the provision will be extended to the other States of Australia but that may take time. However, that is the sort of thing at which we should be aiming, but clearly there is a way around this for drug traffickers in Victoria and if they consider that they have a chance of being caught, they can move most of their assets to another State.

At least there is a provision that instead of putting a person in gaol, something can be recouped from them and this can be used to treat and help the people whose lives they have assisted in destroying. That is a good provision.

The penalties which have been increased fairly severely in a number of instances are tough but they need to be tough. The National Party does not object to the penalties being tough because the community wants tough penalties.

**The Hon. R. J. Eddy**—But they must be implemented by the courts.

**The Hon. B. P. DUNN**—That is right. These are maximum penalties, so there is scope within the range of penalties, but surely the courts have got the message that the community expects tough action when it comes to dealing with drug pushers, drug traffickers and so on. The community expects tough penalties to be applied and the National Party supports that move.

The Bill also considerably extends the power of the police to search. They will be able to search a whole range of equipment that might be used in the trafficking of drugs. Motor vehicles, boats, aircraft and a whole range of search procedures will be extended by the Bill and this is another good provision.

The Bill also refers to glue sniffing or petrol sniffing. In his second-reading speech the Minister also referred to the sniffing of nail polish remover and a whole range of things that kids are doing for kicks. It beats me. I acknowledge that as children we used to have the occasional cigarette or some of us at school even had the occasional Mallee root down behind the shelter shed, and I can inform honourable members that they used to burn better than did cane. I am glad that the Minister of Lands has had some experience of these things and sees the joke, but yes, the old Mallee root was a luxury! These days the young people seem to sniff glue or petrol and that is an alarming trend that has developed. The Bill does not treat them as criminals for they are not criminals, but it treats the person who permits glue sniffing or the sniffing or any of the things I mentioned previously like petrol and so on. The Bill provides that they can be fined $5000 or imprisoned for two years. That is a reasonable provision, but the thrust of the provision is that the courts can require educational counselling and treatment programmes for these young people, children or what have you.

We have to tackle this problem in that way. Education is necessary because I am sure that these young persons do not realize the effects that the sniffing of glue and other substances can have on them.

Some honourable members may have seen the television programme, which I understand was overplayed by the television crew, but it concerned Aboriginal children somewhere in central Australia and the effects of petrol sniffing on them. That was disastrous and it shocked me. Although the programme zeroed in on Aboriginal children, the problem exists far wider across the community than was obvious in the television programme.

The National Party supports the Bill. There is a need for an emphasis to be placed on education; on teaching persons, particularly the young, of the dangers of drugs.

The Parliament has to give the Police Drug Squad the capacity to deal with what is involved in the drug trade and the National Party supports tough provisions as part of that capacity and the provisions of the Bill will go a long way in helping the apprehension of drug traffickers in the community.

The motion was agreed to.

The Bill was read a second time and committed.

Clause 1 was agreed to.

Clause 2 (Repeals and revocations)

**The Hon. W. V. HOUGHTON** (Minister for Conservation)—I congratulate those honourable members who contributed to the debate and particularly note the difficulty which they had in coming to terms with how to solve the problem of drug taking that exists in the community. Mr Eddy, Mr Dunn and Mr Saltmarsh grappled with this problem, and it is a problem that has been grappled with in one form or another throughout civilization, but certainly it seems to be worse in the immediate past than it has been at any other time in the history of the world.

Mr Dunn particularly was groping to express reasons why such a trend should exist at the moment. Mr Dunn suggested the breakdown in family life and a lack of respect for authority. Those are both possible and likely reasons for the current problems, but I should like to add a couple of others. I agree with what Mr Dunn states, but I think a lack of self discipline and control amongst people generally may be a reason, but above all there is probably a philosophical argument and a falure to understand the nobility of human life in the whole process of resorting to something that destroys that nobility. I suppose theologians have grappled with this problem throughout centuries, but we do not yet seem to understand that despite the amount of thought that has been given to it, despite the scientific and medical knowledge applied to it and despite the number of inquiries conducted at a high level using the best brains we can seek out to contribute to the inquiry, we do not yet seem to be able to come to grips with it.

Some honourable members expressed a concern with the severe penalties which are imposed and suggested that they might not be appropriate. Mr Eddy made this point. He would not oppose the Bill, but he expressed doubt on the penalty provisions. I do not share the doubt expressed by Mr. Eddy. On the other hand, Mr Dunn did not have any doubts about them.

It has been put that the penalty must fit the nature of the crime. Terms of life imprisonment are imposed for capital crimes, but those who serve prison sentences for capital crimes usually spend a period of about fifteen years on average. In earlier years, if an Aborigine was involved, the term of imprisonment was usually shorter than that, but I am not sure of the reason for that. When one compares a capital crime with a crime relating to drug trafficking for which a sentence of 25 years will be imposed, one has to question whether a drug-related crime is greater than a capital crime; the crime of murder in particular. Maybe that is a worse crime, but I would not like to argue on what is the worst crime. Much thought would have to be given before I would argue

that the destruction of so many human lives by trafficking in drugs was not worse than the crime of murder.

These are all problems, amongst many others, with which the Government is coping in this legislation. I do not pretend to know what the answer is. I hope the Bill is moving towards the proper answer to it, but no one can be sure. It is an honest attempt to put into practice some of the recommendations made to the Government by the committees which have examined drug addiction.

As I interjected during Mr Eddy's speech, this Bill deals with a far wider range of drugs than simply drugs of addiction. The debate has concentrated on drugs of addiction. The Bill revises the Poisons Advisory Committee and contains many other important provisions to deal with problems of drugs of addiction, on which the debate has concentrated.

The clause was agreed to, as were clauses 3 to 97.

Clause 98 (Seizure of poisons)

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

Clause 98, page 50, sub-clause (11), paragraph (*b*), omit this paragraph and insert—

"( ) that the money or goods—

(i) had not been or were not being used in or in respect of the commission of an offence mentioned in sub-section (9); or

(ii) had been or were being used in or in respect of the commission of an offence mentioned in sub-section (9) without his knowledge or consent.".

That amendment seeks to insert into the Bill a provision that if a person owned property that was seized by a member of the Police Force—as it states in clause 98 (9)—but which had not been used in the commission of an offence, that is, the offence of trafficking, and which had been used without the knowledge of the person owning the goods, the person could repossess the property, and that is the object of the amendment.

The amendment was agreed to, and the clause, as amended, was adopted, as were clauses 99 to 116.

Clause 117 (Property in other States)

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

Clause 117, sub-clause (1), line 4, after "State" (where first occurring) insert "or the Chief Minister of any Territory".

This obvious omission will be corrected by this amendment.

The amendment was agreed to.

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

Clause 117, sub-clause (1), line 4, after "State" (where second occurring) insert "or Territory".

This is another obvious omission in the Bill.

The amendment was agreed to.

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

Clause 117, sub-clause (1), paragraph (*a*), line 7, omit "New South Wales" and insert "a State or Territory of the Commonwealth".

Again, this is an obvious omission in the Bill.

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

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

## MINISTERIAL STATEMENT

### Victorian brown coal resource

**The Hon. D. G. CROZIER** (Minister for Minerals and Energy)—By leave, I move that I have leave to have incorporated in *Hansard* appendices to the Ministerial statement, which were not available when the Ministerial statement on Victorian brown coal resource was presented to the Parliament earlier today.

**The PRESIDENT (the Hon. F. S. Grimwade)**—I have to advise that the Minister sought leave from me earlier, and I have examined this material and believe it is suitable to be incorporated in *Hansard*.

*Leave was granted, and the appendices were as follows*:

APPENDIX 1

The following table shows the total demonstrated and economically winnable quantities of brown coal in Victoria by coal field.

Brown Coal Resources (as at 30 June 1980)

ORIGINAL QUANTITIES IN PLACE
(MILLION TONNES)

| *Coalfield* | *Total demonstrated resources* | *Economically winnable* |
|---|---|---|
| Yallourn-Morwell | 23 331 (*a*) | 13 757 (*a*) |
| Loy Yang | 30 248 | 11 506 |
| Gormandale | 4 250 | 2 117 |
| Holey Plains—Coolungoolun | 2 439 | 1 297 |
| Rosedale | 1 381 | 1 175 |
| Traralgon Syncline | 29 935 | 4 965 |
| Other Latrobe Valley | 16 263 | 939 |
| Stradbroke | 2 800 | 2 800 |
| Gelliondale | 5 600 (*b*) | 5 600 (*b*) |
| Anglesea | 450 (*c*) | 100 (*c*) |
| Bacchus Marsh | 110 (*d*) | 30 (*d*) |
| Bacchus Marsh-Altona | 7 500 | .. |
| Total | 124 307 | 44 284 |

(*a*) Includes 657 million tonnes excavated in the Latrobe Valley to 30 June 1980, and 6000 million tonnes beneath Latrobe Valley townships, storage dams and the A.P.M. mill area.

(*b*) Includes 450 million tonnes under Alberton township and offshore from Gelliondale.

(*c*) Includes 11 million tonnes excavated from Anglesea open cut to 30 June 1980.

(*d*) Includes approximately 10 million tonnes excavated from Maddingley open cut.

APPENDIX 2

Proposals for Conversion Developments

2.1 Specific Proposals

Four major studies of proposals for plants to produce either liquid, or solid and liquid, products are being conducted. In the four sections that follow immediately, a uniform format has been adopted so that direct comparisons may be made of the various aspects of the proposals.

The following should be noted:

NOTE 1—Plant Sizes

A rough guide to the scale of plant sizes (in respect of liquefaction processes) is:

Small scale pilot plant—coal input kilograms/day

Medium scale pilot plant—coal input tonnes/day

Large scale pilot plant—coal input hundreds of tonnes/day

Demonstration plant—coal input thousands of tonnes/day.

NOTE 2—Resources other than coal must also be available for commercial developments, e.g., water, labour for construction and operation, the capacity for effluent disposal, &c. While it is only possible at this time to make broad estimates of these requirements, the Council studies described earlier in this Statement will provide definitive information for economic analysis and planning purposes. The Joint Australia/Federal Republic of Germany Coal-to-Oil Feasibility Study is particularly important in this respect.

*The Brown Coal Liquefaction (Victoria) Ltd. (BCLV) Proposal*

| | | |
|---|---|---|
| 1 | Proposer | Originally KOMINIC Consortium (Kobe Steel Ltd., Mitsubishi Chemical Industries Ltd., Nissho Iwai Corporation)<br>Now "Nippon Brown Coal Liquefaction Co. Ltd." (above companies, plus Idemitsu Kosan Ltd. and Asia Oil Ltd.), through its subsidiary "Brown Coal Liquefaction (Victoria) Ltd."<br>Has been taken up as a "national project" by the Government of Japan |
| 2 | Country of Origin of Proposal | Japan |
| 3 | Type of Process | Catalysed Solvent Refined Coal process (Stage 1) followed by de-ashing and secondary hydrogenation of solid SRC (Stage 2) |
| 4 | Status of Process Development | First Stage—Small scale pilot plant in operation in Japan with construction commenced in November 1981 of a 50 tonne (dry coal) per day pilot plant at Morwell<br>Second Stage—Small scale pilot plant in operation in Japan |
| 5 | Nature of Product(s) | Liquid fuels for industry and transport |
| 6 | Output of Products | 4 million tonne/year, consisting of:<br>0·5 mill t/y light oil<br>3·5 mill t/y heavy oil |

*The Brown Coal Liquefaction (Victoria) Ltd. (BCLV) Proposal*—continued

| | | |
|---|---|---|
| 7 | Approximate Coal Input (Commercial Scale) | 25 million tonne/year |
| 8 | Proposed Time Scale | |
| | Initial Feasibility Studies .. .. | 1980–1981 |
| | Pilot Plant— | |
| | Design/Construct .. .. | 1980–1981 |
| | Operation .. .. .. | 1983–1986 |
| | Demonstration Plant— | |
| | Design/Construct .. .. | 1983–1986 |
| | Operation .. .. .. | 1987 onwards |
| | Commercial Plant— | |
| | Design/Construct .. .. | 1989 onwards |
| | Operation .. .. .. | Not specified |
| 9 | Funding .. .. .. .. | Funds for pilot plant will come from Japanese |

*The Mitsui SRC Development Co. Ltd./CSR Proposal*

| | | |
|---|---|---|
| 1 | Proposer .. .. .. | Originally consortium of Mitsui companies (Mitsui Mining Co. Ltd., Mitsui Coke Co. Ltd., Mitsui Kozan Coking Industry Co. Ltd., Mitsui and Co. Ltd.)<br>Now "Mitsui SRC Development Co. Ltd." (above companies plus seven others, including Tokyo Engineering Corp., Japan Steel Works Ltd. and Mitsui Engineering and Shipbuilding Co. Ltd.)<br>A partnership agreement has been made with CSR Limited |
| 2 | Country of Origin of Proposal .. | Japan |
| 3 | Type of Process .. .. .. | Catalysed Solvent Refined Coal process including filtration |
| 4 | Status of Process Development .. | Medium scale pilot plant already in operation in Japan |
| 5 | Nature of Product(s) .. .. | Solid additive to improve coking properties of low grade coals or feedstock for anode carbon or carbon fibre manufacture. By-product liquids—naphtha (chemical or refinery feedstock) |
| 6 | Output of Products .. .. | 1·25 million tonne/year, consisting of:<br>0·85 mill t/y solid SRC 0·4 mill t/y light and middle distillates |
| 7 | Approximate Coal Input (Commercial Scale) | 7 million tonne/year (Mitsui has advised of possible interest in trebling this requirement) |
| 8 | Proposed Time Scale | |
| | Initial Feasibility Study .. .. | 1981–1982 |
| | Pilot Plant— | |
| | Design/Construct | |
| | Operation .. .. .. | In operation in Japan—Victorian brown coal test 1980–1981 |
| | Demonstration Plant— | |
| | Design/Construct .. .. | |
| | Operation .. .. .. | |
| | Commercial Plant— | |
| | Design/Construct | 1983–1986 |
| | Operation .. .. .. | 1987 onwards |
| 9 | Funding .. .. .. .. | Strong Japanese commercial support and agreement reached with CSR Ltd. for an equal partnership arrangement, to conform with foreign investment guidelines. Financial support has not been sought from Japanese government |

*The 'Rheinbraun' Proposal*

This emerged as a result of the favourable indications being obtained from the Joint Australia/FRG Coal-to-Oil Feasibility Study.

| | | |
|---|---|---|
| 1 | Proposer .. .. .. | Rheinische Braunkohlenwerke AG, Cologne, West Germany<br>(Original feasibility study proposal by seven German companies—including Rheinbraun—led by Prof. Imhausen. Proposal taken up by Government of West Germany, and study being conducted jointly with Governments of Australia, Victoria, New South Wales and Queensland) |
| 2 | Country of Origin of Proposal .. | West Germany |
| 3 | Type of Process .. .. .. | Direct hydrogenation followed by product upgrading |
| 4 | Status of Process Development .. | Small scale pilot plant on current process configuration, but commercial scale experience during 1940's on basic process |
| 5 | Nature of Product(s) .. .. | Possibly transport fuels and/or light oils (naphtha type) |

*The "Rheinbraun" Proposal*—continued.

| | | |
|---|---|---|
| 6 | Output of Products .. .. | 2·8—3·0 million tonne/year of refined fuels and/or chemical and refinery feedstocks |
| 7 | Approximate Coal Input (Commercial Scale) .. .. .. .. | 30 million tonne/year (includes coal for electricity consumption of plant) |
| 8 | Proposed Time Scale | |
| | Initial Feasibility Studies— .. | 1981–84 |
| | Pilot Plant— | |
| | Design/Construct .. .. | Small scale pilot plant in operation in Germany—Victorian brown coal test 1979 |
| | Operation .. .. .. | |
| | Demonstration Plant— | |
| | Design/Construct .. .. | |
| | Operation .. .. .. | |
| | Commercial Plant .. .. | Not Specified |
| | Design/Construct .. .. | |
| | Operation .. .. .. | |
| 9 | Funding .. .. .. .. | German partners available. An approach has been made by Rheinbraun to Australian companies to discuss "co-operation" in a liquefaction operation |

*The International Oil Proprietary/ARCO Australia Ltd. Proposal.*

| | | |
|---|---|---|
| 1 | Proposer .. .. .. | International Oil Proprietary (subsidiary of Moonie Oil Co. Ltd.) holder of exploration licence in Gelliondale area since 1976 (although exploring in area since 1968) and ARCO Australia (subsidiary of Atlantic Richfield Co., U.S.A.) |
| 2 | Country of Origin of Proposal .. | Australia |
| 3 | Type of Process .. .. | Not determined (ARCO involved in Exxon Donor Solvent process in U.S.A., but to examine also underground gasification and Coal-Oil Mixtures). |
| 4 | Status of Process Development .. | Technical and field scale development in all three processes. Large pilot plant commissioned on EDS process |
| 5 | Nature of Product(s) .. .. | Industrial liquid fuels or refinery feedstock. Fuel or synthesis gas |
| 6 | Output of Products .. .. | 50,000 barrels/day, equivalent to approximately 2·5 million tonnes/year |
| 7 | Approximate Coal Input (Commercial Scale) | 22 million tonne/year |
| 8 | Proposed Time Scale— | |
| | Initial Feasibility Studies .. | 1980–1983 |
| | Pilot Plant— | |
| | Design/Construct .. .. | |
| | Operation .. .. .. | |
| | Demonstration Plant— | |
| | Design/Construct .. .. | Not determined |
| | Operation .. .. .. | |
| | Commercial Plant— | |
| | Design/Construct .. .. | |
| | Operation .. .. .. | |
| 9 | Funding .. .. .. .. | Agreement between partners concerning joint funding of commercial developments |
| 10 | Source of Coal .. .. .. | Gelliondale |

Other Proposals

A number of other major industrial organizations have brought to the attention of the Victorian Brown Coal Council projects which they envisage or are examining, and these are being considered by the Council.

2.2 Governmental Involvement in Study Programmes

The BCLV Proposal

This proposal has been taken up as a "national project" by the Japanese Government under the sponsorship of the Ministry of International Trade and Industry. The Japanese parliament has voted 3500 million yen ($14·75 million) for this project in Japan's Fiscal Year 1981 (4/81—3/82). The total cost of building and operating the pilot plant is estimated to be of the order of $200 million; Government involvement will be exercised through the New Energy Development Organization. It has been supported by the Australian Government (at the request of the Victorian Government) under the Japan/Australia agreement to co-operate in energy research and development.

The Mitsui SRC/CSR Ltd Proposal

The Japanese and Australian Governments have been informed of the proposal, for a feasibility study but no requests for direct assistance have been made. The Victorian Government has offered encouragement and advice, and assistance with feasibility studies.

The Rheinbraun Proposal

The West German and Australian Governments have been informed of the proposal for a feasibility study.

The IOP/ARCO Proposal

An Exploration Licence has been issued over part of Gelliondale coal field and the issue of a Mining Lease at the successful conclusion of the proposed study conditionally agreed.

2.3 The Involvement of the Victorian Brown Coal Council

The BCLV Project

The Council is involved in:

(*a*) representing Victoria at the "Intergovernmental Committee" meetings between Japan, Australia and Victoria;

(*b*) meeting with NBCL/BCLV in a "Co-ordinating Committee" planning the work of the feasibility study, both as regards policy matters and working arrangements;

(*c*) arranging for the co-ordination and provision of input data to the feasibility studies;

(*d*) the supply of samples of coal for laboratory testing purposes;

(*e*) arranging for a site for, and coal supplies to, a pilot plant, servicing the site, and placing two Council professional officers in the technical development section of the pilot plant.

The Mitsui SRC/CSR Ltd Project

The Council is involved in:

(*a*) an agreement with Mitsui to preserve the confidentiality of proprietary information;

(*b*) meetings with Mitsui and CSR in connection with planning the work of the feasibility studies;

(*c*) arranging for the co-ordination and provision of input data to the feasibility studies;

(*d*) the supply of 1000 tonnes of brown coal for pilot plant testing, at Mitsui's expense.

The Rheinbraun Proposal

The Council is arranging for the co-ordination and provision of input data to the "pre-feasibility" and feasibility studies. (Council is the authority in Victoria responsible for the Victorian component of the Joint Feasibility Study conducted by Governments in Australia and the Federal Republic of Germany and supplies representation on the Australian Management Committee. A Council officer is also Australian Study Manager, representing all Australian Governments in dealings with the General Contractor for the Study.)

The IOP/ARCO Proposal

The Council is considering the proposed programme of further exploration, research and development.

## FILM VICTORIA BILL

This Bill was received from the Assembly and, on the motion of the Hon. GLYN JENKINS (Minister of Water Supply), was read a first time.

## DRIED FRUITS (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.

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

That this Bill be now read a second time.

The Victorian Dried Fruits Board was established more than 40 years ago, along with dried fruits boards in New South Wales and South Australia, at the request of industry, to enable appropriate supplies of dried fruit to be directed towards the domestic and export markets and to perform other functions necessary for the rational marketing of dried fruit throughout Australia.

At the request of the dried fruit industry, the Australian Dried Fruits Corporation has now been established under a Commonwealth Act to arrange export marketing of Australian dried fruit, and therefore that part of the marketing function of the State boards is no longer required.

The Victorian Dried Fruits Board currently consists of seven members, five of whom are elected by growers. The current term of office of the elected members is due to expire on 31 December 1981 and, in the ordinary course of events, an election would be required early in December. In view of the reduced responsibility of the board, as I have outlined, it is proposed that the board be dissolved and that a new board be appointed consisting of three persons charged with the responsibility of carrying out the remaining functions of the board and of submitting a report within twelve months on efficient procedures to be adopted to meet the reduced role.

Clause 1 of the Bill contains the usual citation provisions. It also provides for clause 2 to come into operation on an appointed day, with the

other provisions of the Bill coming into operation when Royal Assent is received. The "appointed day", which is referred to later in the Bill, will be a day, fixed by Proclamation of the Governor in Council, on which the term of office of the present members of the Dried Fruits Board will expire.

Clause 2 makes five separate amendments to the principal Act. First, the Dried Fruits Board is to be reconstituted with three members appointed by the Governor in Council. The chairman is to be an officer of the Department of Agriculture and the other two members are to be appointed after considering panels of names submitted by organizations which are representative of growers of dried fruits. The terms of office are to be arranged so that the members of the board do not all retire on the same date. A simple procedure is included so that a deputy member can be appointed as a temporary measure, to cover any unforeseen illness or absence. This is necessary because of a later provision in the Bill to the effect that a quorum of the board is to consist of three members.

Secondly, the interpretation of "member" in the principal Act is amended to include any person appointed to act as a deputy. Thirdly, the re-constituted board is deemed to be the same body as the previous board, in order to provide for continuity of operation. Fourthly, section 11 of the principal Act is repealed. This section deals with vacancies in the office of chairman and deputy chairman, and will be redundant after the appointed day. Finally, a new section is inserted in place of section 13 of the principal Act. Section 13 of the existing Act deals with the calling of meetings, specifies that four members are required for a quorum, and provides for a casting vote by the chairman and so on. These provisions will be inappropriate for the new board after the appointed day and will be replaced by the new section 13, as set out in the Bill.

Clause 3 increases the contribution paid by registered packing houses towards the expenditure of the board, from a maximum rate of $2 to $6 a tonne of the quantity of dried fruits sold or forwarded from packing houses. Until recently, the contributions paid by packing houses were sufficient to cover the board's costs and to cover the cost of inspections carried out by inspectors of the Commonwealth Department of Primary Industry. About 60 per cent of dried vine fruit is exported, but at the time of packing it is impossible to distinguish which fruit is destined for export and which fruit is for domestic consumption. Until recently, the Department of Primary Industry made a nominal charge for the estimated portion of the inspections that related to fruit for domestic consumption. The Commonwealth Government has increased the charges substantially. Further increases have been forecast and are currently under discussion.

The amount of the contribution is fixed by regulation within the maximum specified in the Act and it is expected that the revised figure of $6 a tonne will be sufficient to cover costs for the 1981 season. One of the main objectives of the reconstituted board will be to recommend alternative inspection procedures that will be more economical.

Clause 4 substitutes new provisions for the two sections of the principal Act that relate to the statement of accounts and the annual report, and specifies the date by which these reports are to be finalized. The statement of accounts is to be subject to audit by the Auditor-General. This is the same as the existing requirements in the principal Act. The financial year of the board ends on 31 December and the board will now be required to submit its audited statement of accounts, together with its annual report, by 1 May of the following year. Copies of the annual report and the audited statement of accounts will be forwarded to the Parliament within fourteen sitting days after they are received by the Minister.

Clause 5 repeals various sections of the existing Act which are no longer required. Sections 6. 7 and 8 of the existing Act relate to the election of members of the board. Section 9 deals with the term of office of nominated members of the board. Sections 27, 28 and 29(1) (*a*) relate to marketing functions which are now carried out by the Australian Dried Fruits Corporation. Four paragraphs in section 39(1) are also repealed, as they relate to regulation-making powers that will no longer be required.

Clause 6 provides that the terms of office of the members appointed or elected under the existing Act will expire on the appointed day, and of course the new provisions in clause 2 of the Bill come into operation on the same day. Sub-clause (3) requires the reconstituted board to submit a report to the Minister of Agriculture within twelve months of the appointed day, or such later date as may be determined, with its recommendations regarding the future role and functions of the board. I commend the Bill to the House.

On the motion of the Hon. R. J. Eddy, for the Hon. D. E. KENT (Chelsea Province), the debate was adjourned.

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

## LOTTERIES GAMING AND BETTING (AMENDMENT) BILL

This Bill was received from the Assembly and, on the motion of the Hon. F. J. GRANTER (Minister for Police and Emergency Services), was read a first time.

## FILM VICTORIA BILL

**The Hon. GLYN JENKINS** (Minister of Water Supply)—I move:

That this Bill be now read a second time.

The purpose of the Bill is to create a new statutory authority to be responsible for Government activities related to the production and distribution of film in Victoria, including film produced for educational purposes. The new organization, to be known as Film Victoria, will be established by amalgamating the Victorian Film Corporation, the State Film Centre, and sections of the Audio-Visual Resources Branch of the Education Department.

The Minister set up the Interim Board for Educational Film and Television in April 1980. The board was asked to prepare recommendations to the Government upon the structure and policies necessary to provide for the effective provision of educational film and television services in the longer term, and to consider the desirability of establishing an institute of educational film and television.

Members of the board were drawn from the Victorian Film Corporation, The State Film Centre, the Education Department, a tertiary educational institution and a commercial broadcasting corporation. The views of the interim board have been conveyed to the Minister through numerous progress reports and have been influential in developing the concept of Film Victoria. I would like to recognize the valuable contribution of Dr Graham Whitehead, chairman, Mrs Elizabeth Connor, Mr Ross Dimsey, Dr Patricia Edgar, Mr Tom King and Mr John Stapp.

There are three principal organizations being amalgamated. The Minister has had discussions with the Victorian Public Service Association, the Victorian Teachers Union and with officers of the organizations concerned in the proposed amalgamation.

The Victorian Film Corporation was created in 1976 to foster and encourage the development of the film and television industry in Victoria. As a result of its activities in investment in script development and film production, and by the provision of loans for market development, the corporation has become a vital element in the continued growth of the film and television industry in this State.

The opening of the Melbourne Film Studio in 1980 by the corporation was another initiative which indicates the approach of the corporation in developing the film industry by co-operation

with private enterprise. The Government, through the corporation, has underwritten the long-term lease on the studio which is being developed by private enterprise and which is available for sub-lease by production companies.

The corporation is also responsible for the production of films for Government departments. Although the actual production is tendered to private enterprise, they are supervised by the corporation's executive producer. By this means more than a dozen documentaries are produced each year. The corporation's major role, however, is in investment in production of film and television programmes.

The Victorian Film Corporation acts as a catalyst to private investors. The recently-announced taxation incentives for the film industry have increased rather than lessened this need, since private investors are anxious to tap the expertise developed over the years which exists within the corporation. Recent production investments are the television series: "Water Under the Bridge" and "A Town Like Alice", and the feature films "Partners" and "Squizzy Taylor".

The Victorian Film Corporation places a large emphasis on the importance of overseas marketing by supporting producers' sales ventures, not just for specific selling exercises but to gather intelligence about the way overseas markets work. Some of these ventures have been very successful, in particular the efforts of the Crawford organization, whose production "The Sullivans" is now seen by some millions of people daily in both North and South America as well as Europe.

The State Film Centre was set up in 1946 to acquire, distribute, exhibit and promote documentary films to community groups in the State of Victoria. It is essentially a free film and video lending library. As well, it is a public reference and information library and operates several theatres. It also offers film purchasing, and technical advice to Government departments, instrumentalities and community groups.

The distribution section of the centre services the needs of country borrowers through seventeen regional libraries. Currently, 20-25 per cent of the centre's loans are to these libraries and as a result reach more than half a million people. School borrowers number 1234 and there are 3206 community borrowers. The total audience of the centre's loans was more than 2·25 million in 1980.

The main aim of the Audio-Visual Resources Branch of the Education Department, sections of which form the third element to be amalgamated in Film Victoria, is to improve the quality of instruction and learning in schools by the application of appropriate audio-visual learning resources. The branch provides an extensive range of audio-visual resource services and materials needed by schools. A free film lending library is maintained; technical advice is provided on equipment purchases; assistance is given with the maintenance of equipment; and curriculum materials are developed in a variety of subject areas.

The Audio-Visual Resources Branch of the Education Department has established an excellent reputation in the field of educational film and television production. The television production unit produces each year approximately thirty programmes designed for school curriculum in Victoria.

Each of these three organizations has something to offer the other in expertise and experience. However, it is the Government's view that the co-operation that has been growing between them over recent years can become even more productive by bringing them together into a single organization. A more rational and integrated approach to planning, financing, producing, acquiring, disseminating and marketing of films and television programmes is now required. It is our view that this can best be achieved where a single corporation is charged by the Government to undertake these tasks on its behalf.

One of the benefits of the broader base that the new corporation will have, will be its capacity to take advantage

of the new and fast developing communications technology. Cable television, satellites, teletext, video tapes and video discs are already relatively common terms in our language.

Overall, this new technology will provide direct access and significantly increase the amount of information, entertainment and educational resources available to a diverse and demanding audience. Film Victoria will be capable of exploring the new communication modes that will enable it to more effectively reach its various target audiences.

Instead of three separate groups engaged in one or more of the many functions related to the Government's objectives for Film Victoria, the new organization will be responsible for them all, including the financing, production, marketing, exhibition and distribution of films and television programmes. By bringing these functions together under one organization, relationships with commercial producers investors, broadcasters and users in Victoria, and other States, and with national bodies, will be simplified.

By the employment of creative people with production and technical skills; educationalists with the knowledge of the interests of children and a knowledge of their learning skills; and persons with expertise in the communications industry and a vision of what can be achieved through film and television, Film Victoria will be able to take a leadership role in meeting the educational, information and entertainment needs of Victorians.

Preliminary steps have been taken by both the Victorian Film Corporation and the Education Department in separate initiatives to develop high quality television programmes for children. With the passage of the Bill, Victoria will be in a better position to continue these developments. I must stress that Film Victoria will not be limited to these two forms of communication. Both the children's television workshop in New York and the Ontario Educational Communications Authority in Canada have demonstrated the importance of linking the written word with the visual image and spoken word. This is particularly important in the educational sphere.

The size of the organization achieved by the merger of the three groups brings other advantages. Financial economies can be achieved by bringing the three groups together physically, by allowing the adoption of modern office technology, and by the more extensive application of computer technology in the distribution of film. More importantly, the size of the corporation makes possible a greater extension of activities into the areas of research and marketing than was formerly possible. The production of educational films and materials will be a major task of the corporation.

Too often in the past films and television programmes have been produced which have not been adequately researched in terms of content or client needs.

One of the difficulties educational film makers have experienced in the past has been the lack of evaluation techniques which are time and cost efficient. Now research tools are available which can systematically collect responses from students to a range of detailed questions, analyse these responses and present the results on a television screen in a form that is easily understood by everyone.

Film Victoria will be in a position to take up and develop new ways of providing for the access of schools and the community to film. The educational access television project is but one example of such a direction. Similarly with the Minister's encouragement, and with the help of BTV Ballarat, the country education project has arranged for the screening of films and information programmes for use by Higher School Certificate students. Both these services have now spread through regional networks so that almost all areas of Victoria are covered. These examples demonstrate how, with the goodwill of the television industry, the current capacity in the television industry can be used by the Government to achieve sound educational objectives.

In general, staff will be employed under the Public Service Act. However, the special employment needs of Film Victoria requires greater flexibility and managerial autonomy in respect of employment matters than is currently provided to departments operating under the Act. On the other hand, it is desirable that the corporation makes use of the personnel, policy, skills and the industrial expertise available in the Public Service Board and that staff employed in the corporation are able to enjoy Public Service conditions of employment and be part of the wider career service by employment under the Public Service Act.

These special needs have been met by provisions in this Act which allow for staff to be employed under the Public Service Act by a substantial delegation of Public Service Board powers to the corporation. The transfer of such powers is, however, designed to be effected by Order in Council under Clause 10 and will enable the corporation to employ staff, classify positions, and undertake a range of other personnel functions without reference to the Public Service Board. In undertaking these activities, the corporation would be subject to general policies and guidelines decided by the Public Service Board. In other respects the corporation will operate as an element of the Public Service and be subject to the Public Service Board's normal effectiveness review responsibilities. To further facilitate the administration of personnel matters, the director of the corporation will, under the provisions of clause 10(7), have permanent head status for the purpose of the Public Service Act.

While in general staff will be employed under the Public Service Act, the Bill does identify another category of staff whose conditions of employment need not be subject to that Act. The Governor in Council may, on the recommendation of the corporation and after considering the views of the Public Service Board declare a position in the corporation not subject to the Public Service Act. In such a circumstance, conditions of employment will be determined by the corporation and approved by the Governor in Council. This provision is important as it provides the corporation with flexibility to recruit staff with practical experience in the various fields of film production in an industry where a high mobility of personnel is experienced.

In addition to the categories of staff I have already mentioned, the Bill makes provision for the secondment of staff from the Education Department. This would be done with the approval of the Minister of Education. Such a provision is important because it provides another way in which Film Victoria can keep in touch with its major client group.

At the end of their secondment, these teachers would return to schools with benefits derived from working in another organization, with a fuller understanding of the role of the media in education, and of how schools can influence and assist the work of the corporation. Some of these teachers may take up positions of leadership in the Education Department's District Audio-Visual Resources Centres and provide a consultancy service on media education to schools. The Victorian Public Service Association has been consulted regarding the general staffing framework and has indicated its support for the proposed arrangements.

Fears have been expressed to the Minister by teachers and teacher organizations that the concerns and needs of schools will be lost in an organization with the broad objectives envisaged for Film Victoria. I wish to assure the House that these fears are groundless. As well as its direct involvement in the management and administration of Film Victoria, the Education Department will be a major client of the new corporation.

Wherever the Education Department commissions the production of a film, close liaison will be maintained between the corporation and the department. The Education Department officers will be amongst those who will be responsible for developing the brief for the film and for monitoring its production. At crucial stages in the production

process such as the treatment stage, the script or storyboard stage, fine cut and double head stages, the corporation will be obliged to report to its client.

It is proposed that the in-house production facilities envisaged for the new corporation will be used for the production of educational films and television programmes.

In relation to film library services, it is proposed to establish a Film Acquisition Committee representative of clients to ensure that the film library effectively services its users. Schools and community groups can expect the continuation of services they have traditionally enjoyed, but to a higher standard.

It is envisaged that the funds available to the Education Department for both the production of films and television programmes and the purchase of films for loan to schools would continue to be provided in the Budget under the education vote. However, these funds would only be available for disposal by the corporation.

To bring the multifarious activities of the corporation together requires a management structure that reflects appropriate functions, provides for clear lines of communication and precisely defines the roles of its officers.

The details of such a structure need to be determined by the corporation once it has been established. However, a management structure that has already been considered by the Interim Board for Educational Film and Television and by the Minister of Educational Services in another place makes provision for four functional divisions; administration, finance and marketing, acquisition and distribution, and materials production, utilization and research.

Another task to which the board will have to give some attention is communication. An early initiative may well be the development of new information networks as well as linking us to those already existing. In addition to the 24 district audio-visual resource centres, and the seventeen regional libraries contacts might be developed with colleges of advanced education, community education officers, the Council of Adult Education and other educational institutions.

In all, the concept of Film Victoria is an exciting one and one which will bring much credit to this State. Through its activties we can extend and expand learning and entertainment opportunities for all members of the community. Moreover, it will provide a sound basis from which we can launch new initiatives in media and take advantage of the rapidly developing communications technology. 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.

## ADJOURNMENT

### Business of the House—Computer technology for educational institutions—Grovedale pre-school centre

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

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

That time has been chosen because another place has not acted as quickly as was expected in passing Bills to this House. The Government is currently awaiting four more Bills from another place and it appears as though the wait may well be profitable.

Following discussions with the Leader of the Opposition in this House and with the knowledge that a number of honourable members, who had not previously indicated so, now intend to visit a certain function tomorrow evening to farewell His Excellency, the Governor, it is proposed that this House conclude business at 6.30 p.m. or earlier and meet again on Friday. Therefore, several Bills will not be printed in final form until Friday and, thus, the House must meet in any event on that day. The anticipated time of the commencement of sitting on Friday is 10 a.m. and it is hoped to conclude business by 6.30 p.m. or earlier.

The motion was agreed to.

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

That the House do now adjourn.

**The Hon. D. M. EVANS** (North Eastern Province)—I refer the Minister of Education to the provision of computer programmes and computer training in Victorian secondary schools. Many people view the computer as something that students may require knowledge of in later life during their careers and that it would be advantageous for those students to have at least some opportunity to use computers and to obtain an idea of the scope of their operations and their value in the business and professional worlds. However, there is concern that computers could be used as a status symbol and that some schools may have chosen inadequate computer equipment. Therefore, there could be inconsistencies in the methods used to choose computers.

I urge the Minister to institute a consistent pattern of choice of computer technology for Victorian schools and to ensure that, as far as possible, computer equipment is standardized. Co-operation could be achieved between adjacent secondary and technical schools and colleges of advanced education, with computer terminals hooked to a common computer servicing several schools in the same area so that a more consistent pattern of computer usage would be arrived at. It would be of real advantage if the Education Department made a proper investigation of the matter, using those people who possess the expertise in the computer field. A substantial majority of principals at both secondary and technical schools would favour the standardization of computer usage as it would be of advantage to all students.

At present many school principals believe their students would be advantaged by the provision of computer technology but could be reticent about providing that technology because of uncertainty about the future developments in the Education Department. I urge the Minister to institute a full study on the introduction of a standardized computer service and more co-operation between educational institutions in this field.

**The Hon. R. A. MACKENZIE** (Geelong Province)—I raise with the Minister for Conservation, representing the Minister of Health, a matter I raised last week on the funding of the Grovedale pre-school centre. Will the Minister provide some clarification on the present state of that funding?

**The Hon. A. J. HUNT** (Minister of Education)—For some time the Education Department has had a computer science committee under the chairmanship of Dr Moore, Deputy Director-General of Education. The purpose of that committee is to ensure that computer hardware and software obtained for schools and other educational institutions are suitable for their intended purposes and that common computer programmes are adopted for the benefit of pupils in schools alike.

I invite Mr Evans to contact Dr Moore to obtain full details of the way in which the computer service for schools operates. The large majority of schools that have computers have common stock computers and programmes. A couple of schools that purchased computers before the funds were made available, may have different classifications of computer technology, but a common policy does exist.

I trust that Mr Evans will take advantage of the offer made to him so that he can be fully informed on the subject, which, I agree, is most important.

**The Hon. W. V. HOUGHTON** (Minister for Conservation)—During the debate on the motion for the adjournment of the sitting on 2 December Mr Mackenzie asked me about the establishment of a pre-school in the Grovedale area. The information I gave requires further explanation.

At the time I was informed that teacher subsidies for certain existing pre-schools had been approved. This,

of course, did not apply to the Grovedale application. I advise Mr Mackenzie that the submission for establishment of a pre-school at Grovedale is receiving the careful consideration of the Minister of Health.

The motion was agreed to.

*The House adjourned at* 12 *midnight.*

## *QUESTIONS ON NOTICE*

### PENTRIDGE PRISON

(Question No. 36)

**The Hon. R. J. EDDY** (Thomastown Province) asked the Minister for Conservation, for the Minister of Health:

Does the Health Commission intend to provide more psychiatrists, or assistance by outside psychiatrists on a part-time basis, for urgent treatment of prisoners in Pentridge Prison?

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

Provision exists for the employment of additional psychiatrists to fill the vacancies which exist at Pentridge and other prisons, but efforts to recruit staff for these positions have not been successful. Advertisements have been placed in Australia and overseas and a degree of priority is given to these positions in communication with any enquirers.

The recent employment of a psychiatrist on a sessional basis (six sessions per week) has been of considerable assistance, as has the appointment of another psychiatrist for one session per week.

### CASTLEMAINE BACON SMALLGOODS FACTORY

(Question No. 165)

**The Hon. G. A. SGRO** (Melbourne North Province) asked the Minister for Conservation, for the Minister of Health:

(*a*) On or around 7 September 1981, did the local health inspector in the Castlemaine area telephone a Mr Harris, of Castlemaine Bacon Smallgoods Factory, to advise that he should remove from his freezer chamber the horse and goat meat stored there, because of an impending visit from two inspectors from Melbourne?

(*b*) Were the inspectors officers of the Department of Agriculture or the Health Commission?

(*c*) Was the Minister of Health aware that they had inspected the factory?

(*d*) What types of meat were in storage at the plant, and was horse meat found on the premises?

(*e*) Has the Minister received a report from the officers who visited the plant?

(*f*) Does the Minister know that Commonwealth police have proof that horse and goat meat was found on the premises of the company and is the Minister aware that Commonwealth police have a report?

(*g*) Why was this factory able to keep horse and goat meat without the Government knowing about it?

(*h*) Why didn't the health inspectors treat Castlemaine Bacon Smallgoods in the same manner as was Tibaldi Smallgoods?

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

(*a*) No.

(*b*), (*c*), (*d*) and (*e*). No Health Commission officers were involved in an inspection of this factory on 7 September 1981.

(*f*) I am unaware of information that might be in the possession of the Commonwealth police.

(*g*) This question should be referred to the Department of Agriculture who employs full-time Meat Inspectors on the premises.

(*h*) As previously indicated, Health Commission Health Surveyors were not involved in this incident at the Castlemaine Bacon and Smallgoods Factory. Health Commission of Victoria Health Surveyors were involved in an earlier incident involving Tibaldi Smallgoods. In the Tibaldi incident, officers of the Health Commission of Victoria acted on 10 August 1981 in the face of an epidemic of Salmonellosis caused by Salmonella Newport that occurred in Victoria during part of July and August 1981. The epidemic involved more than 250 proven human cases in Victoria. Some of these people required hospital treatment, and were seriously ill, and Municipal Officers on 10 August 1981 and 11 August 1981 brought the epidemic under control within 72 hours.

## MARIJUANA

(Question No. 172)

**The Hon. R. J. EDDY** (Thomastown Province) asked the Minister for Conservation, for the Minister of Health:

(*a*) Further to question No. 42, answered in this House on 13 October 1981, will the Minister of Health now comment on the document from Odyssey House supporting legalization, packaging and Government taxing of marijuana?

(*b*) Why were officers of the Health Commission unaware of the existence of this public document?

**The Hon. GLYN JENKINS** (Minister of Water Supply)—The answer supplied by the Minister of Health is:

(*a*) The document from Odyssey House which was presented to me by the Honourable R. J. Eddy, M.L.C. is not a public document issued by Odyssey House. It is a confidential memorandum prepared for the consideration of the N.S.W. Board. This document was considered by the N.S.W. Board which rejected the attitude outlined in it and decided upon a firm policy against the legalization of marijuana. My attitude is also that of opposition to the legalization of marijuana.

(*b*) As this was an internal Odyssey House document prepared for the N.S.W. Board and was never referred to Victoria it is difficult to see why officers of the Health Commission should be aware of its existence.

## KINGSBURY TRAINING CENTRE

(Question No. 188)

**The Hon. R. J. EDDY** (Thomastown Province) asked the Minister for Conservation, for the Minister of Health:

(*a*) What was the Budget allocation to Kingsbury Training Centre in the financial years 1979–80, 1980–81 and 1981–82, respectively?

(*b*) How much of those allocations were not utilized in the 1979–80 and 1980–81 financial years?

**The Hon. W. V. HOUGHTON** (Minister for Conservation)—The answer supplied by the Minister of Health is statistical and I seek leave to have it incorporated in *Hansard*, without being read.

*Leave was granted, and the answer was as follows:*

| *Financial year* | *(a) Allocation* | *(b) Amount not utilized* |
|---|---|---|
| | $ | $ |
| 1979–80 .. .. | 137 150.00 | Nil |
| 1980–81 .. .. | 164 490.00 | 1 240.00 |
| 1981–82 .. .. | 180 645.00 | |

## ODYSSEY HOUSE

(Question No. 202)

**The Hon. R. J. EDDY** (Thomastown Province) asked the Minister for Conservation, for the Minister of Health:

How much has been provided to Odyssey House under the $3 for $1 subsidy on donations commitment?

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

The funding of Odyssey House is not based on a $3 subsidy commitment for each $1 raised from donations. The Government's commitment is to fund Odyssey House on the basis of up to a maximum of 75% of operating costs approved by the Health Commission. The allocation for this purpose in 1981–82 is $600 000.

# Legislative Assembly

**Wednesday, 16 December 1981**

**The SPEAKER (the Hon. S. J. Plowman)** took the chair at 10.14 a.m. and read the prayer.

## *QUESTIONS WITHOUT NOTICE*

### ADVICE TO SHADOW MINISTERS

**Mr CAIN** (Leader of the Opposition) —I refer the Premier to a question I asked yesterday which he studiously ignored. Is the Premier not aware that the current Prime Minister's practice—at least on the occasion of the past two elections—was to make available heads of departments and other key personnel to members of the alternative Government in the period immediately preceding the election? Will the honourable gentleman indicate whether he is willing to do so and afford to me and other members of my party in the months immediately prior to the next election this facility that the Prime Minister affords in the Federal sphere?

**Mr THOMPSON** (Premier and Treasurer)—The Leader of the Opposition will be treated no differently from Leaders of the Opposition in this State over the past quarter of a century.

### RICHMOND CITY COUNCIL

**Mr ROSS-EDWARDS** (Leader of the National Party)—I refer to the report of the inquiry into the Richmond City Council which was tabled yesterday. Will the Premier advise the House whether it is the intention of the Government to appoint an administrator for the City of Richmond?

**Mr THOMPSON** (Premier and Treasurer)—The matter is currently being considered by the Minister for Local Government. The reason why the report was tabled yesterday is that Parliament will be rising this week and it was thought desirable, on the legal advice given to the Minister for Local Government, that an interim report should be tabled as soon as possible.

### ESSENTIAL SERVICES LEGISLATION

**Mr BROWN** (Westernport)—I ask the Premier and Treasurer whether, in view of the recent and very effective actions taken by the Government to end a number of industrial disputes that seriously affected people in the State recently, the Government intends to repeal any Acts relating to industrial relations in the State—for example, the Vital State Projects, Essential Services and Industrial Relations (Secret Ballots) Acts?

**Mr THOMPSON** (Premier and Treasurer)—The secret ballot legislation passed in this session, the Vital State Projects, Essential Services and the Wrongs (Public Contracts) Act passed by both Houses yesterday were all initiated with the aim of protecting the people of Victoria from the excesses of militant unionism. The aim was to ensure that democratic rights for the people of Victoria were protected and also to safeguard the democratic rights of trade unions. The Government has no intention of repealing those Acts—it has the intention of using them where appropriate.

### INSURANCE COMPANY LAND PURCHASE

**Mr CRABB** (Knox)—Will the Premier inform the House whether the Government intends to waive Executive privilege to the extent necessary to allow relevant Cabinet documents and Cabinet discussions to be used in the proceedings to be taken against eleven people in February concerning fraud and conspiracy to defraud the T & G Mutual Life Society Ltd. in relation to purchase of land at Mount Ridley?

**Mr THOMPSON** (Premier and Treasurer)—The answer is, "No"

### ORGANIZED CRIME

**Mr HANN** (Rodney)—Is the Premier and Treasurer aware that a top-level report has been prepared by the Bureau of Criminal Intelligence on organized crime in Victoria? Has he received a copy and, if so, what action does he intend taking? If he has not received the

report, will he advise whether his colleague, the Minister for Police and Emergency Services, has received the report?

**Mr THOMPSON** (Premier and Treasurer)—I have not seen any recent report of that type. I shall certainly discuss the matter with the Minister for Police and Emergency Services and take any necessary action resulting from the report.

## COMPULSORY UNIONISM

**Mr COLEMAN** (Syndal)—Is the Minister of Labour and Industry aware that three major laundries in Melbourne have been threatened with closure by the State President of the Australian Labor Party if the management of those laundries cannot convince the manager of a fourth laundry that his employees must become members of the Miscellaneous Workers Union? If so, what action can the honourable gentleman take to ensure that the four laundries continue to operate and all employees have the opportunity of constant employment?

**Mr RAMSAY** (Minister of Labour and Industry)—Details of the particular circumstances referred to by the honourable member are not known to me, but any move to force compulsory unionism on any work place is against the principles of the Government and it will do everything to ensure that people are given the right to work when and where they wish.

## INSURANCE COMPANY LAND PURCHASE

**Mr CATHIE** (Carrum)—In view of the meeting of the T & G Mutual Life Society Ltd to be held tomorrow afternoon and the Government's in-principle decision in December 1976 to rezone the Mount Ridley land, will the Premier inform the House whether restitution or assistance has been provided to the society for the millions of dollars lost by policy holders over the purchase of the land at Mount Ridley?

**Mr THOMPSON** (Premier and Treasurer)—If the honourable member for Carrum wishes to attend the meeting tomorrow, I shall see that information is available to him.

## INDUSTRIAL RELATIONS

**Mr RICHARDSON** (Forest Hill)—I draw to the attention of the Premier and Treasurer claims made by the Leader of the Opposition that various peace plans have been proposed to the Government by the Australian Labor Party so-called industrial relations task force. I ask whether, as a matter of Government administration relating to industrial relations, the Government regards this ALP committee as having any credibility and whether its assistance will be actively sought by the Government on industrial relations matters?

**The SPEAKER (the Hon. S. J. Plowman)**—Order! The first section of the question is seeking an opinion and the second section of the question is in order.

**Mr THOMPSON** (Premier and Treasurer)—As indicated very clearly in this House yesterday, members of the Australian Labor Party are the captives and the stooges of the militant unions of Victoria. Therefore, any such group would have no credibility.

## ACCOMMODATION FOR PUBLIC SERVICE

**Mr EDMUNDS** (Ascot Vale)—I ask the Premier and Treasurer what accommodation is currently occupied by the public servants who are to be transferred to the 22 floors of the building to be erected on the Rialto site under the Government's arrangements with the developers and what effect will this have on the commitment the Government has made through its programme of decentralizing the Public Service?

**Mr THOMPSON** (Premier and Treasurer)—The Minister for Property and Services has handled the detailed negotiations in this area. The Town and Country Planning Board recommended to the Minister for Planning that some arrangement for guaranteed rental of the new buildings to be erected would be desirable. That would have the benefit of dodging any concessions that are requested in the form of land tax and rates. It is a commercial venture in the interests of the people of Victoria and

guarantees the progress of a $325 million development, which will provide more jobs for the people of Victoria.

## PETROL PRICES

**Mr JASPER** (Murray Valley)—I direct a question to the Minister for Economic Development, representing the Minister of Consumer Affairs. Is the Minister aware of reports that the Federal Petroleum Products Pricing Authority has scrapped the suggested drop of 2 cents a litre in the wholesale price of fuel before Christmas in line with the recommendation made earlier this year by the former Prices Justification Tribunal? If the Minister is aware of that report, what action has he taken to ensure that the 2 cents drop in the wholesale price of fuel does occur before Christmas?

**Mr RAMSAY** (Minister for Economic Development)—I will have inquiries made on the matter raised by the honourable member for Murray Valley. I was not aware of any change in the original suggestion of the former Prices Justification Tribunal that some further adjustment to the wholesale price of fuel was to be made this coming January. However, I will have the situation examined and advise the honourable member accordingly.

## HEIDELBERG PRIMARY SCHOOL

**Mr SKEGGS** (Ivanhoe)—Will the Minister of Educational Services carefully examine the situation relating to the Heidelberg Primary School to ensure that no part of the school grounds is alienated for commercial undertakings?

**Mr LACY** (Minister of Educational Services)—I appreciate that the honourable member for Ivanhoe brought this matter to my attention yesterday. I have not had the opportunity to have the matter investigated. However, I will undertake to have the rumours that are circulating in the Heidelberg area on the alienation of land, on which the Heidelberg Primary School is situated, investigated.

So far as I am aware, there is no proposal by my department to sell off any land, and I would be amazed if that was the proposal for the site. However, I will have the matter investigated and I will inform the honourable member on the outcome of that investigation.

## ACCOMMODATION FOR PUBLIC SERVICE

**Mr FORDHAM** (Footscray)—Following the earlier answer by the Premier and Treasurer to the question on the Government's commitment to rent 22 floors of the proposed Rialto complex, will the Minister for Property and Services as the Minister in charge of Government accommodation, indicate which departments he expects will occupy those floors? Will the honourable gentleman confirm whether the Government is also committed to occupy more than 50 per cent of the floor space, as it becomes available, at the World Trade Centre? Will the Minister indicate which departments are to occupy those floors and do these arrangements indicate a somewhat significant extension of the Victorian Public Service over the next few years, which would be contrary to earlier statements made by the Government?

**Mr WOOD** (Minister for Property and Services)—As the Premier outlined, the purpose of the leasing of this site was to ensure that the Rialto building was preserved and that a new complex was constructed on the site which will employ many persons. As to the space that will be occupied by the various departments, there are many alternatives and, as I mentioned earlier, the purpose of the arrangement is to provide an alternative for those departments which are presently occupying premises, when their leases expire. I do not know where the honourable member heard his rumour about the World Trade Centre. I have heard so many suggestions in the past about all manner of things that might be happening, the doubling of rent and all those sorts of things, that alarms me, but if the Opposition would like to look at the agreement to lease space, I shall be delighted to make it available. I would have thought the Opposition would request it. However, I will make that offer. In the view of the Government it is a lease on proper

commercial terms and conditions. The lease has been described by a leading property consultant as a lease very much in favour of the Government; but I will make that lease agreement available to the Opposition.

The determination of which departments will go to the Rialto building is a process which will evolve as time goes by. Members of the Opposition are the greatest knockers in the world. They have not seen the agreement to lease but yet they are knocking it. They know nothing about it, so for goodness sake, look at it, study it and if there are any queries, come back and have a go. Members of the Opposition would not have a clue. The honourable member for Melbourne is claiming that the Government will be paying double the commercial rent, but he would not know. Let Opposition members take away the agreement, look at it, and then come back and criticize it if they can.

## HOUSING ESTATES

**Mr COX** (Mitcham)—In the light of public criticism of large housing estates, does the Minister of Housing intend, as a policy decision, to return to large housing estate development and, if not, is he aware of a proposal by another organization to embark on this type of development?

**Mr KENNETT** (Minister of Housing)—Perhaps the most significant part of the new directions announced by the Ministry of Housing earlier this year has been the cancellation, for ever, of any further development, particularly in the metropolitan area, of large Ministry of Housing estates where in fact people on low incomes are forced to live together, each with the same sort of problems. The Ministry has now introduced its spot purchase programme along with its design and construction, land and house packages which are now being seen not only by sectors of the community in this State but also by other housing communities around Australia as one of the most positive home policies introduced by a Government in the area of housing for many years.

It is regretted that I have had brought to my attention that there is an organization in this State—I think it is the ALP—which is advocating in its new housing policy that next year it will be aiming at providing, in addition to rental stock, some 2000 units but only 360 of those units will be provided through the spot purchase programme or house and land packages. The honourable member for Carrum interjects and says that is right. That means that the rest of the accommodation has to be provided in terms of construction by the Ministry of Housing and the development of Ministry of Housing estates. If one looks at that policy, it will represent the greatest return to the Dark Ages of any housing policy introduced by any political party in this State.

**Mr CATHIE** (Carrum)—On a point of order, Mr Speaker, the Minister of Housing is now debating the merits or demerits of the policy of the Australian Labor Party. In fact, he clearly misunderstands it. It is quite out of order for question time to be used to debate these matters.

**The SPEAKER (the Hon. S. J. Plowman)**—Order! The honourable member for Carrum was almost about to debate the same question in his point of order. The question was directed to the Minister asking whether he was aware of another proposition regarding large housing estates and if he was considering it within his administration. I ask the Minister, though, not to debate the alternative proposition to which he has now alluded. He may give facts and his own interpretation of whether his Ministry will be adopting such practices.

**Mr KENNETT** (Minister of Housing)—Thank you, Mr Speaker; importantly, they were facts, as you suggested because that is contained in the document that has been circulated to me.

I will ensure, as Minister of Housing, because of the way in which the new policy directions of the Ministry of Housing of the present Government have been accepted, that the communities are aware of this alternative retrograde step. It is a return to the

Dark Ages, and accepts the principle that the Australian Labor Party has one policy for those who have and another for those who have not, and the Government totally rejects that approach.

## ALBURY–WODONGA DEVELOPMENT CORPORATION

**Mr JOLLY** (Dandenong)—Is the Minister for Economic Development now aware that the final accounts of the Albury–Wodonga Development Corporation were not made available to the Auditor-General's office until the end of November, contrary to his statement in the House last week? In the light of this, what steps has the Minister taken to ensure that the final accounts of the corporation are made available to the Auditor-General in time for inclusion in the supplementary report, and will the Minister now apologize to the Auditor-General and to the people of Victoria for misleading the House on this issue?

**The SPEAKER (the Hon. S. J. Plowman)**—Order! From memory, the part of the question that refers to an apology to the Auditor-General has been asked before. I ask the Minister to answer that part of the question that is new.

**Mr RAMSAY** (Minister for Economic Development)—I repeat the information that I gave the House last week, that the accounts of the Albury–Wodonga Development Corporation were available on 17 September, which was within the statutory period.

**Mr Jolly**—What about the final accounts?

**The SPEAKER**—Order! I have asked the honourable member for Dandenong twice this morning to cease interjecting. He has asked his question; he might have the courtesy to listen to the answer, whether or not he agrees with it.

**Mr RAMSAY**—The practice has been, because this is essentially a tripartite corporation involving the Commonwealth Government and the State Governments of Victoria and New South Wales, for the Commonwealth Auditor-General to deal with the account of the corporation in the first instance and, when the Commonwealth has finished its audit, the accounts are passed on to the State Auditors-General for their perusal. This is what happened on this occasion, as I understand it. It has happened on previous occasions and is likely to happen on future occasions. So far as I am concerned, there is nothing to apologize about.

## HOUSING IN VICTORIA

**Mrs SIBREE** (Kew)—Is the Minister of Housing aware of reports that the Federal Government intends to take no immediate action in respect of the housing situation in Victoria? If so, what action will the Minister take to assist the citizens of Victoria to overcome housing problems?

**Mr KENNETT** (Minister of Housing)—Obviously I am aware of the press reports that have been circulated in the past two days. Since those reports first became public I have had the opportunity to contact my counterpart's office in Canberra and I am given an assurance that the proposals put up both by him and the Premier of this State on behalf of Victorians are still under consideration. With something like fifteen days to go, including Christmas, it would not take a bright man to work out that the matter will be deferred until next year. The reports by both Governments are still before Cabinet, and it is expected that a decision will be made in the middle of next month, January. The Government in Victoria will continue to represent the people of this State, both in the private sector and in the Government sector, to ensure that the people of this State become the recipients of a higher priority for housing. The policies introduced by the Premier are the foremost policies in Austraila——

**The SPEAKER (the Hon. S. J. Plowman)**—If the honourable member for Carrum wishes to ask a supplementary question, I will give him the next call, as the call will go to his side next time.

**Mr KENNETT**—Both in terms of the interest relief fund, which was the first introduced in Australia, the "Family in

Crisis" legislation and, more importantly, the utilization of interest subsidies to the extent of $1·5 million to attract $40 million from private enterprize.

There are some good points in the Australian Labor Party policy in getting more funds from the Federal Government, but most of its policies are simply a mirror reflection of the policies that the Victorian Government is pursuing in the Ministry, except that the ALP has multiplied the amount of money that is going to be spent. It is a lot more money and no one knows where it is coming from, but the Government has accepted that this is the policy of the ALP.

The Government believes the Federal Government has a role to play, and the Premier has been taking a very active role in this field, and will continue to do so. The Victorian Government will continue to carry out this policy, regardless of the lack of support or the lack of interest that the Opposition has shown over the past four months.

## PORTLAND POWER LINE

**Mr TREZISE** (Geelong North)—The Premier will have noted reports that armed Western District farmers were committed to preventing State Electricity Commission workers from entering their properties to construct the power line to Portland. In view of this serious threat to the safety of the workers concerned, what steps has the Government taken to ensure that these people are safe and that they will not be shot at by the farmers concerned?

**Mr THOMPSON** (Premier and Treasurer)—In this part of the world, we happen to have particularly intelligent, well-balanced, conscientious electorate representatives, and any trouble there, I am sure, can be well handled by them.

## FUNDS FOR COUNTRY ROADS

**Mr McGARTH** (Lowan)—What action has the Minister of Transport taken, following the passing of a motion moved by the honourable member for Gippsland East three or four weeks ago, that suggested there should be a greater allocation of available funds to country roads in preference to city freeways and byways?

**Mr MACLELLAN** (Minister of Transport)—I had intended to formally direct the motion of the House to the attention of the Chairman of the Country Roads Board, but I found it was unnecessary, as the honourable member will understand, because the Country Roads Board had read the *Hansard* report of the debate and was well aware of the resolution of the House. As a result of that awareness, I understand that the Country Roads Board has adopted certain policy decisions regarding the future direction of road funds, and doubtless that will be reflected in the course of distribution of road funds in future years.

## BLACK BAN ON PETROL COMPANIES

**Mr McCLURE** (Bendigo)—I refer the Minister of Labour and Industry to a black ban that has been threatened by the Transport Workers Union on petrol companies that deliver petrol to other than their brand name sites. Is the Minister aware that this action is being taken to protect the Caltex Oil Company which has a policy of not supplying other than its brand named supplies and what action does the Minister propose to take to ensure that the arrangements supported by this Parliament to allow petrol stations to purchase a portion of their fuel from other than their brand name company can be implemented?

**Mr RAMSAY** (Minister of Labour and Industry)—It is the intention of the Government, as indicated by legislation that is at present on the Notice Paper, to enable service stations to purchase up to 50 per cent of their supplies from other than the brand named supply that they have customarily been using. This is in line with proposals put forward at the national level.

**Mr FORDHAM** (Footscray)—I raise a point of order. I seek your advice, Mr Speaker. I understand that Order of the Day No. 10, the Petroleum Retail Selling Sites Bill, deals with this matter. A number of statements have been made from the Chair that questions without notice cannot be asked in relation to matters currently on the Notice Paper in the form of proposed legislation.

**The SPEAKER (the Hon. S. J. Plowman)**—Order! Before ruling on the point of order, I seek guidance from the Minister of Labour and Industry as to whether item No. 10 in fact deals with this question. If this matter comes up in debate, the question will be ruled out of order.

**Mr RAMSAY** (Minister of Labour and Industry)—Item No. 10 on the Notice Paper deals with the rights of service stations to purchase supplies other than from the particular brand associated with their station but it does not deal with the high-handed threats of the trade union movement to take the law into its own hands to determine who will or will not receive petrol supplies. In that respect that item is not associated with the proposed legislation although in the broader respect it is.

**The SPEAKER**—Order! Following the remarks of the Minister, I rule that the question would be an anticipation of debate, and is therefore out of order.

## REGISTRATION OF OSTEOPATHS

**Mr GINIFER** (Keilor)—Is the Minister of Health aware that an osteopath who had been denied registration by the appropriate board was yesterday awarded costs, and the judge concerned was very critical of the action taken by the board in refusing this man registration. As there now appear to be some 30 of these osteopaths who have been denied registration, is it the desire of the Government that these cases should continue with costs being awarded against the board or will the Minister intervene with the board and ensure that it carries out its responsibilities as prescribed by the legislation?

**Mr BORTHWICK** (Minister of Health)—I am aware of the case yesterday and the person concerned was exercising his rights under the provisions of the Act. In other words, if the board fails to register, a person has the right of appeal to the Supreme Court. I am concerned because it appears to me that the board has been rather tardy in noting the decision of this House in the last sessional period of Parliament. The honourable member for Niddrie interjects that the relevant clause was a grandfather clause. It was not a grandfather clause in that sense. Parliament indicated to the board that, as part of the entitlement of a person to seek registration, and only as part of, five years' practice for that section's qualifications would be regarded as a reasonable period. This morning I have spoken with the Chairman of the Health Commission and I undoubtedly will speak with the chairman of the board but before I do that, I have asked the Chairman of the Health Commission to obtain for me a transcript of the judgment.

## PETITIONS

**The Clerk**—I have received the following petitions for presentation to Parliament:

### Maribyrnong River environs

TO THE HONOURABLE THE SPEAKER AND MEMBERS OF THE LEGISLATIVE ASSEMBLY IN PARLIAMENT ASSEMBLED:

The humble petition of the following concerned citizens of the State of Victoria respectfully showeth that the Melbourne and Metropolitan Board of Works proposal to re-zone a portion of the "Humes" site, Maribyrnong, from "Proposed Public Open Space" to "Residential C", demonstrates that the Melbourne and Metropolitan Board of Works has little or no understanding of the site's unique significance.

Your petitioners therefore humbly prayeth that:

(1) The State allocates funds forthwith to purchase the former "Humes" site, Maribyrnong, to protect and preserve the historic buildings and to develop the whole site, as a historical, environmental and cultural asset, for the people of Victoria.

(2) For the proper development of the Maribyrnong River, a riverside authority or task force be established and funded.

And your petitioners, as in duty bound, will ever pray, etc.

By **Mr Edmunds** (108 signatures)

### Abortion

TO THE HONOURABLE THE SPEAKER AND MEMBERS OF THE LEGISLATIVE ASSEMBLY IN PARLIAMENT ASSEMBLED:

The petition of the undersigned citizens of the State of Victoria respectfully showeth:

That due recognition in law must be made of the scientific evidence that human life begins at fertilization; and that the protection of human life from the first moment of its existence is a proper subject for legislation.

Your petitioners therefore humbly pray that the Government of the State of Victoria will legislate to establish a statutory legal definition binding on the courts to the effect that an unborn child is a life in being and therefore a legal person for the purpose of the law relating to murder or manslaughter.

And your petitioners as in duty bound will ever pray.

By **Mr Hockley** (443 signatures), **Mr Templeton** (1710 signatures) and **Mr McKellar** (331 signatures)

### Humanist religion

TO THE HONOURABLE THE SPEAKER AND THE HONOURABLE THE MEMBERS OF THE LEGISLATIVE ASSEMBLY IN PARLIAMENT ASSEMBLED:

The Humble Petition of the undersigned Electors of the State of Victoria respectfully showeth:

That factual evidence showeth that the Education Act 1958 prohibits general religious teaching in State schools and in State school buildings by teachers; and that religious education consistent with the Humanist Manifesto II declaration that moral values derive their source from human experience is being promoted in State schools both by the Health and Human Relations Education Guidelines, Principle 3 ("The values and beliefs upheld within the school community, the local community and the society within which they exist must necessarily influence both the contents of the studies and the nature of this involvement") and also the "comments on controversial issues" as published in the Education Gazette of 27/1/77.

Your petitioners therefore humbly pray that the Legislative Assembly in Parliament assembled will take urgent positive action to prohibit unlawful education in the humanist religion in State schools and by teachers in State school buildings.

And your petitioners, as in duty bound, will ever pray.

By **Mr Ebery** (15 signatures)

### Braeside Remedial Physical Education Centre

TO THE HONOURABLES THE SPEAKER AND THE PRESIDENT AND MEMBERS OF THE VICTORIAN PARLIAMENT AS IN PARLIAMENT ASSEMBLED:

The humble petition of the undersigned citizens of Victoria respectfully showeth:—

That we, the parents of children attending the Braeside Remedial Physical Education Centre, believe that the service provided by the Centre is essential for our children.

At present, the Centre has a staff of two full time teachers and provides services for children in the South-Eastern Metropolitan education region.

Any cutback in staffing would be to the great disadvantage of our children.

Your petitioners therefore humbly pray that:—

The present level of staffing at the Braeside Remedial Physical Education Centre be maintained.

And your petitioners, as in duty bound, will ever pray.

By **Mr Collins** (67 signatures)

### Indo-Chinese Community Centre

TO THE HONOURABLE THE SPEAKER AND MEMBERS OF THE LEGISLATIVE ASSEMBLY IN PARLIAMENT ASSEMBLED:

The humble petition of Victorian and Indo-Chinese supporters of the Indo China Refugee Association of Victoria and it's Community Centre at 165 Mt Alexander Road, Flemington, showeth state that the Victorian Government and The Victorian Department of Community Welfare Services are preparing to cease funding through the Minister for Community Welfare Services fund of Grants Funding The Community Centre which provides a broad range of vital and unique services to all Indo-Chinese people in all areas of Melbourne.

Your petitioners therefore pray that:—

The Victorian Government and Victorian Department of Community Welfare Services shall continue to fund adequately this essential community service to Indo-Chinese people in Victoria.

And your petitioners, as in duty bound, will ever pray.

By **Mr Sidiropoulos** (560 signatures)

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

## PUBLIC ACCOUNTS AND EXPENDITURE REVIEW COMMITTEE

**Mr MACKINNON** (Box Hill) presented a report from the Public Accounts and Expenditure Review Committee on the 1981 activities of the committee.

It was ordered that the report be laid on the table and be printed.

## PUBLIC BODIES REVIEW COMMITTEE

**Mr CRABB** (Knox) presented a report from the Public Bodies Review Committee on Future Structures for Water Management. Final Recommendations on Regional and Local Structures for Urban Services, together with appendices and minutes of evidence with index.

It was ordered that they be laid on the table, and that the report and appendices be printed.

## TRANSPORT CENTRES

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

That there be presented to this House copies of the Railway Construction and Property Board status reports on—

(*a*) Box Hill Transport Centre, dated June 1981 and October 1981;

(*b*) Werribee Central area redevelopment, dated November 1981; and

(*c*) Frankston Transport Centre, dated November 1981.

The motion was agreed to.

**Mr MACLELLAN** (Minister of Transport) presented the reports in compliance with the foregoing order.

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

## PAPER

The following paper, pursuant to the direction of an Act of Parliament, was laid on the table by the Clerk:

Railway Construction and Property Board—Report for the year 1980–81—Ordered to be printed.

**Mr MACLELLAN** (Minister of Transport) (*By leave*)—I have been advised that the Government Printer has stated that copies of the report will not be available until mid-January. However, I will attempt to make a copy available to any honourable member who particularly wishes to see it.

## APPROPRIATION MESSAGES

**The SPEAKER (the Hon. S. J. Plowman)** announced that he had received messages from His Excellency the Governor recommending that appropriations be made from the Consolidated Fund for the purposes of the following Bills:

Mines (Amendment) Bill

Public Service Bill

## BUSINESS OF THE HOUSE

**Mr MACLELLAN** (Minister of Transport)—I move:

That Government Business take precedence of all other business on Thursday next and that the Standing Orders and Sessional Orders be accordingly suspended.

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

**Mr KENNETT** (Minister of Housing)—I second the motion.

**Mr MACLELLAN** (Minister of Transport)—The purpose of the motion is to allow Government Business to take priority for the full day tomorrow. The Government has obviously organized for the House to sit earlier today as there is a heavy programme of work, including many Bills from the Legislative Council that will have to be dealt with tomorrow if the House is to conclude its business within a reasonable time. It has already extended the sitting for one week and it seems appropriate that the House should concentrate on Government Business.

**Mr FORDHAM** (Footscray)—The Opposition opposes the motion. As a matter of principle it is totally unreasonable for the Government to expect the Opposition to cave in to its demands simply because of the Government's ineptitude.

The Government has completely messed up its legislative programme in this sessional period. It refused to allow the session to commence earlier, despite requests made to it, both at the end of the last session and during the recess. The sessional period was to have ended on Thursday, 3 December, and will be proceeding at least until Thursday, 17 December, because of the Government's actions and inability to organize the legislative programme.

There is no way that the Opposition or National Party can be blamed because, from the first week of the session, the most Draconian Sessional Orders and Standing Orders have been introduced that have severely limited the capacity of the Opposition to introduce matters for public debate. The Minister of Housing who is interjecting, would not understand what I am saying because he has a pygmy brain.

It is totally unreasonable for the Government to pursue this motion. It is in a situation in which about 30 Bills are required to be passed by the House and that situation is no fault of the Opposition or the National Party. If the Government wishes to proceed with a further week of sitting, if it considers it is in the interests of the people of Victoria, it has the prerogative to do so. However, that will only demonstrate further the Government's incompetence and inability to arrange the legislative programme.

Parliament should not be muscled in the way in which the Government is attempting to do it. A number of items of General Business have been listed on the Notice Paper for a long time. The opportunity for raising an adjournment motion tomorrow will not be possible if this motion is agreed to. As a matter of principle and because the whole operation of the Government is being brought into focus in this matter, the Opposition will oppose the motion.

**Mr ROSS-EDWARDS** (Leader of the National Party)—In the normal course of events, tomorrow would be a Grievance Day. If the House continued on that basis, the grievance debate would continue until 2 p.m. and there is no way that the House could finish tomorrow, or probably this week. The National Party has been anxious to debate a notice of motion of General Business that will be moved by the honourable member for Gippsland East on wood chipping. However, the Opposition has successfully denied the National Party the opportunity of doing so by introducing two adjournment motions on the last two Thursdays, and I am sure the reason for doing so was to avoid a debate on wood chipping. It is something the Opposition is not game to front up to.

In all fairness to the Government, over the past four or five years grievances have become an established practice, and those of us who were here in the days of Sir Henry Bolte will appreciate the difference. For years and years we never saw a Grievance Day or a private member's motion of any kind or any General Business. To forgo a Grievance Day on the last day of a sessional period—which is the only restriction placed on the Opposition—is nothing to grizzle about. Members of the Opposition have been very fairly and reasonably treated.

**Mr Fordham**—You voted against Sessional Orders yourself!

**Mr ROSS-EDWARDS**—I might well have, but we are now talking about a Grievance Day tomorrow. Common sense says, "Let us get on with the business of the day". The Opposition is overstepping itself. It is trying to score a point on every conceivable issue. For goodness sake, let us get on with the business of governing Victoria, with some co-operation from each of the three parties!

**Mr CAIN** (Leader of the Opposition)—I merely make the observation that it would assist the House in making a decision about this matter if the Government were to take the House into its confidence. The decision the House has to make is between the competing priorities of Government Business, which has been on the Notice Paper for a long time, and the rights of honourable members to use this place for its traditional function, by way of grievances or otherwise.

It would assist in making that decision if the Government were to indicate—and if it were to be frank, open and honest for a change—whether it is intended that this place will sit in the autumn before the election. Honourable members will then be in a position to make decisions about the competing priorities of various Bills and whether the House has the capacity to deal with them in the time remaining available to it. So long as the Government continues to tell nobody anything, to keep its options open and to refuse to commit itself, the House will be left in a dilemma. I urge the Government to be frank and to be open and to tell the people of Victoria whether the sittings that would be held before the next election in the normal course of events will take place.

I know there is real concern among Government back-benchers about the Government's present unpopularity. It

is not a Government any more, it has become a patronage machine, but it is time the people of Victoria were told by the Premier whether this Parliament will sit before the next election or whether the Government is going to run and hide as it did before the election in 1979. Will it again be scared and run away from its responsibility to be accountable to the people?

**The SPEAKER (the Hon. S. J. Plowman)**—Order! The motion has nothing to do with an autumn sessional period. Honourable members can do no more than anticipate that there will be autumn sittings unless they are told otherwise. The motion relates only to the order of business tomorrow.

**Mr CAIN**—I only offer the information because, if honourable members knew the answer, they would be assisted in making a decision on the motion. I invite the Government to indicate when the Bills on the Notice Paper —and many of them could be dealt with in an autumn sessional period—will be dealt with, and I ask the Government to state whether it intends to have an autumn sessional period.

**Mr BORTHWICK** (Minister of Health) —Never in all my life, have I heard so much humbug! It is amazing that the Opposition should start talking about courage and things like that. We saw a beautiful example of it yesterday. The Parliament has never sat longer hours, nor has it ever handled more business, nor has it had more important legislation before it. This has been an outstandingly productive sessional period and the Government has absolutely no intention of allowing this House to get into disorder tomorrow. We will complete the business on the Notice Paper in a very determined and agrressive way.

**Mr EDMUNDS** (Ascot Vale)—The Government is denying honourable members an opportunity of airing a grievance. In many instances some members will be retiring from Parliament and will not have a further opportunity of airing grievances on behalf of the electorates they represent if the Government does not have an autumn sessional period in 1982 before the election. The Government should seriously consider the effect of denying this opportunity to a number of members on both sides of the House.

**Mr WILKES** (Northcote)—The Government ought to be realistic about its approach. An examination of the Notice Paper reveals that the Government wishes to complete at least 30 Bills this sessional period. I do not know whether it is physically possible to debate 30 Bills today and tomorrow. If one examines the performance over the past couple of weeks one can make an assessment. It is not physically possible to do so especially when one realizes the size and nature of some of the Bills on the Notice Paper. Some of the Bills will require lengthy debate and I refer to the Industrial Safety, Health and Welfare Bill, the Film Victoria Bill and the Dried Fruits (Amendment) Bill. The Minister of Transport smiles but the National Party will wish to extensively debate that Bill.

The proof of the pudding will be the progress made on the Notice Paper by the Government this evening. If one examines the Notice Paper and equates it with the time the Opposition has had at its disposal to raise matters of concern, it is obvious that over the past eight days of sitting—an average of 12 hours a day—the Opposition has had only two hours out of 96 hours in which to discuss matters of importance. The rights of the Opposition have been completely eroded by the attitude of the Government towards Sessional Orders over the past few weeks. This takes away the rights not only of the Opposition but also of the Parliament. You have taken away the rights of the Parliament.

**The SPEAKER (the Hon. S. J. Plowman)**—Order! The honourable member should direct his remarks to the Chair and not refer to the Minister as "you".

**Mr WILKES**—The Minister is eroding the rights of the Parliament by preventing discussion on grievances. The Minister will not conclude the matters on the Notice Paper by tomorrow evening. The House will probably have to meet

on Friday and if the Minister had any sense and decided he wanted to complete the 30 Bills he would ensure that the House sat next week.

The Parliament used to be run in an orderly fashion some years ago but that process went out the door when the Minister of Transport took over as Leader of the House. Approximately 87 items appear on the Notice Paper and presumably the Government wants to deal with only 30 of them. What will happen to the rest of the matters is anyone's guess. Honourable members do not know whether or not an autumn sessional period will be held before the election, and they should be given an opportunity of raising grievances tomorrow. I urge the Minister to reconsider and remember that the Opposition has only had 2 hours out of 96 hours in recent times in which to debate matters of importance. That is not sufficient time for an Opposition—the alternative Government—to present its views on behalf of the people of Victoria.

The House divided on the motion (the Hon. S. J. Plowman in the chair).

| | |
|---|---|
| Ayes .. .. .. | 47 |
| Noes .. .. .. | 30 |
| Majority for the motion .. | 17 |

AYES

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|---|---|
| Mr Austin | Mr McClure |
| Mr Balfour | Mr McKellar |
| Mr Birrell | Mr Mackinnon |
| Mr Borthwick | Mr Maclellan |
| Mr Burgin | Mrs Patrick |
| Mrs Chambers | Mr Ramsay |
| Mr Coleman | Mr Reynolds |
| Mr Collins | Mr Richardson |
| Mr Cox | Mr Ross-Edwards |
| Mr Crellin | Mrs Sibree |
| Mr Dixon | Mr Skeggs |
| Mr Dunstan | Mr Smith (*South Barwon*) |
| Mr Ebery | Mr Smith (*Warrnambool*) |
| Mr Evans (*Ballarat North*) | Mr Tanner |
| Mr Evans (*Gippsland East*) | Mr Templeton |
| Mr Hann | 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 Brown |
| Mr McCance | Mr McGrath |

NOES

| | |
|---|---|
| Mr Cain | Mr Remington |
| Miss Callister | Mr Rowe |
| Mr Cathie | Mr Sidiropoulos |
| Mr Crabb | Mr Simmonds |
| Mr Culpin | Mr Simpson |
| Mr Edmunds | Mr Spyker |
| Mr Ernst | Mr Stirling |
| Mr Fogarty | Mr Trezise |
| Mr Fordham | Dr Vaughan |
| Mr Gavin | Mr Walsh |
| Mr Ginifer | Mr Wilkes |
| Mr Hockley | Mr Wilton |
| Mr Jolly | |
| Mr King | *Tellers:* |
| Mr Kirkwood | Dr Coghill |
| Mr Mathews | Mr Miller |

PAIR

| | |
|---|---|
| Mr McInnes | Mr Roper |

## FUEL PRICES REGULATION BILL

The debate (adjourned from December 11) was resumed on the motion of Mr Ramsay (Minister for Economic Development)—

That this Bill be now read a second time.

and on Mr Cain's amendment:

That all the words after "That" be omitted with the view of inserting in place thereof the words "this Bill to be withdrawn and redrafted to provide for the creation of a fair prices commission with criteria included in the Bill which will provide guidelines for the commission in establishing maximum prices for declared products including declared fuel as well as related products."

**Mr COLLINS** (Noble Park)—It is important that honourable members note the benefits the Bill will confer on the Victorian motorist, that is, the consumer. The Bill is in the interests of the petrol station retail operators, especially the lessee who rents a site from an oil company. The Bill is in the long-term interests of the oil industry in terms of its investment in Victoria.

This week the Petroleum Products Pricing Authority determined not to seek a review of the wholesale price of petrol and there was a forecast reduction of 2 cents a litre. During the coming months the Government is going to carefully monitor the fluctuation in the price of petrol in Victoria at both the retail and wholesale level.

If the oil companies sought to increase the price of petrol this week to take advantage of the market as they saw fit, without paying any attention to the real needs of the consumer and the

petrol station retail operators, who provide a valuable service to the community and who, by virtue of their good work often keep cars in a roadworthy condition, which in turn saves lives, I would advocate that the Government closely examine the introduction of a floating wholesale price for petrol. For example, the floating wholesale price will be based on the lowest retail price for any one period, a period judged to be a fair period over which the lowest retail price would be applicable, whether at an oil company operated service station—whether leasehold or company operated—or owner-operated service stations. The price would be the lowest retail price less an agreed formula which would then become the agreed wholesale price for that period of time for that particular company. That would bring about a real spirit of competition between petrol retailers. The effect is that one company may have its retail price at 35 cents a litre on a company-owned site and if that was the lowest price for the day, the week or the month, depending on the period that is set, that would be the basis for the wholesale price to be determined on an agreed formula. Petrol retailers would know what their margin would be and, more importantly, there would be an opportunity to be competitive within that margin and they would be able to make price decisions themselves and not be forced to make a price decision at somebody's behest.

The final point is that in the event of the 50-50 legislation going ahead, which I believe it will, the fact of life is it will not work without co-operation and agreement from the Transport Workers Union. This is an area mentioned earlier today, by my colleague, the honourable member for Bendigo. It is a fact that the Federal legislation in this area does not work because the Transport Workers Union black banned the supply of petrol throughout the whole of Victoria, to somebody who was not on their list. Whether it was to somebody else or myself, if I was not on the list, my site would be black banned by the Transport Workers Union. The union black banned the supply of products to all sites other than sites on its own list.

In my opinion the complementary legislation proposed by the Government should go through. In the event it goes through, serious discussion will have to take place. There will have to be genuine discussions and the Transport Workers Union would be required to come to the negotiating table to agree immediately when the legislation was effected. If it did not, once again we would see another example of a small minority militant group taking action which will not be for the benefit of the community at large, the consumers, the retailers and, in the long-term, the oil companies. I commend the Bill to the House.

**Mr GAVIN** (Coburg)—This measure is before the House following an announcement by the Leader of the Opposition that he will introduce legislation to bring about what is provided in the Bill when a Labor Government is elected next year. In many ways I suppose the Government has succumbed to pressure from the Victorian Automobile Chamber of Commerce and the Leader of the Opposition by introducing this measure.

In addition, the Minister for Economic Development has already stated that petrol pricing was a problem. I refer to the *Herald* of 21 April 1981 in which there is the heading, "Petrol is a mess —says Ramsay". The first paragraph of the article, written by Frank McGuire, states:

> Petrol pricing in Victoria "is very confusing", the Minister for Consumer Affairs, Mr Ramsay, said today. . . . He said he welcomed competition between petrol stations of the same brand.

The Minister is really responding to community pressure on this issue.

I refer to some of the comments made by the honourable member for Murray Valley last Friday because he stated some very unusual things. His first comment to which I refer was that there should be a fixed wholesale price. There would then be both a maximum and a minimum price and quite obviously petrol could not be sold at a lower

price. The honourable member then went on to state that he also welcomed the 50-50 legislation, with which I understand the Government is not going to proceed. However, I point out that there is really no need for the 50-50 legislation if there is a fixed wholesale price because there is no point to it. If the price is fixed, there is no point in providing that service stations may purchase 50 per cent of their petrol supply from another company because the price would not vary. Unfortunately, the honourable member for Murray Valley was very confusing on the matter.

I cannot understand why he supported both principles when they are contradictory. The next point the honourable member made—and honourable members should remember that the honourable member for Murray Valley is probably the most conservative member in the Chamber, a fact that is supported by the ideas he often puts forward—is that on this occasion the honourable member made some unusual comments on the retail price, for which there is provision in the Bill. It means that the honourable member wants the costs and profits taken into account for the wholesale area but not in the retail area. That seems to be very conservative.

This Bill came before the House because of pressure from the Victorian Automobile Chamber of Commerce, and the commitment made by the Leader of the Opposition, especially in his press release of 27 September, which helped not only to bring about this Bill but also to lower the price of petrol in this State. Petrol was being sold at that time at 38·7 cents a litre in Melbourne, and has now dropped at least 4 cents a litre at metropolitan petrol stations in Melbourne, and a couple of months ago it was even cheaper.

The honourable member for Noble Park, who is not now in the Chamber, made some comments about the Petroleum Products Pricing Authority policy not to lower the price of petrol next January, which contradicts a commitment made by the Prices Justification Tribunal, to remove that amount from the maximum wholesale price, which represented a return on investment by oil companies in retail sites. The Opposition believes the authority has made a mistake with its policy and that motorists should not be absorbing the unnecessary costs of the oversupply of retail outlets that occurred twenty or thirty years ago. That matter should be rectified, as was recommended by the Prices Justification Tribunal, and, the petrol price next January should be lowered. The fact that it is not going to occur is all the more reason why this Bill should proceed and should be acted upon. I believe the Bill should provide that the prices commissioner "should" be appointed, not "may" be appointed, and that guidelines should be set.

I understand the 50–50 legislation, which is now Order of the Day, No. 10, on the Notice Paper, is not being proceeded with by the Government. Since the Petroleum Products Pricing Authority will not lower the price of petrol next January, there is even more reason why both these Bills should be passed by the House, and the amendment moved by the Leader of the Opposition, to make it mandatory that a prices commissioner be appointed should be accepted, and the Bill proclaimed very shortly.

**Mr B. J. EVANS** (Gippsland East)—It is interesting to listen to the honourable member for Coburg who makes claims about other honourable members being confused, but in his last few remarks he said that not only should this Bill be passed, but that the House should support the amendment that the Bill be withdrawn. How is that for consistency? Similarly, he has missed the point of the argument that has been advanced, not only in this debate but previously by the National Party, that there is need for control of pricing within the petrol industry. That is the philosophy which the National Party espouses, and hopes in most cases, that the people in the community will do the right thing, but within the oil industry, that obviously has not happened. If the oil industry is not prepared to regulate prices and provide justice to people throughout the community, it has no reason to complain if Governments intervene and bring about some

semblence of order, fair plans and justice to the whole community. That is a responsibility that the Government has.

In an earlier debate on this question, the National Party said that it saw the ultimate objective as a control similar to that which operates in the milk industry. Prices are set at various levels in the milk industry, and that situation works very well. I can see many parallels in the two situations. A state of affairs has been achieved whereby a litre of milk can be purchased at the same price anywhere in the State. Milk is an essential item and petrol is an essential item, and I cannot see any reason why a situation like that could not be achieved in the oil industry.

However, I make a distinction in regard to retail prices because obviously a retail margin depends on a number of factors. If there is a fixed retail margin, what may be satisfactory to operate a suburban service station with a very large turnover would not necessarily be sufficient to accommodate a small country outlet which has a small turnover of petrol. Therefore there could well be demonstrated a need for a much greater retail margin in a situation like that. Similarly allowance would have to be made for variations in service. For instance, a self-service outlet could scarcely expect to receive the same margin as a service station providing full driveway service. The National Party strongly supports the two Bills that the Government is putting forward to bring about some semblance of order in the retail petrol industry. It is in the best interests of the consumers of fuel throughout the State.

**Mr REMINGTON** (Melbourne)—The Opposition supports the general thrust of the Bill but is gravely concerned about the degree of vagary and lack of imprecision in the Bill. For the purpose of the Act, the Governor in Council may appoint a fit person. Members of the Labor Party believe the wording should be "should appoint" or "shall appoint". Members of the Labor Party are also concerned that there should be the creation of a fair prices commission with criteria included in the Bill which will provide guidelines for the commission to establish maximum prices for declared products including declared fuel. The main area of collusion operates at the wholesale level and the Labor Party is concerned about the Government's general attitude to the Bill. All attention from the industry has departed and it is accepted in the industry that the Bill is really valium to the industry. It does not have the same concern about it. I ask whether the Government is fair dinkum. Will it proceed with the Bill and take the measure right through or is this just another stunt and the dressing up of a concern in a prior run to an election?

This morning a number of honourable members have spoken on the fear that the Prices Justification Tribunal's promise in December 1981 will not now be carried out. There is no doubt about that. This week when the Petroleum Products Pricing Authority announced that it would not carry out the foreshadowed move by the Prices Justification Tribunal, it added to the urgency of this Bill and the other piece of proposed legislation relating to petrol distribution to be passed by this Parliament, proclaimed and put into force.

The Victorian Automobile Chamber of Commerce has advised me of its deep concern on the whole aspect of this Bill. It is somewhat cynical of the Government's approach to it and urges that both Bills be proclaimed. It believes that this differential in price will allow oil companies to pursue practices which discriminate against petrol retailers and prevent the uniform supply of genuinely designated fuel to the motoring public. The Victorian Automobile Chamber of Commerce strongly urges that the proposed legislation and the other relevant Bill be passed. No one should underestimate the power and influence of the major oil companies not only in Australia but throughout all countries of the world. Without question those companies are known as the seven ugly sisters, the most powerful group of any group of companies that operates in the world.

With the best of intentions, they will be hard to control and it would be a pity if the Government treated this as some sort of "dress-up stunt" and did not proceed with the legislation and give Victorian motorists the benefit of the objects in the Bill that are supported by all honourable members, even though the Opposition is critical of the impositions and vagaries within it.

**Mr BIRRELL** (Geelong West)—I raise a couple of queries. Honourable members are well aware that a couple of provisions in the Bill provide for the control of the wholesale and retail pricing. It appears from the second-reading speech that the wholesale price is the actual target of the legislation initially. I do not disagree with that, but I would like to know what is the time-scale in which the Government may consider the retail situation as well.

**Mr Simpson**—It should provide the maximum retail price and maximum wholesale price.

**Mr BIRRELL**—The point made in the second-reading speech is that the objective of the Government is to zoom in on the wholesale price. I would like to hear the Minister's comments in regard to the maximum retail price.

The second point I raise relates to problems that have arisen in recent times on the ability of petrol wholesalers and oil companies to operate discounts, but not uniformly, throughout the trade. The system is such that a petrol retailer may find that a garage further down the road with the same brand of petrol is being offered the same petrol at a discounted rate.

**Mr Jasper**—They are being manipulated by the oil companies.

**Mr BIRRELL**—Yes. I would like the Minister to indicate whether the Bill covers that aspect as the prices commissioner must have power specifically to deal with it. It has been one of the bugbears in the system and I am inclined to agree with the honourable member for Murray Valley that retailers are being manipulated in some aspects by oil companies. Ordinary citizens pull up at a petrol tank and do not know what is happening. The oil companies seem to be using the reselling system as a jigsaw; they play a bit here and a bit there, and there seems to be no purpose in their policies, except to cause the market place to bubble up and down.

I should like the Minister to comment on the powers to set a maximum retail price. Does the Bill extend far enough to dampen, or eliminate this practice of letting some people in the system discount petrol? If it is not uniform throughout the trade for certain quantities and if discounts do not apply entirely throughout the whole system, it seems to be an unfair practice.

**Mr Simmonds**—That is why complementary legislation is important.

**Mr BIRRELL**—Generally speaking, this Bill must be considered with the Petroleum Retailing Selling Sites Bill, which is listed on the Notice Paper, which is of a dual nature with the Bill currently before the House.

I support the Bill but raise a couple of matters relating to the retail price mechanism as a factor that must be dealt with together with the wholesale price mechanism and the ability of oil companies not to give uniform discounting, but to have a "catch-as-catch-can" basis. It is a most important Bill. May it catch up with a practice that has been a bugbear to petrol resellers.

**Mr RAMSAY** (Minister for Economic Development)—In bringing the debate to a close, I thank honourable members for their contributions. *In globo* the contributions tended to demonstrate a continuing confused situation in the Australian petrol market, as the honourable member for Coburg indicated I pointed out as far back as April 1980. The Government clearly stated its reasons for introducing the Bill. The Government is determined to ensure that Victorian motorists are not disadvantaged when compared with motorists in other States. Efforts have been made in South Australia and New South Wales to regulate the price of petrol by implementing a system separate from that

used by the Prices Justification Tribunal, which set a national wholesale price for petrol. In the market-place, there appears to be strong evidence that the figure determined by the tribunal has to some extent been unrealistic and the New South Wales and South Australian Governments have produced different figures from those recommended by the Prices Justification Tribunal.

Free and fair competition should exist and the market-place is the best determiner of the price of any product. There are still sections of the economy where free and fair competition does not exist. Earlier this year, the Government enunciated its preference to implement a national pricing policy for petroleum products. The Victorian Minister of Consumer Affairs has attempted to get all State Ministers of Consumer Affairs and the Federal Minister for Business and Consumer Affairs together to determine a national pricing policy rather than the individual States enacting separate legislation independent of one another.

The efforts made by the Victorian Government have not fully succeeded and talks are still continuing. The Government hopes that progress has been made in this area because this sort of legislation is necessary to introduce, if circumstances warrant, a maximum wholesale price for petrol. It is interesting to note that, since the Government indicated its intention to introduce the Bill, the price of petrol paid by Victorian motorists seems to have miraculously fallen and it is now not so far out of line with the prices paid in other States.

Various reasons have been given for the change and the obvious reason is the anticipation by the oil industry of the proposed legislation and its possible impact. The industry has decided to alter prices of petroleum products ahead of a legislative requirement, which must be recognized as a healthy sign.

The Leader of the Opposition has moved a reasoned amendment, which the Government does not accept. It is not necessary for the Bill to be "withdrawn and redrafted to provide for the creation of a fair prices commission with criteria included in the Bill to provide guidelines". The Prices Justification Tribunal has done a great deal in this area and this information is available to any Government requiring a sound basis on which to make a price determination. The Government looks forward to information from the Petroleum Products Pricing Authority, which has replaced the tribunal, at a Federal level on the prices of petroleum products.

The Government will not support the amendment. The honourable member for Geelong West has raised one or two queries on the wholesale or retail price. The legislative measure is directed primarily at the wholesale price, as that may need regulation in the first instance. His comment on unfair competition is a matter that the Government is attempting to address in the Petroleum Retail Selling Sites Bill. If the oil companies are manipulating the wholesale price to the disadvantage of one retailer compared to another, that retailer ought to have some ability to acquire his product from some other source.

The Petroleum Retail Selling Sites Bill is the best way of tackling that problem and the Government regards this as residual legislation. If the industry enables the price of petroleum products in Victoria to keep in line with the general Australia-wide pricing, the Government does not anticipate having to use the powers given to it by legislation, but it is necessary for the Government to have these powers available if and when circumstances arise.

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).

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| Ayes .. .. .. | 46 |
| Noes .. .. .. | 30 |
| | — |
| Majority against the amendment .. .. | 16 |

AYES

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|---|---|
| Mr Balfour | Mr McGrath |
| Mr Birrell | Mr McKellar |
| Mr Borthwick | Mr Mackinnon |
| Mr Burgin | Mr Maclellan |
| Mrs Chambers | Mrs Patrick |
| Mr Coleman | Mr Ramsay |
| Mr Collins | Mr Reynolds |
| Mr Cox | Mr Richardson |
| Mr Crellin | Mr Ross-Edwards |
| Mr Dixon | Mrs Sibree |
| Mr Dunstan | Mr Skeggs |
| Mr Ebery | Mr Smith (*South Barwon*) |
| Mr Evans (*Ballarat South*) | Mr Smith (*Warrnambool*) |
| Mr Evans (*Gippsland East*) | Mr Templeton |
| Mr Hann | Mr Thompson |
| Mr Hayes | Mr Trewin |
| Mr Jasper | Mr Weideman |
| Mr Jona | Mr Whiting |
| Mr Kennett | Mr Williams |
| Mr Lacy | Mr Wood |
| Mr Lieberman | |
| Mr McArthur | *Tellers:* |
| Mr McCance | Mr Brown |
| Mr McClure | Mr Tanner |

NOES

| | |
|---|---|
| Mr Cain | Mr Remington |
| Miss Callister | Mr Rowe |
| Mr Cathie | Mr Sidiropoulos |
| Mr Crabb | Mr Simmonds |
| Mr Culpin | Mr Simpson |
| Mr Edmunds | Mr Spyker |
| Mr Ernst | Mr Stirling |
| Mr Fogarty | Mr Trezise |
| Mr Fordham | Dr Vaughan |
| Mr Gavin | Mr Walsh |
| Mr Ginifer | Mr Wilkes |
| Mr Hockley | Mr Wilton |
| Mr Jolly | |
| Mr King | *Tellers:* |
| Mr Kirkwood | Dr Coghill |
| Mr Mathews | Mr Miller |

PAIRS

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|---|---|
| Mr Austin | Mr Roper |
| Mr McInnes | Mrs Toner |

The motion was agreed to.

The Bill was read a second time and committed.

Clauses 1 and 2 were agreed to.

Clause 3 (Prices Decontrol Commissioner)

**Mr CAIN** (Leader of the Opposition) —I move:

1. Clause 3, line 6, omit "may" and insert "shall".

2. Clause 3, line 9, omit "may" and insert "shall".

The purpose of the amendments would be obvious to honourable members. It is to ensure that the Governor in Council appoints the Prices Commissioner upon the Bill being proclaimed and brought into operation. The argument has been advanced that so far the measure is regarded as an *in terrorem* piece of legislation and that if the oil companies do not behave themselves concerning prices, the legislation will be put into effect and controls imposed.

The Opposition submits that that structure ought to be established and should operate forthwith. If the oil companies do not behave, as some honourable members have suggested they will —that includes honourable members from all sides of the Chamber—the loss might be considerable. If the oil companies do not behave, the motorists would incur additional and unwarranted costs and the loss could be quite considerable.

I suggest to the Committee that it would take some time—I am not going to attempt to quantify it—to set up the appropriate structure that clause 3 contemplates. Unless it is done forthwith, time would be lost and the cost to motorists and consumers of fuel and related products could be quite considerable.

The amendments would require the appointment of the Prices Commissioner upon the Bill being proclaimed. The structure is there to operate immediately. It should not be delayed in any way until the requirement arises when the decision would be made at that time to then proceed to appoint the Prices Commissioner and set up a structure which may be necessary for him or her to fulfill the function of the office. Accordingly, I commend the amendments to the Committee.

**Mr JASPER** (Murray Valley)—When debating this measure at the second-reading stage, apart from supporting strongly the legislation which was long overdue, I made the point that, contained throughout the second-reading speech of the Minister when explaining the measure, was the word "may"; that the Government "may" appoint the Prices Commissioner and then the Prices Commissioner "may" act to control the prices of fuel at various stages, both at the wholesale and retail levels.

The National Party believes the Government should appoint the Prices Commissioner immediately and I would be inclined to support the amendments moved by the Leader of the Opposition to make it mandatory on the Government to act and appoint the Prices Commissioner and not "may" appoint the commissioner.

The Government is operating on the basis that this measure will be a threat over the oil companies and the industry to act in the interests of all Victorians and that means to stabilize the price of fuel in Victoria. Unless the Government acts positively and appoints the Prices Commissioner and then acts to ensure that we have established in Victoria a wholesale price, particularly a wholesale price for fuel that is uniform across the State of Victoria—that is what the National Party is arguing for and that is what the National Party believes is in the long-term interests of the people operating within the industry and also the consumers of Victoria—it would need to have appointed a Prices Commissioner and the Prices Commissioner will need to act to ensure that the prices of fuel at all levels are regulated, but particularly at the wholesale level, and allow the market forces to establish a retail price that applies within a particular area. The National Party supports the amendments moved by the Leader of the Opposition. However, it is interesting to hear the comments of the Minister on the amendment.

I reiterate again that the National Party would like a more positive response from the Government that it will act to appoint a prices commissioner.

**Mr RAMSAY** (Minister for Economic Development)—From the Government's point of view, I regard both these amendments as relatively cosmetic. If this Bill is to be proclaimed and used, a prices commissioner must be appointed by the Governor in Council, and clause 3 gives authority to the Governor in Council to make this appointment.

I would be prepared to meet the proposed amendment by inserting the word "shall" in clause 3 (1). I query the wisdom of making the same change in clause 3 (2) which states that in the case of illness or absence of the commissioner or in the event of the office of commissioner becoming vacant, the Governor in Council may appoint a fit and proper person. It would seem that the commissioner cannot go on holidays, be absent because of illness, even for a temporary or relatively short time, without going through the motion of appointing an acting prices commissioner. Therefore, the Government is prepared to accept the amendment to clause 3 (1), but it will not support an amendment to clause 3 (2).

**Mr CAIN** (Leader of the Opposition)—I have already moved as a second amendment:

Clause 3, line 9, omit "may" and insert "shall".

This amendment simply ensures that the office of the prices commissioner does not remain vacant. The Minister has now conceded that the appointment of the commissioner ought to be mandatory upon the Government, and I welcome that realistic response to this Bill. It is desirable that the office ought not to remain vacant because of illness or other reasons as set out in clause 3 (2).

**Mr JASPER** (Murray Valley)—The compromise by the Minister in accepting the first amendment moved by the Leader of the Opposition is acceptable to the National Party, and the explanation on the second amendment by the Minister is acceptable under the circumstances, that, if the prices commissioner were away, the Governor in Council may appoint a fit and proper person. The National Party supports the explanation of the Minister, but it will not support the amendment moved by the Leader of the Opposition.

The second amendment was negatived, and the clause, as amended, was adopted, as were the remaining clauses.

New clause AA

**Mr RAMSAY** (Minister for Economic Development)—I move:

Insert the following New Clause to follow clause 29:

"AA. The Governor in Council may make regulations for or with respect to any matter which by this Act is required or permitted to be prescribed or which is necessary or convenient to be prescribed for carrying out or giving effect to this Act."

This is a standard regulation-making clause, which I think the Committee will recognize should be part of a Bill such as this, and I move accordingly.

The new clause was agreed to.

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

## INDUSTRIAL SAFETY, HEALTH AND WELFARE BILL

The debate (adjourned from October 13) on the motion of Mr Ramsay (Minister of Labour and Industry) for the second reading of this Bill was resumed.

**Mr SIMMONDS** (Reservoir)—This is a second attempt by the Government to introduce an occupational health and safety Bill to the House to deal with the obvious deficiencies in Victoria in respect of industrial safety and occupational health. The Opposition welcomes the renewed initiatives in these areas, but it has a great deal of concern about the effectiveness and scope of the proposed legislation.

One of the basic criticisms that the Opposition has to the Bill is that it does nothing to deal with the problem of fragmentation of administration, and in the area most directly concerned in respect of occupational health being administered through the Industrial Hygiene Division of the Department of Health, and the more conventional safety, injury and disease sectors through the Department of Labour and Industry. All honourable members are concerned at the lack of administrative support that has been given to the Department of Labour and Industry and the Industrial Hygiene Division of the Department of Health.

This could best be illustrated by the massive operation which, in the past two years, has been conducted at Smorgons Consolidated Industries, where two workers were killed on successive days at that plant. Subsequently, in response to questions on notice, it was ascertained that there were 282 breaches of the Labour and Industry Act found in that complex when the officers of the Department of Labour and Industry visited that plant and made inspections. As a matter of fact, many of those deficiencies in respect of industrial safety have been acted on and I understand that the company concerned has employed a former building surveyor to obtain some guidance on the problems associated with that plant.

There have been alarming incidents of lack of safety in that plant at Smorgons Consolidated Industries and it is acknowledged that those are being attended to, but the problem is of such enormity that although that problem is being attended to, other areas in the State are being neglected. One criticism the Opposition makes of the Bill is that it fails to deal with the basic problem of end resource and end penetration in areas where people are suffering daily as a result of industrial accidents and diseases. The Opposition will later move a reasoned amendment that attempts to deal with the problem.

Perhaps I could illustrate more directly the lack of action to implement safety training for workers in this State by indicating what has happened in one company in my area recently where three major accidents occurred with power presses. In one case, a young girl suffered serious damage to a hand and when officers of the Department of Labour and Industry visited the plant they found 28 matters that needed attention; and this is the norm. Workers are paying by loss of life and limb before a survey takes place and some rectification of problems occurs.

The Opposition would prefer to see a situation of involvement of people in industry in issues of industrial safety and occupational health. The Labor Party would propose that the existing structure be substantially changed to enable this to take place. My party's proposals would mean that there would no longer be reliance on inspection and fines but three things would be undertaken. Firstly, the agencies responsible for health and safety in the work place would be brought together. Secondly, the problems of machines and industrial diseases, the problems of chemicals and toxic materials in the work place and the handling of materials must be

brought together under one authority. The Labor Party will propose that a commission should be responsible for that area. The commission would meet on at least six occasions annually and would make recommendations to the Minister. Thirdly, within the Ministry, there should be a department responsible for the delivery of the recommendations of the commission and for performance in the field in respect to health and safety.

I will return now to the area of the workshop where accidents occur and where the problems should primarily be dealt with. It is in this area that the greatest penetration and assistance can be given in respect to the problem. A programme has been introduced that has demonstrated that a 50 per cent reduction can be achieved with relatively minor expenditure but with the application of thought and planning. I believe it was BHP that demonstrated this some years ago when it introduced an occupational safety programme which cut the incidence of industrial accidents in its plant by 50 per cent. The target is there to be achieved and my party would seek to do this by introducing a system of safety representatives within the plant who would be responsible for making decisions in respect to safe working conditions. It is envisaged that those safety committees would be elected by the appropriate organizations representing employees, in accordance with accepted trade union practice. It is acknowledged that the registered rules of unions vary from time to time in accordance with various administrations in certain industries, but the Labor Party believes the proposed committees should be established in conformity with that structure so that there would be no conflict of administration in respect to the normal traditional employee representation through the trade union.

Having spelt that out, and in the hope that it will allay the fears of some people, such as the Victorian Chamber of Manufactures, which has described this as an extremist approach, something different needs to be done in respect to the approach to this question than is proposed by the Bill. We will seek to achieve responsibility in the work place by both employees and employers so as to create a climate and an atmosphere in which accidents occur less frequently and in which the effect of the introduction of dangerous substances is dealt with prior to their introduction.

The only way of doing this effectively is by going to the people who are responsible for management of plants and to the employees who are involved in the daily activities associated with the processes. By doing so, the Opposition would hope to bring together, on the basis of co-operation, an approach which would eliminate many of the accidents that already occur.

The Labor Party envisages that, once the safety representatives—or a safety representative as an individual in smaller plants—were elected, appointed or whatever, their responsibilities would be to make decisions about whether the work process and the machines were safe and whether the proposed introduction of changes in work patterns would have an impact on workers. It is not only the question of chemicals and machines; the work process itself often carries with it a threat of injury to workers.

Recently, one disease or injury associated with technological change has developed, and that is tenosynovitis. People who are working in processes in industry where repetitive actions are carried out at a regular rate develop a disorder of the tendons. The usual response of the employer is to send the worker to a doctor. Because the medical profession is not aware of the problem or of the nature of the industry, an incorrect analysis is being made on the very serious problems that are occurring. Usually, the only cure is rest—sometimes a total rest—from the occupation that is creating the problem. Too often, it is seen simply as a device by a worker so affected to claim workers compensation.

There is a growing demand for intervention in the planning of work processes to ensure that these situations are not created. It is a matter of record

that workers in this State have had to take industrial action to achieve this result. It is not the Opposition's intention to seek to engage in industrial action. The Labor Party is seeking the situation where the people in industry who are responsible are given the back-up facilities to make judgments and decisions about dangers that exist or are likely to arise.

For those reasons, the Labor Party believes the Bill to be totally inadequate in attacking the problem in the manner in which the Government has indicated. In his second-reading speech, the Minister clearly said it was not the Government's intention to do anything about the recommendations of the tripartite committee set up under the Labour and Industry Act for co-ordination of the preliminary services. I have not the full report here, but it enunciated that proposition. The committee said the matter should be dealt with in a certain manner and the Bill does not deal with it in that manner. The Minister has indicated that there will be consultation between departmental heads, and that the Bill represents the Government's method of achieving the co-ordination.

Frankly, I do not believe it will work. It will still remain up to the individual department to look after its interests, but without the input that would be attained from a commission. The establishment of a commission would make it possible to draw on expertise outside the commission to a far greater degree than could be done under the proposed legislation. It would be possible to draw from industry, from universities and from other areas where facilities are available to provide the back-up for the structure the Opposition hopes will be established.

One of the machinery measures that would enable the concept to be satisfactorily put into operation would be a licensing system for new work processes and the introduction of new materials. Those people who are concerned about the imposition of a regulatory system to establish whether a new work process is safe should bear in mind that the alternative is to continue to chop up the limbs of workers and to continue to have dangerous materials introduced into the work place, often innocently, but without real knowledge of their impact on the workers.

I believe the proposition being put forward by the Labor Party in response to the proposed legislation is not really as innovative and as new as some people might think. They would realize that if they read some of the comments made since the policy of the Australian Labor Party was announced recently, just prior to the last conference of the Labor Party, which unanimously endorsed the document after its public release.

The concept of self-regulation has been practised in Great Britain for years, and it is a much more economical means of approaching the problem because it does not rely on a great bureaucracy. There is certainly a need for an inspectorate and for penalties, but the approach of self-regulation is sensible. It is envisaged that persons skilled in occupational health and safety would be introduced into the work place and given the necessary resources to carry out their functions. They must also have the power to decide whether a new work process is safe or unsafe or whether there is some doubt about it; whether a new machine is safe or unsafe; or, in the case of the introduction of a new material, whether sufficient information about possible toxicity is available. If there is any doubt, an improvement notice can be placed on the process, machine or substance.

As I have said, the practice of self-regulation is well established in Great Britain and the principle of occupational health and safety officers is contained in the Canadian Act of 1978. The *Guide to the Occupational Health and Safety Act of* 1978, published in Ontario, deals with the subject thoroughly. I shall illustrate my point by quoting some of the principles. The publication states:

*What is a health and safety representative?*

A health and safety representative is a worker appointed to represent workers in relation to matters of health and safety in the workplace. Representatives provide a basis for regular communication between workers and

their employer in regard to health and safety and they are given certain powers under the Act to enable them to carry out their duties.

*How is a representative selected?*

Where a union, or unions, represents the workers, the union, or unions, appoints a health and safety representative from among the workers. Where there is no union, the workers may choose a representative by a suitable, practical method.

*What workers select a worker representative?*

Only those workers who do not exercise managerial functions can select the representative. This excludes those workers who have disciplinary powers over other workers or who can recommend discipline, those workers who can hire or fire or recommend hiring or firing and those workers who are a part of management.

*Who can be selected as a worker representative?*

Only a worker who does not exercise managerial functions can be a health and safety representative for workers.

*What are the powers of a health and safety representative under the Act?*

Identification of hazards in the workplace.

A representative may identify situations in the workplace which may be hazardous to workers and make recommendations about them to a constructor, employer, workers or a trade union representing the workers.

Investigations of a refusal to work.

Where a worker exercises his or her right to refuse unsafe work, a representative has a right to be present on the investigation into such refusal.

Reports to be made to a health and safety representative.

The employer is required to report to the representative lost-time injuries of a worker caused by accident, explosion or fire. The employer is also required to report to the representative any occupational illnesses of workers of which the employer has knowledge.

The principles being enunciated by the Opposition are already in operation in Scandanavian countries. Canada and Great Britain in one form or another. Perhaps the most innovative concept in the policy of the ALP is the question of licensing. It might be feared by some people that a greater degree of regulation than exists at present would be imposed, but I make the point that the wage loss associated with injuries in the work place each year in Victoria amount to at least $100 million. A 10 per cent reduction in that would represent a substantial improvement to the economy of this State. Of course, the figure of $100 million is infinitesimal when regarded as a proportion of the total cost of injury and work-related illness in Victoria. The total cost would be something like $1500 million a year. It is obvious, therefore, that there is a great deal of scope for economic benefit, alone, in tackling the problem, and I hope that in any future consideration of measures of this type there will be a greater awareness of the problem than seems to be illustrated by the Government's approach on this occasion.

The Victorian Chamber of Manufactures has criticized the Opposition's policy, but I point out that, although the licensing scheme for chemicals seems to be particularly abhorrent to the Victorian Chamber of Manufactures, chemicals have an enormous potential for creating risks of cancer, birth deformities and other illnesses. Chemicals already in use at this time put workers in danger of suffering those effects. A system of control is desperately needed and it is the contention of the Opposition that to say that regulatory action will add to costs reflects a narrow self-interest.

Perhaps the incidence of asbestos in the State is more generally known than some of the other problems, but 12 000 toxic chemicals have been introduced in industry since the second world war and they are widely used in Victoria, despite the lack of sufficient knowledge. The people in the work force are being used in the same way that miners use canaries to discover toxic gases. The workers of Victoria are suffering as a result of exposure to unknown risks caused by chemicals, and even known risks are not being dealt with adequately.

I visited a factory in Bentleigh recently. The president of the union of which I am a member, some 25 or 30 years after working as a boiler maker, is suffering greatly from the effects of asbestos, and the plant I visited is making clutch plates and using asbestos. The asbestos dust is hosed down each morning in an effort to ensure that, at least, it is not in the atmosphere, but the existence of that sort of situation today raises in my mind the question of

whether controls are being adequately monitored and whether it is necessary to use this material at all. It may well be that some materials simply should not be used in industry. I hope that some time it will be possible to say there is a line that can be drawn and that it is not possible to kill people in the pursuit of profit.

It reminds me of a situation in which the safety officer from the James Hardie company, after 22 years, resigned because he said he was administering death to the workers he had supposedly been protecting for 22 years. He did so after the statement of a mining magnate, Lang Hancock, who claimed that somebody had to pay the price for the mining of asbestos. The magnate showed that he was not really concerned about the fact that the asbestos caused asbestosis. He justified it simply on the basis that the mining of asbestos was economically important for his welfare, for the welfare of his company and, he claimed, for the welfare of the country. I do not believe we can accept that principle in dealing with health and safety in the work place.

I reiterate that the proposals of the Labor Party are constructive and practical and will provide a basis for the enforcement of safe working conditions. The Bill will simply introduce another piece of paper on the statute-book, which will do little more than establish the present *status quo* as the norm.

The establishment of shop committees, the requirements for safety representatives and employers to state a policy on occupational health, as contained in the Bill will do nothing to ensure that there will be sufficient basis for ensuring that safer working conditions prevail as a result of the declaration of that policy.

There is a better alternative and I wish to place on record the proposal of the Labor Party, which has examined Victorian laws on occupational health and safety, and regards the situation as an embarrassing disgrace. We believe there is too much law, a large proportion of which is outdated and unrelated to modern conditions. Administrative responsibility is spread across too many Government departments and agencies. Little attempt is made to enforce those sections of the law which have some relevance to modern conditions.

Successive Liberal Governments have taken little action to clear up the mess or have seriously tried to reduce the current appalling levels of occupational death and injury in Victoria.

A Labor Government will introduce a major social reform and the approach adopted will be similar to that advocated by the Robens Committee in the United Kingdom in 1972, and addopted by Labor Governments in South Australia in 1972, in Tasmania in 1977 and in Britain in 1974. We have already indicated the international incidence of occupational health and safety injury and disease.

That approach involves rationalizing existing chaotic administrative arrangements and establishing new institutional structures which are geared to the needs of Victorian workers in the 1980s.

We will ensure that legal standards which are directly related to the causes of work-related injury and disease are enforced. We will give workers and unions the right of being directly involved in the formulation of safety policy, both in the workplace and in a new Health and Safety Commission.

**Mr RAMSAY** (Minister of Labour and Industry)—On a point of order, I understand that the honourable member for Reservoir is quoting from a document. I ask him to indicate the name of the document and that he table it.

**Mr SIMMONDS** (Reservoir)—I am quoting from the ACTU–VTHC Occupational Health and Safety Bulletin No. 4, November 1981. This issue contains the Australian Labor Party Occupational Health and Safety Policy, as adopted, and some comments or coming events. The editors are John Mathews and Nick Calabrese. I should be delighted to make copies available to the Minister.

The policy involves establishing effective licensing systems for both work places and for the articles and substances used therein, in respect of rationalizing administration of occupational health and safety legislation.

In the Fourth Report of the Committee of Review of the Labour and Industry Act, it unanimously condemned the current fragmentation of administrative responsibility, and recommended that "Acts and enactments relating to industrial saftey, health and welfare should be administered conjointly in the one organization". The Liberal Government refuses to implement this eminently sensible and reasonable proposal.

The new Act of the Labor Party will give effect to the committee's recommendations by establishing two new administrative bodies; Firstly, a Health and Safety Commission and, secondly, an Occupational Safety and Health Division within the Department of Labour and Industry.

In respect of the Health and Safety Commission, Victoria already has an Industrial Safety Advisory Council—the Minister will be fully aware of the difficulties faced by that council under he present administration—which has proved to be a wholly ineffectual body. The Occupational Safety and Health Act will abolish the council and provide for the establishment of a completely new body, the Health and Safety Commission, which will play a more significant role in the formulation and administration of law and policy relating to occupational health and safety.

The commission will consist of a chairman appointed by the Minister, five persons nominated by the Victorian Trades Hall Council, five persons nominated by the various employer peak councils, and three persons jointly nominated by the Trades Hall Council and employer representatives who have a demonstrable interest and expertise in the field of occupational health and safety. The proposition is to adopt a tripartite approach so that employer, union and Government bodies are represented and that expertise, which is agreed to by all participating parties, is made available.

The procedures will be as follows: The commission will meet as often as required—we believe at least six times a year would be necessary—and establish sub-committees to examine specific areas with powers of co-option.

*Mr Simmonds*

The powers of the commission will be to make provision for monitoring the health and safety of people at work and, to this end, the commission will prescribe reporting procedures whereby employers will notify the department of all major accidents, injuries and diseases occurring at work, and will publish statistics based on these returns. For purposes of research into accident and disease prevention, the returns will be publicly available. It will also prescribe medical and biological monitoring of the workforce, and environmental monitoring of the workplace, including the form in which records are to be kept and the time for which they are to be preserved, in order to facilitate epidemiological studies.

At present, statistics relating to industrial accidents in Victoria could only be described as non-existent. The Australian Bureau of Statistics has refused to continue to publish statistics provided by the insurance industry with respect to workers compensation. That refusal is documented in correspondence received by me, the Minister and, possibly, many other honourable members. That refusal was made on the grounds that the insurance companies had not been telling the truth in those records, that they had failed to report accurately. The statistics of industrial deaths and diseases in Victoria have not been available since 1976. Consequently, the Department of Labour and Industry does not have the resources necessary for compiling reports under section 181 of the Labour and Industry Act, which requires the department to be advised of the incidence of injury where an absence of 24 hours occurs. Therefore, no statistical information is available on which an approach to the problem can be based.

Further, the commission will make recommendations to the Minister on the standards to be met by all employers, and regulations and codes of practice for specific industries and processes. The commission will also formulate and monitor the operation of a licensing scheme for work places, and for substances used therein.

With respect to the Occupational Safety and Health Division, the composition and location will be as follows:

All existing inspectorates and State bodies connected with occupational health and safety will be amalgamated into a single division under the control of the Minister of Labour and Industry. These would include the shops and factory inspectorates, the lifts and cranes inspectorate, the minerals and energy inspectorate, the electrical installations inspectorate, the occupational health branch of the Health Commission, and the Pesticides Registration Branch of the Department of Agriculture.

The division will have the following functions:

Administrative and policy, servicing the Health and Safety Commission;

licensing of work places;

licensing of new chemicals, and operation of Register of Toxic effects of chemicals;

routine inspection of work places;

arbitration of work place disputes, through field inspectorate;

and the prosecution of offenders.

The inspectorates will be brought together in a single body, and will be given a number of important new powers: Firstly, they will be empowered to issue improvement notices, subject to appeal, requiring the people to whom they are directed to take specified action within a stated period in order to bring the relevant work place, process and so on into conformity with existing statutory safety standards. That would be a vital aspect of the proposal. Responsibility and self-regulation would be directly written into the area of industrial safety.

Secondly, they will be empowered to issue prohibition notices, subject to appeal, requiring that that particular process, machines and so on be closed down on the grounds that they pose a serious threat to the health and safety of workers or the general public. These notices may have either immediate or deferred effect. That proposition is again based on the need to establish a safe situation prior to the commencement of the operations of new machinery.

Thirdly, they will be required to arbitrate, when requested, in certain disputes between workers and their employers over safety issues. Finally, they will be responsible for the operation of the proposed licensing system.

It will be necessary to increase the size of the inspectorate, by appointing more inspectors including women, in order to enable it to carry out these new tasks, together with its traditional ones of inspections of work places, giving advice and encouragement, and prosecution.

Naturally, it is envisaged that these inspectorates will at least be substantially financed by the licensed system on the proposition of the user pays. That would mean the system would have little impact on the State's economy in terms of the necessary additional inspectorates. Under the present system of inspectorates from the Department of Labour and Industry, everybody knows that is a bush-fire situation. No general inspections are conducted in a manner that would enable a survey to be undertaken in Victoria on the effect that industrial accidents have. Like a bush fire, when an accident occurs, an inspector arrives on the scene after the event.

It will also be necessary to make available much more comprehensive back-up resources in the form of ancilliary staffs, technical facilities, and so on, than has been the case in the past.

One of the important areas is the training of persons in safety administration and safety skills. Training programmes would have to be introduced to ensure that the required personnel were available within industry to provide the facilities.

I refer now to the laying down of standards. Under a Labor Government's occupational safety and health policy, a new Act would set out a series of general duties relating to the health and safety of work people. The most

important of these will be the requirement that all employers provide all of their employees with a safe and healthy work place, and work process. The designers, manufacturers, suppliers and importers of articles or substances for use at work will also be placed under a general duty to ensure that the articles or substances are safe by design, construction, manufacture, and so on. Failure to comply with these general duties will be a criminal offence—punishable by substantial fines and, in extreme cases, imprisonment.

The detailed standards contained in the present jumble of Acts and regulations will be rationalized and replaced over a period of time by new regulations which are more relevant to the problems and expectations of the 1980s. For example: Noise, vibration, stress, occupational cancer agents. These regulations will be accompanied, where appropriate, by codes of practice relating to those issues which cannot properly be dealt with through the legislative process. The codes of practice will not have the force of law as such, but contravention of their provisions may be used in evidence in any legal proceedings brought under this Act or otherwise. The making of regulations and the approval of codes of practice will be the province of the Minister for Labour and Industry.

However, before introducing new regulations or approving a code of practice he or she will be required first to consult with the health and safety commission as to the form of the proposed regulations. The commission will also have the right to make recommendations to the Minister as to the desirability of introducing new regulations or adopting new codes of practice on its own initiative.

On the participation in the work place, and the involvement of workers in trade unions in the formulation and implementation of this safety policy, the Labor Party believes that the Health and safety of workers can only be properly protected if they and their unions are actively involved in the formulation and implementation of safety policy, both in the workplace and in industry generally. This latter objective will be attained largely through the tripartite structure of the health and safety commission, with its central role in the formulation and implementation of safety standards.

In respect to safety policies, all employers will be required to prepare and keep under review a statement of safety policy. Although that policy is at least endorsed by the Bill, this statement should set out the employers' policy on the safety of the work force, and the means for the time being in force for giving effect to that policy. That is the fundamental difference. This statement, and any revision of it, must be issued to all members of the work force. Where English is not the first language of a substantial proportion of the work force, the statement will be issued in translation form.

Where a safety committee has been established. the statement shall be drawn up by that committee, and revised as and when appropriate.

Failure on the part of an employer to observe the standards set out in a statement will not be an offence in itself, but will be admissible in evidence of any legal proceedings. Obviously if an accident occurs and a statement has been issued by the employer but the provisions not complied with, the effective legal action would be taken.

I refer now to health and safety representatives. Trade unions will be empowered to appoint "health and safety representatives" in respect of their members at any given work place. Such "appointment" shall be by means appropriate to the structure and needs of the union concerned. Duly appointed health and safety representatives will have rights as may be agreed with their employer individually or provided for in awards and determinations, but shall include as a minimum the rights:

1. To inspect all or part of a work place at any time.

2. To have access to all health and safety information which is, or ought to be, in the possession of the employer.

3. To receive information on relevant health and safety issues from the inspectorate.

4. To be present at any interview between a representative of the employer or an inspector and any member of the union concerning a health and safety issue.

5. To accompany inspectors during any visit they may pay to the work place, and to receive a copy of any report they may make.

6. To issue "provisional" improvement or prohibition notices, and to require an inspector to arbitrate in the event of any dispute between the health and safety representative and the employer over the issue of the "notice".

7. To be consulted by their employer on all changes to work places and to work processes, which may have implications for the health and safety of the workers whom they represent, or for the general public.

8. To obtain, with the formal consent of their union, an authorization from the Minister enabling them to initiate prosecutions in respect of breaches of the Act or regulations.

9. To paid time off to carry out their duties, and to participate in relevant training programmes provided by their union and/or TUTA or other appropriate courses approved by the union.

10. To require that their employer to establish a health and safety committee in accordance with the Act.

Health and safety committees shall have such functions as agreed upon by the two sides. As illustrated earlier, that proposition would involve representatives from the employers, the trade unions and the Government. However, as a minimum, the committees shall have the power to have access to all safety and medical records pertaining to the workplace with due provision to protect personal information.

The health and safety committees would have the power to require the attendance before them of any person who may reasonably be expected to assist them in carrying out their functions, to formulate and keep under review the safety policy for the enterprise and to help set up machinery giving effect to that policy.

**Mr BIRRELL** (Geelong West)—I raise a point of order on two grounds. Firstly, I wonder whether the House can listen by the hour to the reading of a report basically related in an oblique way to what the Bill is about, but not actually on the Bill. Secondly, the honourable member is reading without making any attempt to cover up the reading, and that is against the Standing Orders of this House.

**Mr SIMMONDS** (Reservoir)—I propose later to move a reasoned amendment. If you would prefer me to do that now, Mr Acting Speaker, I will do so. The reasoned amendment will cover the proposition that the Bill ought to be withdrawn and redrafted to provide for the introduction of an occupational health and safety commission, the establishment of a licensing process, the establishment of health and safety committees and the licensing of work processes and work places.

**Mr Jasper**—But you have been reading the report for 20 minutes.

**Mr SIMMONDS**—Because the problem is complex, it needs to be dealt with comprehensively. For your guidance, Mr Acting Speaker, I am nine-tenths of the way through the proposition, which is the policy of the Australian Labor Party on occupational safety and health for Victoria. I believe it would be appropriate if I continue to place the proposition before the House, and then I will move the proposed amendment.

**The ACTING SPEAKER (Mr Richardson)**—I do not uphold the point of order. I have been in the Chair for some 10 minutes as Acting Speaker. For all that period the honourable member for Reservoir has been reading from a document. He was doing so when I took the chair. I have noticed that he has interpreted some of the comments in the document which he has been reading, and has been relating the document to the Bill. I have perceived that the document from which the honourable member is reading is

related to industrial safety, and it seems to me that since the Bill is concerned with industrial safety, the remarks of the honourable member are relevant.

I presume that, since the honourable member is reading all this material into *Hansard*, he has not been able to arrange for its incorporation in *Hansard*. If the honourable member for Reservoir is in any doubt about the relevance of the document that he is reading into *Hansard* he ought to use his own judgment in the interests of the House and make a decision. If the amendment which he proposes to move will make his reading of the document more relevant, I suggest he move it forthwith.

**Mr SIMMONDS**—Thank you for your ruling, Mr Acting Speaker. I agree that the comments in the document from which I am reading in trying to explain the matter to the House are totally relevant to the Bill. That is why I thought it appropriate for the House to have an understanding of the motivation behind the various sections of the document, as I have illustrated, so, with your permission, Sir, I shall continue speaking about the proposed introduction of health and safety committees.

The Opposition is fully aware of the situation in respect of medical records, namely, that there is a responsibility between the medical profession and the patient, so in this area we wish to establish a basis for a survey of health risks in particular industries. We would want, with the permission of the employee concerned, to enable the health and safety committees to have full knowledge of the effect and impact of this on the employees being surveyed, and, with their co-operation, this could be done. Without it, it would not happen.

Basically, the reason for this proposition is to establish a background for the introduction of new work processes, new chemicals and the other reasons about which I indicated earlier we were concerned. These would be surveyed to try to find a solution to the problems. Under the present system, for instance a victim of asbestosis finds out 20 to 25 years later and dies of lung cancer induced by asbestosis. The Labor Party hopes to overcome this situation. That is the motivation behind the proposed establishment of these committees.

The committees should have access to all safety and medical records pertaining to the workplace, with due provisions to protect personal information. We shall require the attendance before the committee of any person who may reasonably be expected to assist it in carrying out its functions, and we will give the committee the power to formulate and keep under review the safety policy for the enterprise and to help set up machinery for giving effect to that policy. This will act in the interests of people who work in the industry and in such places as hospitals, and will eliminate existing problems. I will not go into the area of the incidence of accidents and disease because that has been generally handled, but if necessary I can go into enough detail to make the point.

I refer next to the proposed licensing system. Licensing has an important and constructive role to play in helping to ensure that all workers are provided with a safe and healthy workplace and with a safe and health work process. It also has an important part to play in helping reduce injuries resulting from exposure to toxic substances in the workplace. Since the second world war 33 000 new chemicals have been introduced into industry, of which 12 000 are known to be toxic, and only about 320 have been tested for tolerance levels, so there is a substantial target to be dealt with.

It is proposed to introduce extended versions of the licensing system which already operates under the Labour and Industry Act—one for workplaces and work processes, and one for toxic substances used at work.

All employers will be required to obtain a safety licence in respect of all new workplaces and work processes. Over a period of time this

requirement will be extended to all existing workplaces and work processes.

Obviously, this is a proposition which will be phased in; it will not occur immediately. Employers will be required to have a licence, but as new processes are introduced and new plants become operative, the licensing system will have an impact on the health and safety of workers in industry, and the fee charged would service the operation.

Licences will be issued only upon the inspectorate being furnished with a dossier setting out certain specified information, and being satisfied that that information is accurate. This only codifies many of the things that are already being done. The specified information should include:

Plans for buildings, showing their conformity to safety and building regulations. There is a system of building planning in that area and that of machine installation; technical details of processes, identifying the principal hazards and their means of control; a register of chemical products used by that employer, and information on their safe handling and toxic properties being made available to the work force. With State instrumentalities and divisions of the railways, chemicals that are being used in Victoria are banned in the work place in the United States of America. They are exported from the United States and used by workers in other countries. Within the State administration there is a lack of co-ordination of information. Some of this information was known in one plant that I visited. A chemical which had been banned in a similar situation overseas was being used there.

The specified information also includes:

Emergency procedures to avoid injury to the work force or the public arising from major incidents, such as an explosion in a chemical works;

plans for disposal or recycling of wastes;

plans for joint determination with the work force of the safe and healthy operation of the plant.

Licences will be for a set period only, say, three years. The question will be resolved after four and full and adequate discussions.

Licences will be renewed only upon production by the employer of a report showing that the provisions of the dossier are being complied with, and verification of the contents by the inspectorate.

Licence fees will be used to defray expenses of the department. Licence applications will be open to inspection by the public.

In regard to the licensing of toxic substances, with the exception of pesticides, pharmaceuticals and food additives, companies are at present free to introduce a new general chemical into the work place without making any tests to predict its likely effects on the health of the people working with it. In the past this freedom has resulted in workers developing cancer, heart disease, or liver or kidney disease, or becoming sterile or producing deformed children. In order to prevent future tragedies, and to avoid workers being used as guinea pigs for new chemicals, the Health and Safety Division will operate a toxic substances licensing scheme constructed according to the following guidelines:

(*a*) Licences will be required for all new chemicals or new uses of existing chemicals. To this end a register of all existing chemicals and their uses will be established.

(*b*) After the establishment of the register, licences for new chemicals will be issued only on receipt of a satisfactory dossier compiled by the supplier setting out:

chemical and physical characteristics of the material;

results of toxicity testing of the material, including short, medium and long term testing, for cancer or reproductive effects;

recommendation for safe handling and emergency procedures;

recommendations for labelling;

recommendations for work place control measures and standards, namely, control limits.

(*c*) The dossier to be open to public inspection for 30 days after which within 60 days the division will then issue licence or show cause why no licence should be granted. Such decision will be subject to appeal.

(*d*) The licence will specify, as a minimum:

procedures for safe handling and for dealing with emergencies;

labelling;

control limits;

any restrictions on use imposed by the division.

(*e*) Dossiers will be used to compile a computer-based register of toxic effects of chemicals, together with emergency and first aid procedures, to be made available on demand to all legitimate inquiries.

Recently the Victorian Trades Hall Council and the Australian Council of Trade Unions research department had a visit from an international expert in this field and arranged to be keyed back to Canada so that in the future the resources that will be available in the Victorian Trades Hall Council as an information centre, particularly in areas of toxicity and toxic materials, will be second to none in the world. By keying back to a computer input on a world basis, the Victorian Trades Hall Council has made arrangements to be a resource which can provide an information centre not only for the trade union movement but also for the industry in attacking this problem.

In dealing with legislation of this nature there is a responsibility to acknowledge that much more needs to be done than is attempted in this proposed legislation. What is attempted in the Bill can be best described as a tentative step forward. To that extent the Opposition welcomes it. The Opposition understands the hesitancy of the Government which first introduced a Bill in the last sessional period of Parliament. The Bill now before the House is a revamped version after consultation in various areas and perhaps is an improved model of the first measure.

In introducing the policy of the Labor Party on this matter I have sought to emphasize that the time is ripe for a further and greater advance than that proposed in the Bill. For that reason I propose to move:

That all the words after "That" be omitted with the view of inserting in place thereof the words "this Bill be withdrawn and redrafted to—

(*a*) establish an Occupational Health and Safety Commission comprising a Chairman appointed by the Minister and representatives of the Victorian Trades Hall Council, various employer councils and persons with an interest and expertise in occupational health and safety, to—

(i) monitor the health and safety of people at work;

(ii) make recommendations to the Minister as to standards to be met by employers and regulations and codes of practice for specific industries; and

(iii) formulate a licensing scheme for safety in work places and the substances to be used therein; and

(*b*) empower trade unions to appoint health and safety representatives in respect of their members at any given work place."

**The ACTING SPEAKER (Mr Richardson)**—Order! The proposed amendment which has just been placed before the Chair is not the same as the amendment which has just been read by the honourable member for Reservoir.

*The sitting was suspended at* 12.57 *p.m. until* 2.5 *p.m.*

**Mr SIMMONDS**—Prior to the suspension of the sitting, I foreshadowed an amendment which, on reflection, is technically not able to be proceeded with. Therefore, I now move:

That all the words after "That" be omitted with the view of inserting in place thereof the words "this Bill be withdrawn and redrafted to establish an Occupational Health and Safety Commission comprising a Chairman appointed by the Minister and representatives of the Victorian Trades Hall Council, various employer councils and persons with an interest and expertise in occupational health and safety, to—(*a*) monitor the health and safety of people at work; (*b*) make recommendations to the Minister as to standards to be met by employers and regulations and codes of practice for

specific industries; and (c) formulate a licensing scheme for safety in work places and the substances to be used therein, such Commission to be remunerated for its services.

The amendment adequately describes the intentions of the Labor Party. The Bill was introduced during the last sessional period and I understand it has been reintroduced after consultations and redrafting. Apparently the Minister has further amendments which will be introduced during the Committee stage. Honourable members should support my amendment to maintain industrial safety, health and welfare adequately. I welcome the Minister for Economic Development back to the Chamber and hope he takes note of the comments recorded in *Hansard* so that when he makes a contribution, he will be adequately informed by the illustrations and amplification in the points that I made.

**Mr JASPER** (Murray Valley)—Together with some honourable members, I have listened to the debate with interest. The National Party supports the Bill, and although most of the comments of the honourable member for Reservoir were appropriate and reflected his understanding of the industrial scene and the need for industrial health and welfare, like many honourable members I was disappointed to hear him also espouse what appeared to be the complete policy speech of the Australian Labor Party on industrial safety matters. That part of the contribution was difficult for honourable members to consume. This was evident by the few honourable members who remained to listen to the debate, particularly members of the Labor Party.

**Mr Remington**—You have none at all!

**Mr JASPER**—Percentage-wise, the National Party does very well. My colleagues have probably had an excellent luncheon and know that I shall present the views of the National Party adequately. The Bill was thoroughly discussed in our party room.

**Mr Spyker**—So it was in ours.

**Mr JASPER**—One would not have thought so according to the dissertation from the honourable member for Reservoir. As it was practically a Labor Party policy speech, most honourable members should have been present to ascertain the policies of the Labor Party prior to the next election.

It needs to be recognized that an enormous amount of investigation has gone into the preparation of the Bill that has been presented to the Parliament. Indeed, a Bill was presented during the previous sessional period and it was along similar lines to this measure. Subsequent to that, as the Minister indicated in his second-reading speech, the Bill presently before the House has been based on the unanimous recommendations of the tripartite Committee for Review of the Labour and Industry Act. It is significant that a committee has presented, unanimously, recommendations upon which the Government is now acting.

The committee spent up to three years on its investigation and as was indicated in his second-reading speech, the Minister gives a great deal of credit for the co-operation between employers, trade unionists and departmental officers who were involved to reach what would be not a completely unanimous opinion but of course an agreed action on what should occur.

There is no doubt that there needs to be action taken in the area of industrial safety and that need has been highlighted by the introduction of this measure and by the comments that have been made by the Minister of Labour and Industry and of course the investigation carried out by the tripartite committee over a period of time.

The National Party supports the thrust of the measure, which will look to improving industrial safety generally. There needs to be much effort undertaken in this regard in an attempt to ensure that Victoria has the best industrial safety record possible.

It is interesting to note that in his second-reading speech, the Minister referred to the seven organizations that

had been involved in submitting evidence to the committee and which have also commented on the Bill since it first appeared in the Parliament. That certainly has been a worth-while exercise.

The Bill brings together all of the recommendations and tries to extend into the area of safety a degree of unanimous opinion from the employer and union organizations and with the support of the Government it is hoped that the measure will be effective in improving industrial safety conditions within the workplace.

The Bill sets up a council and the clauses in the Bill provide for a good range of representation to enable the council to be most effective. Clause 5 provides for the personnel who will be involved with the Industrial Safety, Health and Welfare Advisory Council and if honourable members examine that clause, they will see that representation on the council goes right across the ambit of industry from employer to employee organizations, together with representatives from Government departments.

The National Party wants to register its disappointment that the Bill does not pull together all the safety related measures into one department. In his second-reading speech the Minister highlighted the fact that at this stage there will be a number of Government departments involved, including the Department of Minerals and Energy, the Health Commission and the Department of Labour and Industry. Although it is agreed that it would be difficult to pull together all of those departments responsibility for industrial safety under the one department, certainly that should be the aim of the Minister in the long term, to be able to bring the area of industrial safety under one department and that is the way in which the National Party believes the legislation should operate. There should be involvement of every department, by all means, but from the point of view of industrial safety generally, the National Party would like to have one department with overall control in this area.

Like most honourable members I received representations from organizations that are and have been involved in examing the legislation. Of particular interest was the representations I received from the Safety Institute of Australia, which indicated quite clearly the areas of concern that affected that organization. I suggest we should be looking at all sides of the problem, but particularly at injury prevention and determine how that is going to be undertaken. It seems to me that we should be looking at ways of improving the legislation.

There are two areas I wish to mention, and of course the Safety Institute of Australia provided me with quite a bit of information as to its areas of concern with the Bill.

I refer to clause 21 (3), which refers to the officers who will be employed by the department. I can understand that concern which has been expressed; that there is no detail in that provision as to the qualification of persons who will be involved as inspectors within the department. I know from personal experience, especially from my business experience, that officers of the department who visit various business houses and industrial undertakings to do the checking of equipment often are not qualified to be able to undertake the checking that is required. In many cases I see those persons being used as a form of fund-raiser for the Government and the department, rather than undertaking an inspection of equipment in this vital area of looking at industrial safety.

The National Party would like clause 21 (3) to be extended so details of the qualifications of the persons, who will be involved from the department's point of view in respect of business houses and inspection of industrial undertakings, can be provided so they can look at industrial safety matters. This will enable the officers to comply with the requirements set out in the measure, but they should be suitably qualified to undertake that aspect and that provision should be included in the measure.

The principle goes even further when one considers clause 33(1), which requires the appointment of safety supervisors and the election of safety representatives and the establishment of safety committees and the functions, powers and duties of these supervisors, representatives and committees. The point I take issue with is that there is no definition or qualification for the appointment of these safety supervisors. Whether they are appointed by the company—in this case they would be appointed by the company and the National Party believes those people should be appointed by the company —they should have some qualification or expertise in this area of industrial safety to be able to inspect the factory or provide suitable information on the safety requirements which should comply with the requirements of the particular undertaking. The principle goes even further when applied to the representatives of the unions. Where there is the appointment of a safety officer within an enterprise, that employee as the representative of the union should have some special qualifications or special training in industrial safety so that person can be fairly informed through his qualifications of the standards of safety that would be required.

The National Party believes this is most important; there should be further provision relating to qualifications. I hope the Minister of Labour and Industry will take note of that aspect. The point the National Party is making is that there should be, first of all, detailed in the measure the qualifications for Government inspectors and for the appointment of employer and employee organization representatives so they are qualified to be able to determine that the safety regulations that have been implemented within the business structure are being adequately performed in that undertaking. With the improvement and build-up of technology in industry, there needs to be qualified people to be able to undertake this task.

The National Party believes there should be research, education and training of all people involved in training and related requirements in industry. This research and education should be available through the normal education system and funds should be provided for such research.

The Safety Institute of Australia has suggested that 1 per cent of workers compensation premiums should be utilized in developing research and providing education into industrial safety. Perhaps it should be as much as 2 per cent, as this research into industrial research and safety would save on payments for workers compensation claims which would be of great assistance. It has been indicated to me that 2 per cent of claims for workers compensation account for 40 per cent of the cost of workers compensation payments, and an additional 81 per cent of the claims made against workers compensation account for only 10 per cent of the cost. From those figures it can be seen that an improvement in safety requirements would improve safety generally within the industry. Education and research into safety measures in the industry would result in a major cost saving.

The first figure I mentioned, 2 per cent of claims, account for 40 per cent of the cost of workers compensation payments, shows that a small percentage, which are major claims, is claiming 40 per cent of workers compensation. I hope improvements will be made in safety related aspects within industry.

I ask the Minister to take account of the two specific matters I have mentioned, that is the qualification of people involved in industrial safety, and improvement in research statistics and education in order to reduce the cost to the industry and the community in workers compensation payments.

The Bill is a major step forward. With the advice from the new Safety Health and Welfare Advisory Council there should be a great improvement in industrial safety in Victoria. I wish the Bill a speedy passage and I hope it becomes effective as soon as possible.

**Mr WALSH** (Albert Park)—I support the amendment moved by the honourable member for Reservoir. It is a pity that the honourable member for Murray Valley did not listen to the speech made by the honourable member for Reservoir, as he spelt out that occupational health and safety is an important issue and has been for many years. The Bill does not comply with modern-day requirements and, for that reason, is not acceptable to the Opposition. The Government thinks that the one word "safety" is an answer to the existing problems.

There are 25 Acts of Parliament in this State that cover occupational health and safety. That is too many Acts of Parliament for a most important area, and it is impossible to measure the cost of occupational accidents and ill health in this State or in this country, and its effects on people. The Williams report stated that there should be a single Act covering all people wherever they work, both employed and self-employed, and that occupational health and safety should be brought under the one umbrella so that it can be policed properly. The Government should have been setting safety standards long before now. The Minister in his second-reading speech said that the parties got together in 1976, five years ago, but since then sophisticated equipment has been brought into the State and the safety requirements connected with this equipment should be examined.

The Opposition believes the trade union movement should take an active part in the areas covered by this Bill, and also that the safety policies of industry should be adhered to. I do not disagree with the remarks of the honourable member for Murray Valley that trade union officials should learn expertise in this area of safety. This applies also to shop stewards and anybody in the work force, especially those responsible for other people. They should have the right to enter the shop floor and be concerned with safety as they have an important role to play.

The Bill goes a little way towards improving some of the situations in industry, but it worries me that the Minister has the right to waive a prosecution. That should not be allowed. The Minister, an inspector and the trade union involved in a particular area should confer and decide whether what has occurred was an act of God, or caused by something else.

This Government has no enthusiasm for introducing proper legislation to improve occupational health and safety. The problems that face workers in industry are not considered seriously by the Government. From time to time, debates have occurred in this House on occupational health and safety, but the Government has not approached the matter in a sensible way. One has only to consider what is happening in the community and the time lost as a result of occupational illnesses and injury to realize the importance of this subject. Current measures are not controlling the situation and the Bill will not assist. The time lost in Victoria as a result of occupational illnesses and injury is three times higher than the time lost as a result of industrial disputes.

Many industrial disputes arise from safety issues. I can speak from experience in that area. In the industry in which I worked as a union official, there would probably have been more stoppages in a week as a result of safety concerns than from industrial disputes in a year, and that same situation exists in many industries where workers' lives are at risk. Vast sums are lost in wages alone as a result of occupational illness and injury. Last year, lost wages and lost production cost in the vicinity of $4100 million. Further, something like 67 lives were lost in 1979 as a result of accidents in the work place.

Notices regarding safety should be prominently displayed in the work place. During the autumn sessional period this year, the Minister came to the House with safety pamphlets in English and stated that he would have those pamphlets issued in other languages. I have investigated but I have not been able to discover any of those pamphlets in foreign languages. Safety education is necessary for workers, for

management and for supervision, but that safety education has not been forthcoming. Everyone—the Government, the employer, the unions and the employee—is responsible for ensuring that proper guidelines exist and are carried into effect. Some areas of safety are totally neglected; there are no signs and no instructions.

Workers who are injured in the work place are sometimes afraid of being sacked, especially the non-English-speaking migrant workers. Many of them are terrified and feel that their security of employment will be threatened as a result of their being injured in the work place. Safety should be the responsibility of the employer, who should ensure that workers carry out safety measures.

Many people suffer in many ways in respect of occupational health and safety. Thousands die of heart attacks which result from job stress. Many employees carry out their work as diligently as possible and the stress associated with that can never be measured; no one in society understands that. Many people are victims of their jobs.

When the Workers Compensation (Amendment) Bill was debated in this House, I spoke of the stress and strain to which members of any police force are subject. Many of them do not report stress and strain, believing it to be a natural result of life. Thousands die as a result of such occupational health problems.

Another area that is now being recognized is cancer. Many respiratory complaints are rife as a result of occupational problems within workshops. Many other areas need to be investigated.

Employees should be entitled on demand to free medical checkups where they are employed in hazardous occupations. The result of those medical examinations should be available only to the employee, not to the employer, because threats to employees can result if an employer gets his hands on the results of such medical examinations. The results could be made available to the union representative, if that was agreeable to a member of an organization. Many workers would probably enjoy longer lives as a result of regular medical checkups, especially where they are working in hazardous conditions.

Dangers arise from the incorrect labelling of chemicals. When I worked as a union official, I had experience of members of my organization working with chemicals in a ship's hold. Dangerous chemicals would be marked with a red skull and cross bones to signify dangerous cargo, but the labelling did not indicate what the chemical was. Some markings were so small that it was difficult to see them, or they were in obscure positions and were not found unless the employee made a thorough search of the drum or box containing the chemical. Dangerous chemicals should be clearly labelled and should spell out the name of the chemical or dangerous substance contained and the problems that it creates.

On one occasion, two workers collapsed down below in a hold after inhaling fumes from chemicals which had leaked and were off work for some time. Precautions must be taken in the interests of workers. When dangerous chemicals come onto the shop floor, the employer should be automatically compelled to instruct employees immediately and to give the name of the chemical and details of the danger that it presents.

They should be compelled to give the name immediately. That is an important provision.

The Bill provides for safety offices to be set up in work places that will be mandatory in some, but not in all areas. I consider that every workshop should have a safety committee consisting of representatives of employees, the employer and the union official, who should have the right, on any occasion that he or she feels necessary, to discuss safety, occupational and health problems that exist in the work place. Such committees exist in some areas. One finds that occupational health and safety hazards have been minimized in some situations because of the vigilance of those committees. It should be mandatory for every employer to ensure that safety committees are established.

Many new improvements are required. Many programmes and the continuation of safety conventions have taken place. Employers, unions and people on the job should meet continually on the issue of safety to discuss their situations. Decisions that are reached at those conventions should be carried out by employers, employees, unions and the Government. They must be mandatory on everyone.

I recall that in about 1966 I attended a safety school in my industry and listened to a professor preaching about safety with wires and so on. When I was on the job with him later, I noticed that he did not carry out what he had preached. The ideas of 1981 should be updated to meet the needs as they arise.

The workers health centre which was set up by the Trades Hall Council is doing significant work in occupational health and safety. In my view, that centre is doing the work of the Government. It is an advisory service that can enter places when required and consider safety problems. The Department of Labour and Industry and the Industrial Hygiene Branch of the Commission of Health have insufficient inspectors and other staff to carry out the work. The Department of Labour and Industry has 77 employees; that number has not been increased for five years. Recently, eight people have been trained, but they are taking the positions of staff who have left that area in the past five years.

One may ask how many inspectors there are in the Western District, such as at Ballarat and Horsham. That area has three inspectors, and I understand that one of them is under stress and strain at present because of his work load. Those three people visit all the little hamlets in the area. With the work and the time involved in travelling, they have a difficult task. I shall give an example of the heavy work load imposed on inspectors in this State and why they cannot service the State properly.

At the factory of Electric Airconditioning an operator was working for three weeks on the job of pressing out grilles for heaters. He put his hand in to press out one of the grilles, the spring broke and chopped off parts of three of his fingers. Everybody knew the spring had been loose, but it should have been checked regularly. That worker was employed in the industry for only three weeks with no proper training on that machine. The employer notified the Department of Labour and Industry, which indicated that it could not send an inspector out straight away but allowed the company to clean up the mess. The company inspector carried out an inspection. One week later the machine was still idle and no inspector had visited, so the company telephoned the Department of Labour and Industry and was told that the department could not send out an inspector at that stage. But on the company's word that everything was all right the spring was replaced and the work continued on that machine. A period of four weeks elapsed before an inspector visited the company after the accident and investigated the safety of the machine. This is a shameful state of affairs and similar situations have been happening continually.

One must consider other important areas under the Industrial Hygiene Branch which covers fumes, health problems, dust and radiation. It has fourteen staff members. Five of them are medical personnel, 2 physicists, 3 chemists, 2 technicians and 2 inspectors. Industrial Hygiene Branch is an important body and it is a shame that that situation is occurring. There are about 18 000 factories in Victoria. The noise situation affects many people in society. The Workers Compensation (Amendment) Bill was passed some weeks ago to provide workers compensation for persons affected by industrial deafness. It may alleviate the situation by providing compensation payments, but it does not help the health of persons affected. It is important to realize that probably about 6000 out of 18 000 factories pose serious noise problems. The last report that I read on the subject indicated that only 700 of the possible 6000 that could present problems had been inspected.

What a shocking situation! There is only one officer handling the area. Those figures are based on the latest information available to me. It is shocking that there is only one officer to handle industrial deafness and noise problems in industry. The situation needs to be examined and something must be done to rectify the problem. Many breaches of the Act have not been followed up in that inspections are not conducted properly because of an insufficient number of inspectors. The number of qualified inspectors must be increased significantly to ensure that people in our society live longer lives. I certainly agree with the honourable member for Murray Valley that, if industrial activities were policed properly fewer workers compensation claims would be paid out and there would be less financial strain on employers by way of premiums for workers compensation. Heavy fines should be imposed upon employers who breach the regulations. I reiterate that unions should have more say in the matter.

One provision in the Bill precludes inspectors from divulging information, which is a step in the wrong direction because, if an inspector has found a fault or occupational health problem in an industry, he should be instructed to report it immediately. If the inspector were on the job, he should be required to report the fault to the employees involved and immediately inform the organization that represents the workers in the industry concerned of the problem. I join with the honourable member for Reservoir in totally supporting the amendment. The House should make the correct decision to ensure that people who work in industry can do so safely and enjoy better health in future.

**Mr BIRRELL** (Geelong West)—The debate has extended over more than two hours and not much more can be said about the matter. I commend those honourable members who have taken the trouble of studying the Bill and the subject-matter. The Bill is the tenth measure relating to labour and industry that has been debated during this sessional period. Never before has the House had the impact of ten Bills dealing with labour and industry matters, which nowadays, also includes workers compensation.

It is a tribute to the assiduity of the Minister. Although it is difficult to classify which Bills are the most important in human terms, I believe the Bill now before the House would obtain the accolade.

**Mr Mathews**—Is that why it was brought in last?

**Mr BIRRELL**—It really means that it has had mature consideration in the outside community. The tripartite Committee of Review of the Labour and Industry Act some years ago promoted the general concept of the Bill.

The Minister's second-reading speech referred to the Victorian Chamber of Manufactures, the Victorian Employers Federation, the Metal Trades Industry Association, the Victorian Trades Hall Council, the Federated Clerks Union, the Safety Institute of Australia (Victorian Division) and the Industrial Safety Advisory Council as bodies which had examined the Bill in considerable detail and given their nods of approval.

The Liberal Party committee on labour and industry matters, of which I am the chairman, has conducted investigations of the Bill, which has been circulated throughout the community and has attracted considerable interest. Therefore, honourable members are not dealing with a Bill that has been produced within a department, rushed into the House and quickly passed through the debating stages. I can think of no better way in which this matter could have been aired. It has been examined by the Trades Hall Council. The Bill has been widely distributed and the fruits of that effort are now under discussion.

Safety attracts a number of statistics and one figure I believe worth mentioning is that, some time ago, when the Workers Compensation Supplementation Fund was set up, 50 000 persons were enrolled in that fund. For the first time, there was a statistic relating

to people at work, who were on workers compensation for one day. That is probably as good a statistic as any that might be found, so far as an injury that is compensatable, for workers compensation.

The total of 50 000 workers does not include the thousands of persons who, for one reason or another, have had minor accidents that did not require compensation applications. However, the fact that 50 000 people were out on workers compensation for one day indicates that more work needs to be done in that field.

There are some old provisions in the Bill; not everything in the Labour and Industry Act has been dumped altogether. The aspect that I believe will be the most fruitful in the future is the attempt to safeguard employees at work. The idea of having elected representatives and appointed safety supervisors coming together in the form of a general consultative committee within work places, seems to me to be the most fortuitous provision in the Bill. I look forward to those parties coming together from both sides of industry as being the best new concepts to be introduced in the Bill.

Upon visiting the various industries in the Geelong electorate, particularly the large and medium-sized plants, I have been aware that safety campaigns have been in operation. Many of those places have a board on the wall recording, for instance, the number of days the plant has operated without accident and, in some places of employment, various incentives are provided—for example, for 90 accident-free days.

**Mr Spyker**—Like a box of chocolates?

**Mr BIRRELL**—Well, that is better than a kick in the pants. Within the plants that had effective campaigns, the number of accidents dropped significantly. Therefore, if workers and employers are willing to zoom in on plant safety, the accident rate can be reduced. There is no doubt about that. However, that needs some application, thought and perserverance, and use of modern methods of conveying information throughout the plants, will result in a substantial decrease in the accident rate over an extremely short period. That is the type of programme that should filter down to the medium to smaller-sized plants that have permanent professional safety officers on their staffs. The Safety Institute of Australia has compiled figures on industrial accidents, which indicate that the larger industrial plants have a better safety record. Those figures indicate the need for improvement in industrial safety in the medium to smaller-sized plants.

The Bill contains provisions for more representative safety committees in factories and so on. The honourable member for Murray Valley said that workers compensation premiums could fall substantially if there was a reduction in the number of industrial accidents. The honourable member said that the Government should be able to use 1 per cent of workers compensation premiums to conduct an industrial safety campaign.

Approximately two years ago, I wrote a report for the Government on aspects of workers compensation. That report was widely distributed outside of this House. Earlier during this sessional period, it was stated that the first of the workers compensation supplementation funds—which the insurance industry calls the No. 1 fund—does not contain a generous balance. During that debate, I said that one could morally justify debiting that fund with $2 million and using that money to conduct an industrial safety campaign, especially in the smaller and medium-sized plants. However, that recommendation was not acted upon. It was interesting though to hear the honourable member for Murray Valley suggest the establishment of a similar fund.

The cost of the establishment of that campaign could be justified because of the ultimate effect it would have on lowering the cost of workers compensation premiums. Indeed, that is an avenue that might well exercise the Government's mind in the future.

The Bill represents a major step forward in combating industrial accidents. The Bill does not represent merely a rewrite of the Labour and Industry Act; many new provisions have been inserted into the Bill. I cannot help but think that when honourable members remember this debate in six years, they will realize what an enormous effect the provisions of the Bill will have had on industrial safety, health and welfare matters.

The proposed legislation could have a substantial effect of bringing to light the need for more control in the industrial safety, health and welfare areas. I support the speedy passage of the Bill.

**Mr SPYKER** (Heatherton)—It is all very well for honourable members opposite to welcome the introduction of the Bill and wish it a speedy passage. However, the Bill is too little and far too late. Surely when honourable members opposite realize the enormous amount of debate and concern that has been expressed in the community about the loss of life and industry pertaining to industrial accidents, that those honourable members could not vote against the amendment moved by the honourable member for Reservoir. I urge the Minister of Labour and Industry to accept the amendment. That would be an eminently sensible approach to adopt in 1981.

On the second last day of sitting of this session before the next State election, the Minister of Labour and Industry is desperate to score political points. The Minister hung his second-reading speech on a few words stolen from the Labor Party's policy on industrial safety, health and welfare. However, if that honourable gentleman wanted to do the job properly, he should have adopted the Labor Party's policy to ensure a deliberate reduction in the cost that industrial accidents have on industry.

Honourable members opposite have not been the victims of industrial accidents. Those honourable members do not know of fellow workers who have suffered from industrial accidents. Prior to my becoming a member of this place, I worked in industry for approximately twenty years, alongside 600 fellow workers. During that period I unfortunately witnessed too many industrial accidents. Far too often industrial safety committees are established, but their operations are haphazard and they often have a deplorable approach to industrial safety.

I welcome the establishment of the proposed Industrial Safety, Health and Welfare Advisory Council. However, it should be noted that in many medium to small-sized workshops employers often establish safety committees that prove to be either too effective in their operations or embarrassing through highlighting gross inefficiencies in the use of toxic chemicals and the like. Those committees are therefore effectively abandoned. Many companies have safety committees that exist only on paper.

Often a safety officer is appointed, but that person has to perform other tasks in the workshop. In some instances the production manager is appointed the safety officer, but he is a man whose main task is to ensure the continued flow of production. There is an obvious area of conflict of interest in that instance, which is an intolerable position. That is why I should have thought the Bill would have been more enlightened and the Minister would have accepted the amendment proposed by the Opposition. Obviously the personnel in the plant or members of the union should have some involvement with safety. The onus should not in every case be on the company or the employer to appoint the person it wishes to appoint to the safety committee.

The honourable member for Geelong West mentioned that in Victoria last year there were 50 000 injuries at work. When one considers that the number of work injuries is six times the number of people killed or injured on the roads—although the road toll is deplorable—that gives an idea of the staggering extent of loss of life, injury and trauma that occurs to the Australian population in the workplace. Last year in Australia there were 300 industrial

deaths, 125 000 injured workers and 300 000 hospital admissions amounting to 2·5 million bed days.

Many complaints have been made about the cost of health care and injuries, and these figures show that dramatic action must be taken in this regard. I support the idea of a publicity campaign in the mass media on industrial health and safety. However, the Government is embarrassed by its inefficiency and lack of action, and it is afraid that its weaknesses would be shown, so it would not undertake such a campaign. The Government has adopted a nineteenth century attitude towards industrial safety, but I urge it to enter the twentieth century and closely examine the conditions.

In the past most industrial accidents involved the loss of limbs, so it was easy to prove that they were related to work, but, as previous Opposition speakers have outlined, this is not easy to do in the case of disease. Liver cancer often occurs in people who work in the plastics industry; bladder cancer occurs in the rubber and dye plate industries; leukemia in the shoemaking and chemical industries, as well as heart disease, sterility and diseases related to pesticides. These matters have been highlighted dramatically in a recent *Four Corners* television programme. One would have thought that more action would have been taken in this area because those types of injuries in industry are of longer duration.

A person might be working in an industry this year and the complaint may not surface until twenty years later. This proposed legislation does not require employers to keep medical records for workers who are injured and suffer health complaints during that time, so when the injury or death occurs twenty years later no records are available about any injury or disease that the worker may have suffered. Therefore, it is difficult for the family to claim justified compensation to enable family life to continue. This has a traumatic impact on the family of the deceased, but the Government takes a callous attitude towards these people.

It is horrifying that in 1981 honourable members are discussing a Bill on industrial health and safety instead of Parliament accepting *in toto* the proposals that have been outlined. All speakers have referred to the heavy costs to the community of industrial illness and injury. The Government is only shilly-shallying with it. This includes not only the Victorian Government, but also the national Government. In 1974 the Whitlam Government tried to tackle the problem as a national project. The current national Government has failed miserably to play an active part in collating material on the number of accidents and incidence of disease in workers and requiring employers to provide information on the chemicals, materials and other substances used in their workshops so that an analysis can be made of why industrial accidents happen and how they can be avoided. All honourable members must agree that that would be a sensible proposal.

As the honourable member for Albert Park indicated, about 160 Acts of Parliament, both State and Federal, cover industrial health and safety, and the large number of Acts is used as an excuse for the Government not to take positive action in this regard. The first priority referred to in the Williams' report on occupational health and safety is that a single Act covering all people at work, whether self-employed or working for an employer, should be introduced. This would impose general duties and obligations on all persons involved in the work process. The Government should have taken that report of September 1981 on board and urged its colleagues in other States and Federally to adopt its recommendations. Information on what had been done at a Federal level would be welcome. However, because of the actions of the razor gang, in April severe cuts were made to the National Consultative Committee on Occupational Health and Safety. The committee was comprised of representatives from the State Governments and the Australian Council of Trade Unions, and it played a vital role, but suffered in

the important areas that I have outlined. The Victorian Government did not protest to the Federal Government when these cuts were announced. The committee is now one in name only because it has not the resources to enable it to carry out its task properly.

If the number of deaths from disease that occur on a national level equalled the number of deaths in industrial accidents, a public outcry would occur and immediate action would be taken. However, because industrial accidents are widespread, they have been accepted and taken for granted that they occur, and the people have got used to them. This is a matter of importance to the nation.

The Victorian Government has been trotting out arguments about industrial stoppages and the loss to the community. All this week Ministers have been attacking the trade union movement in Parliament over the stoppages and black bans, yet the cost to the community of those incidents is peanuts compared with the cost of injury and ill health in the workplace and industrial accidents. The only way in which some action will be taken by the Victorian Government is if the Premier can make a stunt out of it. Then honourable members would see the honourable gentleman on television tonight promoting industrial health and safety. It is deplorable that it would be necessary to stoop to that level to have action taken.

The Labor Party will accommodate the Premier in bringing proposed legislation quickly before Parliament, and would be happy to come back for an autumn sessional period to allow such legislation to be passed.

I shall quote some figures on working days lost. In 1980 3·3 million working days were lost because of industrial accidents, and the total amount of wages lost was $152 million. This year more than 5 million working days were lost and the total cost of wages lost was $230 million.

It seems extraordinary that such little effort is put into resolving that high cost to the community. As I indicated earlier, the Government tries hard to exploit every industrial dispute for its own purposes, but does not seem too willing to act when health and safety in industry are involved because of the fear of upsetting some of its powerful friends who, on occasions, do not want the Government to take action.

I refer to studies undertaken in the United States of American which show that asbestos workers have a one in five chance of developing lung cancer and a one in ten chance of developing cancer of the digestive tract. Two or three years ago the railway workers had placed bans on the blue asbestos trains, and the Government attacked them for that. Later it had to admit that the workers were right, and action was taken to protect workers in those industries. Workers must have some understanding of the effects of various materials on their health. The Government seems to react only to pressures from the trade union movement and workers in the work force instead of initiating protection for the workers. It is a deplorable state of affairs.

The argument put forward by the Government is that to do this is expensive; production must come first; workers can be easily replaced, particularly in times of high unemployment; if a worker is injured, bad luck. There is always another person to take his place, particularly in the unskilled and semi-skilled areas.

Some of the worst sufferers are migrant women and migrants generally who do the unskilled and semi-skilled work, often because of newness to the country and the inability to understand fully the products that they are using. Sometimes they suffer without realizing it and only years later the symptoms appear. For instance, migrant women who contract tenosynovitis suffer agony for the rest of their lives. The Government does not carry out research into this type of problem. It has been up to the trade union movement, the Victorian Trades Hall Council and individual unions to set up health and safety task forces and committees to do research, having to rely on research from overseas countries to convince the Government that action

should be taken. The initiative should be taken by the Government and it should assist the health and safety units that have been established around Victoria and Australia.

The Minister of Educational Services has indicated his ignorance on the matters of industrial health, safety and injured workers. I suggest the Minister should take a job in a factory for six months and do the work required under the difficult conditions that prevail there. Perhaps his attitude would change dramatically. I look forward to his taking up the challenge.

Another problem in the chemical industry is the naming of chemicals. Many companies deny access to health and safety officers who are acting on behalf of the trade union movement. Those companies do not want to divulge the names, and say that they are a trade secret. The real reason is that they do not want the workers to know the dangerous nature of the substances. They hide behind trade secrecy. It is frightening to work in industry when new substances are required to be used and not to be able to find out how they can be used safely or be given any direction on that matter. Often materials are imported and no instructions are given regarding safety requirements. There is no legislation in this State or Commonwealth calling for those requirements.

The Bill fails to deal with stress in industry. In this area women in particular are affected. Not only do they work hard in their place of employment, but they have the additional role of having to run a home and family. Little research is done into stress and its causes. In the electorate that I represent, there are many two income families. Both partners have to work to put food on the table and to keep the home. This Bill fails to deal with stress which is an important factor in our daily life which is becoming more hectic. Work is becoming less physical as a result of technological changes, but today stress is worse than it was years ago.



I support the honourable member for Albert Park in emphasizing the importance of having literature in languages other than English. This Parliament seems to be very Anglo-Saxon orientated at the best of times. When matters of industrial health and safety are involved, attempts are not made to explain matters in languages other than English. I suggest to the Minister that literature that is distributed and the suggested publicity campaign should be in languages other than English.

The area of stress and chemicals should be considered and the other issues raised by honourable members today which are essential to the health and welfare of the Victorian and Australian community. I appeal to the Minister to reconsider his position and accept the amendment moved by the honourable member for Reservoir. This is the last Bill that the Minister will introduce during this sessional period and probably the last Bill that he will introduce before the honourable member for Reservoir takes over as Minister of Labour and Industry. At least the Minister would have some score on the board.

**Mr CULPIN** (Glenroy)—I support the amendment, which reads:

> 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 establish an Occupational Health and Safety Commission comprising a Chairman appointed by the Minister and representatives of the Victorian Trades Hall Council, various employer councils and persons with an interest and expertise in occupational health and safety, to—(*a*) monitor the health and safety of people at work; (*b*) make recommendations to the Minister as to standards to be met by employers and regulations and codes of practice for specific industries; and (*c*) formulate a licensing scheme for safety in work places and the substances to be used therein, such Commission to be remunerated for its services.

If the Government were sincere, it would accept the amendment. The Government should realize that now is the time to bite the bullet on industrial safety. Members of the Opposition are far better qualified to give an opinion on this subject than members of the Government party. It is not enough to have read the books or heard the lectures, one must have had the experience. To really understand the

problems one has to have worked in the plants and factories and seen one's fellows suffering illness or even dying because of the lack of safety precautions and health care facilities.

This measure is just another one of the usual con tricks. We all know the department is grossly understaffed. Its officers work hard and do a good job, but there should be another 300 per cent or 400 per cent working for the department. The Labor Government that will be elected next year will ensure that the department operates correctly.

**Mr McArthur**—With the taxpayers' money?

**Mr CULPIN**—How much is a person's life worth? Can one put a money value on that? Has the honourable member for Ringwood seen men and women die because of their working conditions? The amendment shows clearly what the Labor movement and the people of Victoria want, and its failure to accept the amendment is one of the reasons why the Government will be defeated next year.

I was concerned to hear the honourable member for Geelong West suggest that insurance premiums would be decreased because of the improvements in safety and health. He would have to be kidding! Insurance companies reducing premiums—when that happens, I will be on a trip to the moon! It was not so long ago that the Government was trying to sell out workers compensation to the insurance companies. The Government said the Bill it introduced at that time was a workers compensation Bill, but it really should have been known as an insurance bonanza Bill. It was defeated by the trade union movement, the Labor movement and the people of Victoria. What the Government tried to do should never be forgotten. I should like to know how much the insurance companies put into the coffers of the Liberal Party.

People in the work place are suffering deteriorating health because of their conditions of work, but because of the actions of this Government and its colleagues, the Fraser Government in Canberra, which has no concern for the working class and which has created massive unemployment, people are too frightened to complain about safety problems or conditions. They believe they will lose their jobs. It is no exaggeration of the facts to say that people who have taken a day or two off because of work problems have returned to their employment to find that their jobs have gone.

I assume the Minister of Labour and Industry has read the Australian Labor Party Occupational Safety and Health Policy published in September 1981. It is interesting that the policy was published in September and now, in December, the Government has taken some action. The policy states, in part:

> The present state of Victoria's laws on occupational health and safety is an embarrassing disgrace. There is far too much law. Much of it is out-dated and unrelated to modern conditions. Administrative responsibility is spread across too many Government departments and agencies. Little attempt is made to try to enforce even those parts of the law which do have some relevance to modern conditions.
>
> Successive Liberal Governments have failed to take any action to clear up this mess, nor seriously tried to reduce the current appalling levels of occupational death and injury in this State. As one of its first priorities a Labor Government will introduce an Occupational Safety and Health Act with a view to bringing this major social problem under control.

I reiterate that if the Government were sincere it would accept the amendment, instead of introducing yet another gimmicky measure. I was able to obtain a book on occupational diseases from the Workers Compensation Board of Toronto, Canada, which is a fairly recent publication. It lists the following chemical hazards:

> Ammonia; arsenic and compounds; arsine; asbestos—

We all know about asbestos. It took us a long while to wake up to it, and I regard Lang Hancock as nothing more than a murderer. The list continues:

> . . . beryllium; brass; bromine; cadmium; calcium oxide—lime; carbon monoxide; carbon dioxide; cement; chlorinated lime—bleaching powder; chlorine; chromium and compounds; fluorine and salts and hydrofluoric acid.

It would take too long to give the diseases and symptoms, but I will make the document available to the Government so that it can discover exactly what happens. The list continues:

Glass fibre—fibreglass; hydrochloric acid—hydrogen chloride; hydrogen cyanide; hydrogen sulphide; lead; lead tetraethyl; mercury-alkyl—organic; mercury—inorganic; nickel carbonyl; nickel; nitrogen oxides—nitrous fumes; ozone; phosgene; phosphorus—white and yellow; silica; sodium—potassium hydroxide—caustic soda; sulphur dioxide; sulphuric acid; uranium, including radon daughters; vanadium pentoxide, and zinc oxide. The document is available to all honourable members for their education.

It is quite clear that members of the Liberal Party have been locked in by a party decision, not by a conference decision. The Liberal Party is a most undemocratic party, unlike the Labor Party which is not so bound.

I refer honourable members to another booklet, *Making Work More Satisfying*, which was published this year by Her Majesty's Stationery Office, London. This booklet could well apply to honourable members who arrive home at 2 a.m. or 4 a.m. and then return to work at 10 a.m. simply because the Government is unable to organize its business. Item 3 of the booklet is headed "How Can Jobs be Redesigned?"

It's not easy. There's no golden rule.

It would be a mistake to think that improving job satisfaction through job design and the organization of work is easy. The theories and studies on which this practice is based have mostly been available for many years, yet comparatively little seems to have been done until fairly recently. Experience shows that it requires patience, understanding, perseverance and co-operation from managers and supervisors, and from workers and their trade union representatives. It also involves, as does all change, an element of risk.

What to avoid.

What is it that gives people feelings of frustration, dislike of their work, estrangement from those associated with creating that work, and general lack of commitment to their job? Some of the factors which are known to have these effects are:

(*a*) Short work cycles
This means that the job, whether in factory or office, mainly consists of repeating a fixed set of tasks; the shorter the time taken for each set, the shorter the cycle.

That is why we are headed towards a 30-hour week——

**The ACTING SPEAKER (Mr Richardson)**—Order! I remind the honourable member for Glenroy that the Bill deals with industrial safety, health and welfare, and the amendment that has been moved by the honourable member for Reservoir deals also with those matters. Neither the Bill, nor the amendment are concerned with procedures related to boredom, or similar facts relating to the work place. The honourable member should keep his remarks directly relevant to industrial safety, health and welfare.

**Mr CULPIN**—I thank you, Mr Acting Speaker, for your direction, but I believe some of these matters are of significance.

(*b*) Pace
This means the tasks must be completed within a set time or they will not be done at all.

(*c*) Machine and systems control
This occurs when the individual's work is determined not by him, but by the machine.

(*d*) Numbers—loss of individuality
This occurs where a large number of people are doing similar tasks, in which case they tend to be considered simply as a category of worker, not as individuals.

These factors can often result in boredom and stress.

It should be noted that line work—particularly on long-line assembly—contains all the above features, and it is no coincidence that such work has received much attention in recent years. But there are other types of work which have one or more of the characteristics listed and it would be a great mistake to think that job redesign applied to line work only.

The booklet is available to any honourable member who is interested in furthering his education. I direct the attention of honourable members to the white-collar worker—we are all workers—and to a handbook entitled *Is My Office Safe?* which was also published by Her Majesty's Stationery Office, London. Under the heading "Respect Electricity"—and there is no one in this House more qualified to speak on this matter than me, after years as a member of the Electrical

Trade Union of Australia, a State Council member for ten years and 20 years as a shop steward, and I have been named in another place with respect to other matters—the handbook reads:

> Check equipment regularly. Properly installed and maintained it is perfectly safe to use, but tinkering by amateurs might have very serious consequences so don't allow it. The unauthorized use of appliances—eg an electric kettle brought from home—is dangerous; the appliance might be electrically unsafe and such extra equipment, perhaps plugged into an adaptor, could overload a circuit.

I am sure honourable members will recall that I drew the attention of the House to the case of a young girl who was nearly electrocuted, who received a severe electrical shock and finally I had to inform the House that the young girl was my grand-daughter, Amanda Culpin, but that is another matter. The incident occurred at the Meadowfair shopping centre and the State Electricity Commission has now taken some steps in relation to the amusement machines which basically could be lethal. Many persons have contacted me and related to me details of accidents that have occurred with those amusement machines and this indicates the need for controls over electrically operated machines.

In the booklet, which I repeat is from Her Majesty's Stationery Office in England, there is a heading "Safeguard Health", and it states:

> Minimum standards of cleanliness, temperature, ventilation, lighting, toilet provision, etc are prescribed but these are more the concern of the accommodation officer with responsibility for the building than the supervisor in charge of a section.

It is most concerning that the State Government can override local councils in relation to building regulations and that is a fact which the Government should sort out. The article continues:

> However, you have responsibility for work processes in your section and you should be on the look out for health hazards. Take special precautions where toxic substances are used. Ask yourself whether a harmless substitute could be used. If not, find out what health hazards exist and warn your staff accordingly. Ensure that methods of work take account of the toxic risk. See that properly labelled containers are used—not, for example, lemonade bottles.

Under the heading "Take action now", some brief examples are given and the document states:

> The outcome is likely to be that staff will identify dangers, some of which can be eliminated immediately—eg by using ash trays, keeping desk drawers closed, etc. Removing some hazards, eg trailing leads, will take time to arrange and improvised precautions may be needed in the meantime. Some dangers can only be guarded against by vigilance and reporting when they are seen—eg electrical faults, hazards arising from contractors at work, premises faults, etc. Hazards such as fire call for soundly organized and well practised emergency procedures to prevent injury or loss of life.

Because of the failure of the Government and its colleagues in Canberra, which it continually tries to deny, in relation to unemployment, unless the workers are vigilant they will suffer more of the hazards which are common in the workplace.

I was pleased to receive from the United States of America a document headed "A toxic primer", which was published by the League of Women Voters Education Fund in 1979. I point out that I bring this document forward to show that women in the community—honourable members know about equal opportunity—are very concerned and are possibly more in danger than the male workers in many respects. The document is available to educate supporters of the Government and I submit that the amendment that has been moved by the honourable member for Reservoir clearly indicates to the Government the correct direction that it should be taking in this regard. The Government has been using the words "new directions", but I submit that they are not the correct directions. The document states, *inter alia*:

> The workplace is another significant route of exposure to toxic or hazardous substances: It is, in essence, the closest thing we have to human experimentation. The few direct, airtight correlations made between exposure to a specific toxic substance and development of specific effects have occurred in the workplace. For example, in the early 1970s liver cancer was discovered in some workers in plastics plants around the world. Medical records of former workers were checked and more cases of the same cancer were found. What made the discovery so significant is the fact that the particular form of liver cancer found is very rare in humans. The cause was determined to

be workers' exposure to vinyl chloride, the starting material for the common plastic polyvinyl chloride (PVC).

Another rare form of cancer that affects the lungs and abdomen has been directly related to workplace exposure to asbestos. Such discoveries seem to appear regularly in the news. A report published by the National Institutes of Health (NIH) estimates that approximately 100 000 Americans die of job-related illness every year.

A great deal of media attention has also been focused on known or potential toxic substances in consumer products. This route of involuntary exposure is particularly frightening to the public, especially when new disclosures are made about products that have been used and trusted for a number of years. The controversy surrounding saccharin as a potential human carcinogen is one good example, as is evidence that suggests that use of hair dye may predispose women to breast cancer.

We make a tacit assumption that the foods, drugs and cosmetics on the store shelves are "safe" or they would not be on sale. So it is particularly confusing and ironic to find that a substance that has been added to prevent food spoilage may be a source of other, more insidious effects.

Potential human carcinogens have also been discovered in drinking water. Is nothing sacred? People living in areas with high levels of nitrates in drinking water show a higher-than-average incidence of stomach cancer.

. . . . .

However, what some observers call diversity, others brand inconsistency. In Current Issues in U.S. Environmental Policy (Resources for the Future, 1978) Paul R. Portney outlines several problems under the "umbrella" of toxics-related laws. "One problem with this umbrella is its irregular construction. That which it is to protect us against is defined differently in different legislation. Moreover, the kind of protection that the umbrella is designed to offer—what legislators have chosen to call the margin of safety—

**The ACTING SPEAKER (Mr Richardson)**—Order! The honourable member's time has expired.

On the motion of Mr MACLELLAN (Minister of Transport), the debate was adjourned.

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

## FILM VICTORIA BILL

The debate (adjourned from October 6) on the motion of Mr Lacy (Minister for the Arts) for the second reading of this Bill was resumed.

**Mr CATHIE** (Carrum)—This Bill forms a new corporation. Honourable members are being asked as a Parliament to debate what is a new idea in the dying hours of the Parliamentary session and it is certainly the very strong view of the Opposition that the Bill should be withdrawn, or at least deferred, to allow the many groups in the community time to consider some of the important principles that are raised in the measure.

The Minister says that the Bill has been on the Notice Paper for three months. That is true. It has been going up and down like a yo-yo on the Notice Paper. One day it appears that it will be called on for debate, but that does not occur. I had no knowledge the Bill would be called on for debate at 4 o'clock this afternoon. Although the Bill has been on the Notice Paper for three months, the Minister is well aware that there have been wide discussions with the various groups who are being formed together in a new separate corporation, and that there is a considerable need for those discussions to continue. So far as the Opposition can ascertain, nobody wants this Bill. I may well ask why Parliament is being asked to hurry this Bill through this House in the dying hours of the Parliamentary session. It is doubtful whether Government back-bench members fully support this Bill. If that is so, that is an additional reason why the Minister for the Arts should listen to reason and say that there is no pressing reason why the Bill has to be put on the statute-book at this time, and he could defer the debate until the autumn sessional period next year.

It would appear that the only person strongly supporting this Bill in Victoria is the Minister for the Arts. In the way in which he has administered arts in this State, the Minister has shown that he neither consults with the people of this State, nor does he get agreement with interested parties or with the specialists in those fields. That is the way the arts are being administered under the present Government. The Minister is handling this Bill in his usual arbitrary and arrogant fashion.

This Bill amalgamates three institutions that are presently completely separate and independent of each other.

They are the Victorian Film Corporation, the State Film Centre and the Audio-Visual Resources Branch of the Education Department. Neither of the two latter bodies, the State Film Centre and the Audio Visual Resources Branch, have anything to do with the Victorian Film Corporation. The Victorian Film Corporation has dominant commercial interests in the developing and producing of scripts and the producing and selling of films.

The other two institutions that the Bill proposes to amalgamate, the State Film Centre and the Audio-Visual Resources Branch, are deeply involved in instructional and in documentary services. It is an element that is separate and different from the commercial element that dominates the Victorian Film Corporation.

The Minister's speech is high on rhetoric and extremely vague when it comes to the most important nuts and bolts—where is the money coming from. There is almost a shattering silence about how this new body, amalgamating these three separate institutions, is to be funded and staffed. I can do no better than to quote from the founder of the Audio Visual Resources Branch, Mr Newman Rosenthal, who refers to lines from C. J. Dennis's *Glugs of Gosh*, that describes the Minister's speech when introducing this Bill:

> And some said 'twas clever, and some said 'twas grand—
>
> More especially those who did not understand.
>
> And all said the speech was the grandest they'd heard;
>
> More especially those who had not caught a word.

I appeal to Government back-benchers, who apparently did not hear a word of the Minister's speech, to have second thoughts on whether they are prepared to support this Bill. If they do support the Minister and his Bill, they will be ramming down the throats of many community groups, and people deeply involved in education and the educational institutions of this State, something that they do not want in the form in which the Government proposes in this Bill.

The Minister indicated in his second-reading speech that in April 1980 he set up the Interim Board for Educational Film and Television, and that interim board proceeded to convey to the Minister numerous progress reports.

Because this completely new body will have a profound effect upon many of the key schools and educational institutions in this State, one would have thought that a report would have been available to members of this House, to the Parliament of Victoria and to the people of Victoria, supporting such a proposal, and indicating the various possibilities available.

I wrote to the Minister on 9 November 1981, saying:

> Before debate resumes on the Film Victoria Bill, I would like to see a copy of the interim board report.

I received a prompt reply from the Minister, which is unusual. It was dated 10 November; it had a stamp on it and was received on 11 November. In handwritten scrawl over my letter was the Minister's reply, apparently, because I have heard nothing else from him. The Minister's reply to my request to see the report upon which the Bill is presumably based was:

> There is no report as such, only minutes of their meeting which are available to me from the chairman.

He went on to scrawl:

> So I am sorry I cannot assist any further.

Are honourable members to gather from that that there was no final report from this body? If that is so, why is the Minister now in such a hurry to rush through this House a Bill which is based on a report which is not yet completed? Parliament is becoming a farce if in its dying hours it is to be treated in this way and to be presented with a Bill, which honourable members are told is a major piece of proposed legislation, and is then to be told that there are some preliminary reports which are available only to the Minister and are only minutes of the meetings held by the interim board. There does not appear to be any final report at all.

The sensible way to proceed would be to await a final report, to have that report tabled in Parliament and made available to the people of Victoria to allow discussion to proceed and to allow people of this State to assist in the development of that report and the way in which it ought to be implemented. That would have been the liberal way of doing things, in the real and honourable meaning of the word, something from which the Liberal Party in this State has moved away. The Liberal Party no longer applies the traditional Liberal principles of fair play, discussion, achieving consensus and developing legislation in harmony with the views of the people of this State. All that the Minister said about the work of the interim board in his speech was that the board considered organizational structures and management, how client needs were determined and met, how new technology was used in production procedures and the role of educationalists in this process.

What was the final result of the report? I will indicate shortly that, at least at one point of time, the interim body had very different views from those now expressed in the Bill before the House. It seems strange that, at a time when the Government is devolving curriculum decisions to regions within this State and to individual schools, the Film Victoria Bill calls for far more centralized authority and certainly for centralized authorization of all film and video production in this State. Presumably that will cover all the TAFE colleges and presumably the Bill is so widely drafted that even the Department of Agriculture, if it wanted to make a film, must first obtain the permission of the Minister of the Arts before proceeding to do so.

At least in curriculum terms, such heavy decentralization of authority and decision-making implies excessive standardization, and that runs counter to all modern educational thinking in Australia and elsewhere and reeks of Ministerial control over what is happening.

**Dr Coghill**—Centralism!

**Mr CATHIE**—It is centralism. The Liberal Party in the past did not believe in and practise centralism but more and more, as the Government loses credibility, all it has to hang on to is that central authority of its Ministers acting in an arbitrary fashion. Even the honourable member for Doncaster nods his head in wise agreement! The Opposition rejects that philosophy and that outlook.

I indicate some of the major concerns that exist in the Audio-Visual Resources Branch of the Education Department, a body which has an excellent reputation in the community, especially in the field of educational film and television production.

I was intrigued to hear the Minister, in explaining the Bill, say that it was the Government's view that the co-operation that has been growing between them over recent years—that is, presumably, between the three organizations—can become even more productive by bringing them together in a single organization.

That may well be true, but it fails to clarify the type of institution into which these three organizations are being brought together. What sort of single organization should it be? Why has the Minister opted for imposing on these three separate bodies a single organization which is a tight amalgamation with tight control rather than a looser sort of body, a co-ordinating body, that creates an over-all framework under which that joint co-operation can proceed harmoniously?

In supporting his view for tight amalgamation and tight centralized control over those three bodies, the Minister's only arguments appeared to be in relation to new communications technology—cable television, satellites, teletex, video tapes, video discs and all the rest of it. It is possible to achieve the results and those sorts of new technology in Australia at the present time by quite a different type of model from the model for Film Victoria that is now proposed by the Minister. Indeed, the reasons given by the Minister could apply to any type of model.

They are not necessarily reasons applying to the specific model described in the Bill.

The Minister spoke about financial economies being achieved by bringing the groups together physically. That could be achieved in a co-operative framework. It could be achieved by setting up a Film Victoria which would have a co-ordinating role or an advisory role over the three separate bodies which are being brought together in this way.

Significant concern has been expressed about a number of matters. For those who are most intimately involved with education, the main concerns expressed are simply how teachers and pupils will benefit from the shifting of resources out of the Education Department and from reducing the ability of the Education Department to influence future resource allocations and decisions which will be made by the new body. In the new body, the Audio-Visual Resources Branch of the Education Department will be in a minority. Because of that, many fears are being expressed that the Audio-Visual Resources Branch will lose control over the service; not only control over that service but over the budgeting of financial resources towards the job it has done so competently in the past. Specifically, they are concerned at the dismemberment of an efficiently and effectively operating resource service to schools in the existing Audio-Visual Resources Branch. There was one stage when the Interim Board for Film and Television suggested that the authority for the new body ought to remain with the Education Department. Why was the control suddenly changed from the Education Department to the Ministry for the Arts? What are the reasons for giving all of the new centralized authority to the Minister for the Arts and taking it away from where it has traditionally rested with the Minister of Education?

I wonder whether members of the National Party, who represent many individual schools and regions, are pleased that this substantial change has been made. Concern has been expressed that in future the existing free or low-cost service to the central administration and to schools may end. The Bill clearly specifies the charges and fees. Presumably that means, for example, in clause 14 (1) (*h*) that the corporation may charge any fees in connection with any goods or services supplied or lent by it as it thinks fit. One can imganie the concern currently held by some schools. Many of those schools are in disadvantaged areas and many disadvantaged areas are in isolated rural communities represented by members of the National Party. Some disadvantaged areas are represented by Opposition members because there are many large inner suburban industrialized areas of large cities such as Melbourne and regional centres such as Geelong, Ballarat and Bendigo.

What will be the effect of this Bill? The Minister for the Arts, not the Minister of Education, will be able to tell those schools that they will have to pay much more for these services than they have been paying in the past. The user-pays principle will be sent out as justification for the new procedure. Education is not a matter that one can simply relate to the user-pays principle. As I have indicated, the minority representation of the Education Department in the proposed Film Victoria, compared with the present control of resources allocation, causes considerable concern, because many thousands of clients and services individually rendered to the schools, both by the State Film Centre and the Audio-Visual Resources Branch, are affected.

There are strong grounds for expressing concern about the proposed legislation at this time. The person who has expressed this concern most strongly has been Newman Rosenthal, the former Director of the Department of Audio-Visual Aids at the University of Melbourne. He asked the Minister a couple of questions. He said:

> Can he not realize that those words, "variety" "quality" and "efficiency", have to be defined in terms which have some relationship to the educational needs of the teacher?
>
> . . . . .
>
> The value therefore, of any audio-visual aid is determined by what it is to be used for. It is

an instructional tool. And that is something of a kind only known to the teacher who is to use it.

This Bill appears to be giving control over these matters away from the Education Department. At present, the Audio-Visual Resources Branch centres and services throughout Victoria distribute about 30 000 films anually. I have a report of a meeting with a Dr A. Maddocks concerning the Audio-Visual Resources Branch which was apparently held on 2 October. It indicates that at least at one stage the Institute of Educational Film and Television Production was to be responsible to the Minister of Education, not the Minister for the Arts. That model was apparently replaced at some time by the concept of a much tighter amalgamated communications corporation.

I do not know whether the members of the board recommended the amalgamation, but according to the document at one time they supported a consortium model, not the amalgamation, which would exist as a minimum organization that would liaise and co-ordinate, rather than administer and manage. Debate ought to take place in the community about which model and which proposal would be more satisfactory and acceptable to the three groups that have amalgamated and the people in those services and the people who have been serviced by the services. If the proposed legislation is strictly applied, the Victorian Film Corporation will control all film and television produced in schools. When one considers the role of the State Film Centre, one realizes that it distributes 16 millimetre films from 27 regional libraries. The Audio-Visual Resources Branch similarly distributes films from 24 regional or district centres with a turnover rate much higher than the central library.

The Opposition is suggesting that the concept of Film Victoria may be admirable, but it has a different philosophy from the Minister, as is incorporated in the Bill. The Opposition is concerned about aspects of that policy because they have been written directly into the legislation in a heavy-handed way and have now been presented to the House. It is an assumption that an amalgamation of three separate bodies is bound to improve each one. It does not follow that if one amalgamates three separate bodies that will come under the control of the centralized authority of the Minister for the Arts, that each separate body will become better. It may, but it equally may not. It may improve the services if they are put together in a different way and under a looser umbrella, under a form of co-ordinated authority, rather than amalgamation.

The State Film Centre is fairly small and an independently flexible body. It has its own individual character, which it has achieved because it has the flexibility to do so. It has worked effectively through the seventeen regional libraries that have been established. Many films have been lent and a number of people have made use of them. The State Film Centre has one of the best and largest collections of films in Australia. It is a reference and information library with periodicals related to film that are in demand by teachers in Victoria and elsewhere by students and the general public.

It has control over theatres and uses them well, particularly during the holiday period and I expect the same will apply in the coming Christmas holidays. It provides films, workshops, lectures and theatres can be hired out to other bodies. It has become a facilitator of many activities relating to films. As a facilitator, it could also be an initiator of new developments and I believe all of that happens because of the relatively informal nature of the State Film Centre.

The Bill is based on a highly formalized and centralized structure. The State Film Centre may be deprived of the flexibility as initiator and facilitator if it becomes part of a larger, wider, more centralized and public organization. The State Film Centre was established on the basis that its films should be produced and that the public should have free access to the information contained in them. As I indicated, there are several specific concerns.

The Victorian Documentary Film Council, in a submission to the Minister for the Arts, dated 12 October, signed by the Chairman, Mr K. D. Greene, indicated its deep reservations about the Bill which the Minister now wishes to hurriedly rush through Parliament on, possibly, the last day of sitting. The submission states:

> Council is concerned that the many organizations relying on the Film Centre for continuing support and involvement in film activities might infer from the second-reading speech that their future interests will be adversely affected by demands upon Film Victoria from other interest groups.

There is a body, which represents the State Film Centre, expressing concern about the Bill! The council is indicating that it is fearful of the effects of the Bill on the quality and level of services that have been traditionally supplied to the people of Victoria. In its submission, the Council states:

> Council was able to find only passing reference in the speech . . .

That relates to the speech of the Minister when introducing the Bill—

> . . . of an indication that the interests of the 3900 community bodies currently registered as borrowers, or of the many other organizations which make use of the centre's advisory, archival, exhibition and field services, will be maintained or enhanced by the creation of Film Victoria.

If Parliament decides that there ought to be a new body, which should be given whatever powers it requires, we want to know whether that body will enhance and make better the work currently being undertaken by other bodies. I do not believe the Minister can advise honourable members that that will be the result of the Bill. He is simply working on the assumption that that is the best way to go about it. That being so, it would be far better for the Minister to advise the Parliament now—it is not too late for him to do so—that the passage of the Bill will be deferred and that it will lie over until the autumn sessional period.

On funding, which I indicated was another specific area of concern, the Minister has not said anything. Clearly, if funds are not to be readily available, how will the films be distributed, how will the work be undertaken and how will it be supported? The Labor Party is concerned not only with the continuation of services, which are already available through those three bodies, but also with the continuation of good services to Victorians. There should also be an improvement in the quality and level of those services and, therefore, there is a need for a guarantee from the Minister that, if the level of services is to be improved, the Bill will achieve that result and that the Government will provide so many dollars in additional funds to ensure that that objective is achieved. We are dealing with special services of an extension nature—schools and community groups in Victoria, which should be protected and enhanced.

Perhaps the Minister is not prepared to listen to the Labor Party. There would be nothing new in that; the Labor Party has experienced that attitude on many occasions. However, I shall indicate the sorts of people within the community who opposed the Bill. A letter addressed to the Premier, dated 22 October states, *inter alia*:

> Dear Mr Premier,
>
> We are extremely concerned about the implications for Education of the Film Victoria Bill.
>
> . . . . .
>
> There are implicit in the bill, as it now stands, clauses that are potentially detrimental to education and the Victorian community as a whole.

It is not only the Labor Party that is issuing these warnings. This is a joint letter signed by the following responsible people in the community: Joan E. Kirner, Victorian Federation of State School Parents' Clubs——

**Mr Lacy**—She belongs to the Australian Labor Party.

**Mr CATHIE**—The Minister damns the responsible person by saying "She belongs to the Australian Labor Party".

**Mr Lacy**—That is enough, isn't it?

**Mr CATHIE**—The Minister says that is enough to damn an individual in this State. He will claim to be a Liberal in the next State election, as one who honours and respects the individual and

the rights of the individual in the community. No wonder the Liberal Party has lost its credibility in the community! The letter was also signed by Mr W. Charlton, President of the Victorian High Schools Principals Association; Mr J. M. Landt, President of the Victorian Primary Principals Association; Mrs L. D. Meo, President of the Victorian Association of Teachers; and Mrs Una F. Hodgson, Executive Secretary of the Victorian Council of School Organizations.

I should have thought that, when a body of responsible and respected people in the community, who represent the thinking of the educational institutions primarily served by the present bodies—of which at least two will be amalgamated under the Bill—the Minister, the Premier, the back bench and the Government would be prepared to listen to them and to defer the Bill until wiser thought has been given to its implications.

As I have indicated, many people have been seeking that deferment. We agree that it is a good idea to have a corporation of one sort, that certain advantages could be gained by bringing the three bodies together. For instance, interstate marketing could best be done through a body such as that proposed in the Bill. However, there is good liaison and sharing between the current bodies. Co-ordination between the bodies exists and the marriage of the three bodies, as proposed in the Bill, will not effectively increase the delivery of services unless a specific financial commitment is made. I have already indicated the Labor Party has had considerable difficulty with some clauses, particularly clauses 13, 14 and 15. Clause 15, which is widely drafted, states:

> A government department or public statutory authority which desires to produce or to have produced a film or sound recording shall give notice of that fact to the Corporation and may request the Corporation to arrange for its production.

It is a sweeping Bill. It does not merely cover the Education Department or the State Film Centre. If the Department of Agriculture wished to make a film, it would be required to obtain the permission of the Minister for the Arts. Similarly, if the State Electricity Commission wished to make a film, under the provisions of the Bill, it would also need to obtain the permission of the same Minister. Honourable members have witnessed the so-called liberal attitude that the Minister of Educational Services has adopted towards individuals in the community. Last year approximately 279 local productions were made through the audio-visual education centres, which have a $6 million collection and 15 000 titles. The Minister has indicated that in some respects this Bill is based on the current legislation under which the South Australian Film Corporation operates.

I have here the figures prepared by the Victorian Teachers Union on the way in which the South Australian Film Corporation operates. Those figures appear to reinforce the general concern and fears that are being expressed at present. For example, if one compares the number of prints of the South Australian Film Corporation with the number of prints of the audio-visual education centres and then compares the number of loans of both bodies, one discovers that there are more than 2000 prints for the South Australian Film Corporation, yet there are 80 000 fewer loans a year than the audio-visual education centres currently provide. Those figures suggest that the service will not be as effective if the South Australian model is followed. There also appears to be a 2 per cent less successful booking rate for the South Australian Film Corporation.

No school or Government department is permitted to produce either films or television programmes in South Australia. That has to be done through the film corporation, which does not produce the programmes but contracts them out to private film makers.

It is not known whether the interim board made a recommendation. I do not know whether there has been either a single report or a series of papers, or what the Bill grew out of, because the Minister will neither inform the House nor table the documents. The Bill

appears to represent nothing more than a series of minutes. The collation of all the States' video and films is not only important but a political judgment is also involved. Surely the Government should obtain the confidence of the various groups; otherwise the Government will be seen to be acting in a heavy-handed and arbitrary fashion.

If the Government does believe in the centralized, authoritarian model proposed in the Bill as being the best method to achieve the results spoken about, that should be done in stages through the consortium model first to see how it works out. For that reason, I move:

That all the wrds after "That" be omitted with a view of inserting in place thereof the words "the Bill be withdrawn and re-drafted to provide for the establishment of an advisory and co-ordinating body in lieu of the corporate body proposed in the Bill and that the existing state organizations concerned with film production and distribution should be retained."

**Mr FORDHAM** (Footscray)—I second the amendment.

**The ACTING SPEAKER (Mr Birrell)**—From now on honourable members will be speaking to both the Bill and the amendment.

**Mr CATHIE** (Carrum)—It is to be hoped the Government will accept the amendment because it will allow the Minister to defer the proposed legislation and consider proceeding with a step-by-step method, which would involve consultation between the bodies, groups, individuals and schools in the community that are intimately involved.

Surely the Education Department, which is one of the major clients, should not be downgraded to a minor interest in terms of the new body. Accessibility to the public is important, as demonstrated in the role played by the audio-visual education centres.

There were 24 district centres throughout Victoria, and those centres have been incorporated in the regions as part of the present restructuring within the Education Department. Why has the Government introduced a Bill that is contrary to the whole thrust of what is occurring within education in Victoria? The administration has been decentralized throughout the various regions.

Concern has been expressed that those major functions that have been undertaken in the past will be affected by matters like staff reductions. The Opposition is concerned that the traditional and close association with the schools, the professional advice and the formal system in which it has operated in the past should be maintained. The Opposition is concerned to ensure that there is no deterioration in the levels of those services provided to the schools. There should be a better service to meet the growing demands of the schools. Indeed the House should be prepared to consider the amendment as that would represent the only reasonable and sensible way to proceed to meet the fears that are currently being expressed in the community.

**Mr WHITING** (Mildura)—It is an interesting Bill, which was first introduced into the House on 6 October this year. Since that time there has been feedback and concern expressed in the community, especially by those people who are involved in education and who are familiar with the procedures of the audio-visual education centres. Those people are fearful that the situation that prevails at present could be lost in the process of the centres' amalgamation with the proposed Film Victoria, as occurred in South Australia.

The Minister of Educational Services cited the situation in Canada. When the Minister visited Canada he was most impressed by some of the production work of the film corporations there, especially in the province of Ontario. The Minister was of the opinion that that situation could be equally well provided for in Victoria.

However, the Minister did not refer to the 26 million population catchment of the Ontario area. There would be a considerable overflow into the north-eastern States of the United States of America through the large populations of cities like Chicago that are situated around the southern shores of the

Great Lakes. The Minister did not refer to the actual costs that that organization incurs in its productions.

In would be of interest for honourable members to note that, in Victoria, there have been programmes which, although they have not been of the highest possible broadcast standard, have been successfully used for education purposes.

Numerous people have written and spoken to me about the satisfactory productions that have been made by the audio-visual education centres that are scattered throughout the State. Those programmes do not have to be of the same standard as programmes produced for either television or film usage. In that regard, I cite the example of the film *Storm Boy* that was produced by the South Australian Film Corporation. A problem appears to have arisen with the Minister, who obviously has delusions of grandeur to some extent and who got carried away with his Canadian experience.

One of the other factors that apparently influenced the Minister was the provision that cable television would be coming to Australia and that Film Victoria would be in the market to provide material for that service. I suggest that the Minister have a good look at an article which appeared in the *Sunday Press* on December 3 entitled "The shine's off cable telly in the U.S.". The article goes through the situation and shows that problems have occurred with cable television and that many people who originally paid considerable sums of money to have cable laid to their properties, particularly in remote areas where they were not receiving good television service anyway, are now seeking compensation because the service is just not good enough. Apparently many of the materials provided with cable television services are purely repeats of those provided in the normal television network operating in the United States of America.

I hope that people in Australia will at least start to learn from some of the experiences of the United States of America, because Australia appears to follow, after about a five-year delay, any new developments that take place in America. We rarely seem to learn from the mistakes that have been made in the past. One good instance of this would be the open class-room concept that was all the rage in Victoria three or four years ago and has since been found to be wanting in many respects. The Canadian and American experience prior to that had produced the same result, but people in Victoria had to follow the trend, as they are wont to do; they had to learn by their mistakes, and found that the situation is not as good as it was said to be when the idea was sold to Australia.

I am strongly of the view that the Minister has experienced the same sort of sell-out in one respect, because the system is not working particularly well in the United States of America and Canada. However, a smart salesman can sell it to us and make a profit until we find it is not as good as it was cracked up to be and we have to revert to the original situation. I suggest that the Minister read the article to which I referred, and I hope he will dismiss the idea of cable television in Australia for at least another ten years.

One of the problems that will arise if and when Film Victoria is established and becomes operational will be that the Education Department, which will be by far its largest client, will find itself in a similar position to its present position and even the position of Parliament with respect to the operations of the Government Printer. It is an analagous situation. In spite of the so-called priority of printed papers, reports and so on for Parliament, delays occur during the busy times of the year. I hasten to add that this is not the fault of the Government Printer. It is just that the volume of work becomes so great that often the Government Printer is not able to cope with it and has to set priorities on the amount of material that will be produced and printed for publication. Obviously the Education Department and/or the Parliament or any Government department seeking to have printed material provided for it at short notice will have to wait in the queue.

A similar situation will certainly apply to Film Victoria once it is established and the Education Department becomes just another customer. In addition, being another customer will cost the Education Department dearly. The honourable member for Carrum referred to figures provided by one of the teacher unions. One of the matters he did not cover in detail was that the lending rates of comparative organizations have changed considerably.

The State Film Centre of Victoria is in a similar category to that of South Australia, because although the Victorian centre has an average usage per print per annum of 3, the Audio-Visual Resources Branch of the Education Department has 12·1 usages on the same basis, and the South Australian Film Corporation has 6·8 usages. Obviously, the Audio-Visual Resources Branch library of film and television material has a vastly higher turnover than that of the State Film Centre because the Centre, according to these figures, holds 22 000 prints compared with 15 000 held by the branch. Nevertheless, the number of loans made by the State Film Centre was 70 000 compared with 191 000 by the Audio-Visual Resources Branch, so it is obvious that the usage of film by the branch has been extremely good and would have been a most efficient operation compared with that of the centre. Perhaps that comparison is odious, because the material carried by the two bodies is different, but the usage by the Audio-Visual Resources Branch is very high, while that of the State Film Corporation compared with the South Australian Film Corporation is not very good.

The number of prints held by the Victorian State Film Centre is 17 000 and the number of loans was 122 750, so that does not augur well for the future of the State Film Centre and the Audio-Visual Resources Branch if based on the South Australian experience.

The Association of Audio-Visual Personnel has taken some figures on the film production unit of the Audio-Visual Resources Branch in 1980–81 which show that that unit produced 6·5 films of an average length of 27 minutes, making a total of 176 minutes of film material recorded on 16 millimetre film. The total cost of that, including depreciation, telephone costs and so on, was $165 000.

The South Australian Film Corporation has two rates for this type of production. One is the rate of $1200 a minute and the other is $1500 a minute. At the lower rate, for 176 minutes of film, exactly the same as the Audio-Visual Resources Branch provision, the cost would amount to $211 200, which is an additional cost of $45 700 to that of Victoria on a similar production. At higher rate the additional cost is $98 500.

A similar situation prevails with regard to the television production units of the Audio-Visual Resources Board, where 35 videotapes of approximately 28 minutes each in length would produce 980 minutes of film. The total cost, including rent of buildings, depreciation and telephone costs, was $295 000.

The rate in South Australia for the South Australian Film Corporation is $650 a minute, totalling $637 000, which means an additional cost of $342 000 was incurred by South Australia for a similar production to that of Victoria. If the two sets of productions are totalled, it is found that there is an additional cost in South Australia of $848 200 or $901 000. Obviously for any future production in a combined situation with the Education Department as a client of Film Victoria—and it is realized that a client must submit a proposal to the corporation and the corporation may or may not agree to that proposal going ahead—it is possible that because the corporation refused to produce a sufficient number of films, the cost to the Education Department would not be anywhere near as much as it has been in the past—but that is not the point. We would be receiving an inferior amount of product and in this instance the production department of the film

corporation would be in a strong position to milk or fleece the client departments considerably if it is the only body producing the type of material to which I have referred.

The interesting thing to emerge from the Minister's second-reading speech was that this funding question was raised. I quote from page 1044 of *Hansard* of 6 October 1981 in which the Minister is reported as saying:

> It is envisaged that the funds available to the Education Department for both the production of films and television programmes and the purchase of films for loan to schools would continue to be provided in the Budget under the education vote. However, these funds would only be available for disposal by the corporation.

That raises a serious question in the minds of members of the National Party because, although the Minister has said the funds would be provided in the Education Department vote, they would obviously then have to be paid over to the corporation and would be available only for disposal by the corporation. That is a ridiculous situation when the Minister gives lip service to the fact that the Education Department will still be able to do some work in its regional centres and the like. I ask the Minister to reconcile that comment with the fact that apparently at some point there was a dichotomy when he advised the Victorian High School Principals Association that the money would be controlled by the corporation and on another occasion said that the Education Department would have complete control of it.

The Minister must make up his mind because costs of the films and productions made in the past by the Audio-Visual Resources Branch will be much more expensive for the Education Department and probably for other client departments like the Department of Agriculture, the State Electricity Commission and so on, which have produced documentary films at their own cost of a good standard. If it is found that the cost of films to the client departments as a result of this proposed legislation will be increased considerably and the corporation will have control of the funds at least for the Education Department material that is to be produced, a real stalemate will develop in the short term, and the purpose of providing the Bill will be lost. Many people believe Victoria already has an effective organization producing this sort of material and it would be a disaster for Victoria if it were lost to the film corporation.

The honourable member for Carrum has moved a reasoned amendment that reads:

> That all the words after "That" be omitted with a view of inserting in the place thereof the words "the Bill be withdrawn and re-drafted to provide for the establishment of an advisory and co-ordinating body in lieu of the corporate body proposed in the Bill and that the existing state organizations concerned with film production and distribution should be retained."

Because of the forms of the House and the fact that the National Party also had a reasoned amendment and has now been pre-empted by the honourable member for Carrum from moving that amendment, I indicate that that amendment was more concerned with the retention in the regional centres of the present situation regarding audio-visual resource branches. It read:

> That this Bill be withdrawn and re-drafted to provide for the retention by the Education Department of an Audio-Visual Resources Branch with the capacity to design and to produce material for educational purposes and that locally produced educational resource material be available for use within the region of its origin without reference to the corporation.

That refers to the fact that at present the Bill provides that an organization must refer to and obtain approval from the corporation before producing material of its own option. That is completely impossible for the National Party to accept. Recently the Government strengthened the cause of regionalization in this State and is extending that provision, but the Minister for the Arts is pulling back from the regional areas of this State so that audio-visual resources will be reduced to a film corporation based in the metropolitan area and the audio-visual resource centres as we now know them will disappear.

The Secretary of the Mildura High School council wrote to the Minister of Education on 23 October 1981 and forwarded a copy of the letter to me for my information. In part it reads:

> Sir, Council request that you give your wholehearted attention to the fact that on the one hand the Education department is being disseminated so that power is at the local level and that Film Victoria is pulling in the opposite direction. Is the White Paper valid? Does it mean what it says? The school council would like to think that the White Paper is for the benefit of education throughout Victoria and Film Victoria is not.
>
> Please do your utmost to see that the audio visual centre of the Education Department is retained as its services have been invaluable to the educational programme of our students for many years.

That is the audio-visual resource centre situated in the Mildura area. Obviously the Secretary of the Mildura High School council believes that centres should be retained for service in that area.

Because I am not able to move the amendment to which I have just referred, and because the amendment moved by the honourable member for Carrum goes part of the way towards providing the type of relief that the National Party would seek, in the words "that the existing State organization concerned with film production and distribution should be retained", I indicate that the National Party will support that reasoned amendment. In the event of that amendment not being carried by this Parliament. I foreshadow that the National Party will move some amendments during the Committee stage to bring about the same situation.

The Bill hinges on clauses 13, 14 and 15, which set out the functions and powers of Film Victoria and the methods by which it will be able to administer its powers and responsibilities. Most of the debate during the Committee stage will turn on those clauses, although the remaining clauses are also important because they deal with accounting methods, audits and annual reports.

The honourable member for Carrum also referred to the fact that a number of organizations have asked that the proposed legislation be redrafted. A few days ago, I received a telegram from a group of organizations holding that view. The organizations involved could certainly not be included in the group the Minister referred to as radical unions. The telegram states:

> Urgent that you defer the Film Victoria Bill pending further consultation with joint organizations who still oppose the Bill in its present form.

It is signed:

> Victorian Association of Teachers; Technical Principals Association of Victoria; Geelong/Corio Primary Principals Association; Victorian Council of School Organization; Victorian Institute of Inspectors of Schools; W. Charlton President, Victorian Secondary Principals Association; Victorian Federation of State Schools Parents Clubs.

All of the signatories to the telegram have a strong and definite input into education in this State and they are all opposed to the Bill in its present form. I agree with the honourable member for Carrum that everybody who is interested in education in Victoria would be prepared to have the Bill redrafted so that the new corporation will not have such complete autonomy and dictator-like powers.

Serious matters have been overlooked. Once country centres are removed, they will not be replaced. In March last year, the Teachers Tribunal carried out a restructuring of the Audio-Visual Resources Branch of the Education Department, and the restructured branch was well balanced. The Minister has often said that he is opposed to teachers being employed as technicians or in other capacities. I remind the honourable gentleman of a report from the Regional Audio-Visual Services Seminar held in Somers on 10, 11, 12 and 13 July this year. One of the recommendations of that seminar was:

> The role to be undertaken by an audio-visual officer is primarily one of an educationalist working from a service centre, but in close contact with teachers and consultants, and not one of a technician.

There is certainly room for technicians to be involved in the actual production of the film, videotape or television material, but they should not be included in the group. No doubt, the reorganization carried out by the tribunal

would have provided for a certain number of technicians, some of whom are employed under the Public Service Act. I should have thought it would be possible to retain a nucleus of staff from the Audio-Visual Resources Branch in the metropolitan area as well as in the centres that have been established around the State. The centres could produce material for local consumption, which, if it proved to be of sufficient interest and assistance to education—and each production should be judged on its merits—could be more widely distributed.

The National Party strongly takes the view that the existing audio-visual resource centres throughout the State should be retained at all costs, and it will move amendments to that effect at the appropriate time.

**Mr FORDHAM** (Footscray)—I wholeheartedly support the comments of my colleague, the shadow Minister for the Arts, and the Deputy Leader of the National Party on this important issue. Even at this late stage, I hope the Minister for the Arts, who is also the Minister of Educational Services—certainly a dual crown given the nature of the Bill before the House—will reconsider the course upon which he has embarked the Government. I am sure that most members of the Government party are not aware of the significance of that course. In view of the fact that members of both the Oposition and the National Party have expressed deep concern, I hope the Minister will reflect and withdraw the Bill.

The Bill is significant. It attempts to force together three existing, highly successful Government bodies, the Victorian Film Corporation, the State Film Centre and the Audio-Visual Resources Branch. We are still awaiting an indication from the Government of the basis for its decision to force together those three separate and successful organizations.

In his second-reading remarks, the Minister made reference to the establishment in April 1980 of an interim Board for Educational Film and Television—an important and desirable step at the time. The Minister said:

> The board was asked to bring recommendations to the Government upon the structure and policies necessary to provide for the effective provision of educational film and television services in the longer term and to consider the desirability of establishing an Institute of Educational Film and Television.

The board was asked to make recommendations, but where are the recommendations of that board? Where do we find them? What did this body recommend, this body to which the Minister gave the task of reporting upon and making recommendations about educational film and television services? The answer, of course, is that there is no report and there are no recommendations. In his speech, the Minister went on to refer to the fact that the board had not reported to him.

For that reason alone, surely, honourable members will recognize that it is premature for Parliament to be in the situation of rushing ahead with this measure. The Minister ought to pause and reflect upon that.

Nowhere is it suggested that senior officers of the Education Department had advised the Minister that this would be a good step for education film and television. Where is the rationale claiming support of the director-general, the co-ordinator general, the assistant director-general, and all of the senior officers whose services are so important in the education system and whose views one should have thought would be sought and made available to all honourable members, so that we would know what they believe will be the impact of legislation of this sort on Victoria's education system?

Once again no indication is given by the Minister as to the advice he has received from his senior personnel. When one examines this closely, the rationale comes out—and it is borne out in the Minister's second-reading speech—that it relates to a trip undertaken by the Minister last year to Ontario, Canada and New York, United States of America. It becomes more and more clear as a result of those experiences that the Minister made a decision in principle and has said, "That is it. That is what

we are going to have in Victoria." It is another matter whether it is appropriate to the development of various facilities in Victoria, to the size of the population or the nature of the school system. All that is put aside and the Government has decided to graft on to the existing network or structure. The Minister was so impressed with what he saw in Toronto and New York, that he decided upon his present course of action.

The other important aspect was not included in the Minister's second-reading speech but, in a press release of 25 June 1981, when he explained the rationale behind the Government's decision, he stated that it arose from the work of the Government Economies Committee. It is not usually referred to by that name in this Parliament, it is usually called the "cold chisel gang" which is the Victorian Government's equivalent to the "razor gang" of some notoriety in the Federal Government. Their two threads explain the situation with which the Parliament is confronted and that concerns the people involved in education and the media in Victoria. These people are up in arms to an extent that has never been seen before.

As the shadow Minister of Education I am gravely concerned about the future of the Audio-Visual Resources Branch of the Education Department. The branch has been a major success story. It is held in extremely high regard both in Government and non-Government schools and by a whole range of organizations involved in education, as well as by senior officers of the Education Department.

The shadow Minister for the Arts and the Deputy Leader of the National Party have referred to the contribution made by this body and I share their regard. From my own experience in travelling throughout Victoria, visiting schools and meeting with groups, I have recognized the high regard in which this organization is held. The Minister of Educational Services has given a similar commendation and I refer honourable members to the second-reading speech, which reads:

> The Audio-Visual Resources Branch of the Education Department has established an excellent reputation in the field of educational film and television production.

This branch has an excellent reputation and it is a pity that that reputation and service is now being placed at risk by the very same Minister who has in the past been prepared to give lip service to its performance. Victorians will witness the dismemberment of an efficiently and effectively operating resources service to our schools, one that has a magnificent and long record in terms of production efforts and distribution to schools throughout Victoria.

The service provides more than 284 000 learning packages for our Government and non-Government schools each year. In addition, the department's media service provides through the branch's catalogue of resources, information and advisory services on audio-visual matters and in-service training in operation and classroom use of vital equipment for our schools. The service is further extended by a network of audio-visual resource centres which deal directly with schools to extend the basic services provided by the central organization. These centres provided approximately 60 000 films to both Government and non-Government schools in 1980-81. They are only some of the important figures. It is extremely important for honourable members on both sides of the House to recognize the regard and services that this organization has offered.

As a result of the proposed legislation, future resource allocation decisions will be handed over to another body outside the control of the Education Department and outside the control of the Minister of Education. On the one hand there is the Audio-Visual Resources Branch, whose record is good and whose function is to provide an educational service to all schools, while on the other hand there will be a new body with a much broader range of operations and whose charter and responsibility will be much wider. Three

members out of the ten on the Board running the new operation are people from the Education Department.

Obviously, in these circumstances, the capacity of this organization and its commitment to education will be greatly diminished. No one will argue that point, and both the previous speakers have confirmed that we are in a time of changing technology and, given the small degree of overlap at present in the three bodies, it is desirable that a greater degree of co-operation should exist. Again, no one argues that, but that is happening already.

The Minister admits that increasingly these three bodies have been working with mutual interest. That has been a voluntary co-operation, without in any way withdrawing from the responsibility and the capacity of these three organizations to meet the needs of their clients. Instead of building on that model and developing the notion of a consortium that would voluntarily work together, we find the Minister completely recasting the operations of those three organizations. Talk about cracking a peanut with an elephant's foot! The Minister has gone overboard indeed with the establishment of his new structure. The capacity of the Education Department to provide the sort of services that have been articulated by my colleague and the Deputy Leader of the National Party will undoubtedly be taken away.

Dozens of individuals, schools and groups have called for a deferral of the legislation. I have many letters and telegrams expressing a similar view and letters and telegrams have also been received—and were referred to earlier—by my colleague and the Deputy Leader of the National Party. These letters have been quoted and of course the Minister must also have received letters. Instead of responding to the chorus of the education community to rethink the path the Minister has set Victoria on, he seems determined to throttle the capacity of the branch to maintain its service and commitment to Victorian schools and the children in them. This will be done both in the structure that is being imposed and the funding operations.

In his second-reading speech, the Minister referred to the fact that, because the funding would still be under the education vote, that would make the difference. The only way those funds can be spent is through the new corporation. That makes the whole thing a farce. Who does the Minister think he is kidding by introducing a funding notion of that sort? The alternatives are not to spend it all, or to spend it through the corporation.

Grave concern exists about the future of central services currently being offered, about the nature of the regional services provided through the centres, about the services currently operating at our schools, and people are concerned about the threat of the introduction of schools being charged fees. I hope that the Minister will reconsider this measure and that he will not proceed with this proposed legislation. If he does not, I hope members of the Liberal Party will force the Minister to do so.

If not, it will be left to be changed by the Labor Party Government early next year when it will have to correct yet another act of folly by the Liberal Party in Victoria.

**Miss CALLISTER** (Morwell)—I have a few comments on the implications of the Bill being considered by the House. They are by way of amplification of the discussion which has been instituted by the Opposition and supported by the Deputy Leader of the National Party. The Bill includes a very limited definition of sound recording, when one considers what happens in practical terms at the school level. Teachers commonly use sound recording to assist in class-room activities in the areas of reading, social studies, mathematics and so on. Under the parameters set out in the measure, that sort of educational activity, if the strict letter of the law is applied, will not be able to be undertaken without permission being given by Film Victoria. That is a ridiculous situation.

Over past years there has been a substantial expansion of educational methods used in the class-room, and those improvements in teaching methods have been in keeping with technological changes which have been effectively applied to the class-room.

Under the provisions of this measure a teacher will not be able to use those techniques in the class-room without going through a centralized procedure to obtain permission to do so, and I submit that that is a situation which cannot be condoned by honourable members.

Any honourable member who has an audi-visual resource centre servicing schools in the area that he represents will realize the significance and importance of those centres of education. They have been able to establish film libraries from which films have been made available to schools without the hassle of going through a central establishment in Melbourne. Under the old system, if a film was not received by a specified date, it could be two months before it was received and this affected the operation of educational programmes in many schools. The new system allowed teachers to use this educational method in the class-room to better effect and to bring their teaching methods more into line with the curriculum policy adopted by their school.

Under the centralized system envisaged in this measure, that will not happen, and the provisions of the Bill will frustrate the flexibility of teaching techniques in schools once again.

Having made those two points, which are mere adjuncts to the detailed observations offered by honourable members who have already participated in this debate, I indicate that I support the reasoned amendment moved by the honourable member for Carrum as it will enable much better consideration to be given to the provision of educational practices and enable the utilization of contemporary educational techniques in schools.

**Mr LACY** (Minister for the Arts)—I have been asked by honourable members in this debate to reconsider the proposition contained in the Bill for the establishment of a body corporate to be known as Film Victoria. I have been asked to reconsider, and as the first step in that reconsideration to agree to the amendment moved by the honourable member for Carrum which seeks that:

> the Bill be withdrawn and re-drafted to provide for the establishment of an advisory and co-ordinating body in lieu of the corporate body proposed in the Bill and that the existing state organizations concerned with film production and distribution should be retained.

One could be inclined to go along with that and agree with the proposition that the honourable member for Carrum, the Deputy Leader of the Opposition and the Deputy Leader of the National Party have put, if four provisions did not prevail.

Firstly, if it were my Bill alone, as has been asserted by the Deputy Leader of the Opposition and the honourable member for Carrum, and I was relying for the establishment of Film Victoria on my judgment and my knowledge, background and experience, then there may be some substance and ground for withdrawing at this stage and reconsidering the proposition—that is, if I were the only person who had been involved. Secondly, if there had been no consultation or inadequate time to consider the proposals which go to make up this Bill, one could be inclined to go along with the suggestion.

Thirdly, if the Liberal Party as a party was not committed to the progressive reform of Government administration, and the party wanted to wander back into the dark ages and react in the most conservative way, as Government supporters have seen Opposition members react today, one could go along with thinking that some more consideration should be given to this measure.

Fourthly, if there was some substantial proposal embodied in the amendment; if it had a different type of structure than the one so clearly outlined in the measure and put forward in detail in the second-reading speech; if there was some clear alternative proposition put forward to the

House in detail, then one might be inclined to pause and reconsider and to take cognizance of that alternative.

However, it is not my Bill alone. It did not result from a trip overseas. It did not result only from the experience of examining other major media organizations with responsiblities in education and the way they operated. Indeed, the proposal before the House does not reflect what is happening in the countries that I visited or the organizations with which I spent some time.

The Bill is a measure that should not be considered to be a product that was not resolved by Cabinet. It is a Cabinet Bill. It is not a private member's Bill; it is one that eighteen members of the Cabinet sat down and spoke about, argued about, amended and finally agreed to.

Furthermore, it is a Bill that comes from Cabinet to the Government party, the Parliamentary Liberal Party, and then in turn all members of the Parliamentary Liberal Party gave detailed consideration to the Cabinet proposal for a Bill to establish Film Victoria. The measure comes forward with the support of the Parliamentary Liberal Party. At least in our party we have a vote on things like that! It is a Bill that has the support of the Cabinet and the support of the Parliamentary Liberal Party, and it is a Bill that does not just reflect my views or my determination to do anything in particular; it reflects the collective wisdom, understanding and knowledge of those persons, and I bring it forward on their behalf.

It has been asserted that there has been no or inadequate consultation. First, let me point out that the second-reading speech on the Bill was made ten weeks ago, and so all the information required to discuss the Bill has been available since then for everyone to consider.

I shall refer to the meetings I have personally been involved in by way of consultation on this measure, both before and since that time: Two meetings with the Victorian Teachers Union; one meeting with the Victorian Federation of State Schools Parents Clubs; three meetings with the staff of the Audio-Visual Resources Branch; one meeting with the State Film Centre staff; one meeting with the Documentary Film Council; three meetings with the Victorian Public Service Association; and there have been many others.

**Mr Whiting**—What is your definition of a meeting?

**Mr LACY**—I will tell the honourable member what happened and then take that as the definition. I invited everyone to meet with me. Everyone invited attended, and we spent about an hour on each occasion discussing the measure. In response to the Deputy Leader of the Opposition who says, "What about the advice of the Director-General, what about the advice of the head of the Ministry, what about the advice from various officers in the department?", further to that there has been a meeting with the Interim Board for Educational Film and Television. Who is represented on that board? The chief executive officer of the three organizations being amalgamated, the director and the executive director of the Victorian Film Corporation, the officer-in-charge of the State Film Centre, and the senior education office in charge of the Audio-Visual Resources Branch, again under the chairmanship of an assistant director of the Special Services Division, Dr Graham Whitehead, and with other representatives of tertiary institutions and the television industry generally.

From time to time over the eighteen months that body gave me advice—as was the brief for the organization—in the form of the minutes of their meetings, and it made recommendations on all the matters on which I asked it to advise me.

Furthermore, I have met with that body myself on three or four occasions, and on those occasions the subject of the discussion predominantly was the proposal for the establishment of Film Victoria.

In addition, there was another meeting when the draft Bill was available, and I invited the Chairman of the

Documentary Film Council, the Director-General of Education, and the Director of the Special Services Division to attend. I invited the Director of my Ministry for the Arts, the Chairman of the Victorian Film Corporation, and a number of others as well, together with Parliamentary draftsmen and the legal adviser to the Education Department, and we thrashed over the provisions in the Bill. There was agreement.

**Mr Fordham**—Were there any changes?

**Mr LACY**—There were changes to the draft Bill. The Bill has had many changes in the course of its history and there will be a further amendment. For those reasons, one cannot argue that this Bill has had inadequate time for consideration or has had inadequate consultation on behalf of the Government in respect of the various bodies affected. It is sheer hypocrisy for some of those educational organizations to now, at 5 minutes to midnight, send a telegram; some of them have not bothered to even write to me on the matter and, in the ten weeks past, have not even bothered to ask for a meeting when I indicated to everyone concerned that I was prepared to meet and consult laboriously on this Bill over the past six months.

Honourable members have had ten weeks to consider this Bill and they talk about coming into the House and rushing the Bill through in the dying hours of the sessional period. No Bill on the Notice Paper has been there longer and has had more consideration and more consultation than the Film Victoria Bill. No Bill has been on the Notice Paper that long and has had that consideration. The Bill was ready even before honourable members met for the spring sessional period, and it was ready to be introduced at that time. It cannot be argued with any justification that this Bill has had inadequate time, that it has been rushed through, or that it is just my Bill, that it has had inadequate consultation, or that the organizations concerned have not had an opportunity of having their say on the provisions of the Bill. When the Opposition moves its amendments, if it has any, the extent to which it believes it is a bad Bill will be obvious.

In my view the Bill must go forward for one further reason, other than those three, and I am glad that I have convinced the Minister for Youth, Sport and Recreation, who already on the strength of my first three arguments has passed me a note saying, "You have convinced us all". There is one further reason, and the reason indicates the very sharp difference between members of the Opposition and members of the Government. The Opposition is an organization, if it can be called that, which regularly, painfully, persistently and without modification, calls for the introduction of progressive policy initiatives, for sound management structures, for the abolition of waste and the removal of duplication and inefficiency. It takes up the time of the House arguing all those sorts of things but as soon as a Bill that meets all of those things is put in front of its members they run in fright. They are not interested in progressive reform of Government structures because, as soon as they have before them one proposal, they want to scurry off and have more consideration, to consult further, and dream up further reasons for doing anything progressive in this State. They are so negative that they are fundamentally committed to doing nothing—and that is what they spend most of their time doing—and that is why their pathetic amendment comes forward without so much as one argument on what the new structure that they are putting forward should look like.

**The ACTING SPEAKER (Mr Birrell)**—The Minister has 2 minutes.

**Mr LACY**—I call on the House to reject the reasoned amendment of the honourable member for Carrum and to give the opportunity for this Bill to create an organization that does a number of things for people in this State. Firstly, it puts Victoria in the best position of any State in this country to respond in the interests of education to the new media technology that is coming on to the market and that is being introduced in this State.

I am sure the point I want to make now will impress the Deputy Leader of the National Party, because if ever a medium had the potential for enhancing the disparity in opportunities between rural-based students and city-based students, it is the television media. If ever a medium had the potential for providing educational opportunities for students disadvantaged by distance from major centres, it is television.

I ask the House what we have done so far to get ourselves into a position where we can do something positive for those students, where we can not only put together the high quality programmes for those students residing at a distance from major centres, but we can also purchase the massive amount of material that is already in existence in other countries. Talk about imposing overseas structures, or buying something from overseas and bringing it into this State! There is a massive amount of material in other countries that would be appropriate for our students who never get the opportunity of seeing it. I urge the House to reject the amendment and to support the Bill.

The House divided on the question that the words proposed by Mr Cathie to be omitted stand part of the motion (the Hon. S. J. Plowman in the chair).

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|---|---|
| Ayes .. .. .. | 37 |
| Noes .. .. .. | 36 |
| Majority against the amendment .. .. | 1 |

AYES

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| Mr Austin | Mr McCance |
| Mr Balfour | Mr McClure |
| Mr Birrell | Mr McKellar |
| Mr Borthwick | Mr Mackinnon |
| Mr Burgin | Mr Maclellan |
| Mrs Chambers | Mrs Patrick |
| Mr Coleman | Mr Reynolds |
| Mr Collins | Mr Richardson |
| Mr Cox | Mrs Sibree |
| Mr Crellin | Mr Skeggs |
| Mr Dixon | Mr Smith (*South Barwon*) |
| Mr Dunstan | Mr Smith (*Warrnambool*) |
| Mr Ebery | Mr Templeton |
| Mr Evans (*Ballarat North*) | Mr Williams |
| Mr Hayes | Mr Wood |
| Mr Jona | |
| Mr Kennett | |
| Mr Lacy | *Tellers:* |
| Mr Lieberman | Mr Brown |
| Mr McArthur | Mr Tanner |

NOES

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|---|---|
| Mr Cain | Mr McGrath |
| Miss Callister | Mr Mathews |
| Mr Cathie | Mr Remington |
| Mr Crabb | Mr Rowe |
| Mr Culpin | Mr Sidiropoulos |
| Mr Edmunds | Mr Simmonds |
| Mr Ernst | Mr Simpson |
| Mr Evans (*Gippsland East*) | Mr Spyker |
| Mr Fogarty | Mr Stirling |
| Mr Fordham | Mr Trewin |
| Mr Gavin | Mr Trezise |
| Mr Ginifer | Dr Vaughan |
| Mr Hann | Mr Walsh |
| Mr Hockley | Mr Whiting |
| Mr Jasper | Mr Wilkes |
| Mr Jolly | Mr Wilton |
| Mr King | *Tellers:* |
| Mr Kirkwood | Dr Coghill |
| | Mr Miller |

PAIRS

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|---|---|
| Mr McInnes | Mrs Toner |
| Mr Ramsay | Mr Roper |
| Mr Thompson | Mr Ross-Edwards |

The motion was agreed to.

The Bill was read a second time and committed.

Clauses 1 to 4 were agreed to.

Clause 5 (Constitution of corporation)

**Mr CATHIE** (Carrum)—Clause 5 provides that the corporation shall consist of a chairman and ten other members. Of that body of eleven members, only three members shall be persons nominated by the Director-General of Education. Clause 6 deals with the proceedings of the corporation and subclause (5) provides:

> Every question arising at a meeting of the Corporation shall be decided by a majority of votes of the members present and voting on the question.

The difficulty is that, if the budget is to be determined by this eleven-member body, the interests of education cannot be preserved, given the constitution of the corporation. Neither can the development of educational services in this State be fostered when other interests can outvote educational interests in this way. There ought to be some specific comment from the Minister to indicate how it will be possible to preserve, especially in a budgetary sense, the rights of the Education Department.

**Mr WHITING** (Mildura)—The National Party is concerned about the broad nature of this clause. In a peculiar way, it sets out that the corporation shall be appointed by the Governor in Council and shall consist of a chairman and ten other members. Sub-clause (2) of clause 5 provides:

> Three of the members appointed by the Governor in Council shall be persons nominated by the Director-General of Education.

The remainder of the composition of the corporation is left in the air. In his second-reading speech, the Minister referred to the fact that other members appointed will include some who reflect the current range of interests and concerns of the Victorian Film Corporation and the State Film Centre. That is all very well but given that this body will be handling large sums of money—it has been estimated by one group of persons that the Bill will result in the Education Department handing over approximately $700 000 to the Ministry of the Arts—the composition of the corporation should be spelt out more clearly by the Minister.

In trying to find out how the Minister arrived at the decision on how the corporation should be constituted, the only information I was able to obtain with regard to the interim film and television board inquiry that took place was that somewhere about June or July of this year a report was made to the Minister —it might well have been one of those famous meetings that he had—recommending that the corporation should be a loose, confederation type body. That certainly got changed along the way. The Minister obviously was not satisfied that he could control a loose, confederation type of body. Hence, it is to be a corporation with a chairman and ten other members, three of whom are to be nominated by the Director-General of Education. That is as far as we are able to go with the Minister. He was unduly secretive about the proposal. If the corporation is to work, it must have the confidence of the people of Victoria —not only of those who are involved in education, but also of those involved in film and television production as well.

I very much appreciate the much better communication by the Minister and the persons whom he believes will be nominated to provide the corporation of Film Victoria.

**Mr LACY** (Minister for the Arts)—The honourable member for Carrum raised a matter relating to financial arrangements between the Education Department and Film Victoria in view of the fact that only three of the members of the corporation will be nominees of the Director-General of Education, and they will therefore be in a minority and not the majority of the corporation. I may be able to add to my explanation in the second-reading speech. It is intended that the funds available to the corporation for the production of educational materials of broadcast standard will be available in the Budget under the education vote in a single line entry. However, that would be expendable only through Film Victoria. The purpose of that is to provide an appropriate tension between control over how the funds are spent through Film Victoria and at the same time ensuring that they are not spent in a duplicatory manner in the production of materials of broadcast standard through whatever other means. In other words, if the Government is to take a positive step in the work of the resources for the production of high quality materials in film and television, the Government needs to ensure that it is not possible to build another empire somewhere else simply duplicating the facility of Film Victoria.

That will ensure that tight control is held over expenditure of those funds. Indeed, it will be tighter than currently exists over expenditure of funds in the Education Department. The procedures to be followed will be precisely those that equate currently in Government departments producing or having documentary films produced through the Film Corporation. At every stage in the development of a film appropriate approvals will be required from the funding authority and if the funding authority is not satisfied with the development of the project to that stage, Film Victoria can withhold the funds

made available to it for that purpose. That immediately creates a potential for conflict between the department and the authority, which would have to be resolved between the Minister, or failing that, Cabinet.

The Leader of the National Party intends to move an amendment, which will have my support. It will provide precisely that sort of provision in writing in the legislation. The Deputy Leader of the National Party asked me to indicate to the House who the other members of the Film Victoria corporation would be. That is a matter that can be indicated only after the Governor in Council has appointed those members. The process of doing that is clear and age old. Cabinet considers those appointments and collectively recommends them to the Governor in Council. I am not prepared to go beyond what I have said already on this matter.

The intention is to ensure that the major interests can feature in film production. These were the major interests in documentary film distribution. Those were the major interests in educational production and distribution and will be represented in what the Governor in Council considers to be appropriate numbers. This clause ensures that at least three members are representative of the Education Department in view of the large proportion of resources that would be made available to Film Victoria in the normal course of events for the purposes of production of education materials.

The clause was agreed to, as were clauses 6 to 9.

Clause 10 was verbally amended, and, as amended, was adopted, as were clauses 11 and 12.

Clause 13 (Functions of corporation)

**Mr CATHIE** (Carrum)—I move:

Clause 13, line 35, after "public" insert "and for educational purposes".

The second amendment is a consequential amendment because it proposes that sub-clause (1) (*b*) be omitted. Therefore, those two amendments go together. It is no good for the Minister for the Arts to say that the Labor Party is trying to drag Parliament and the people of Victoria back to the dark ages. That sort of rhetoric will achieve nothing, particularly as there is a real division in the community about the best way of enhancing and developing the important services provided by the Audio-Visual Resources Branch and the State Film Centre. During the second-reading debate the Labor Party indicated that the body ought to be an advisory and co-ordinating body. If the confidence grew and the three quite different and separate institutions could work fruitfully together, perhaps, in the future, a further step could be taken towards a much tighter amalgamation in the form of the body-corporate proposed by the Minister.

**Mr Burgin**—After an inquiry.

**Mr CATHIE**—The honourable member for Polwarth suggests that it should be done after an inquiry. The Labor Party has been asking for some time: Where is the report of the Interim Board for Educational Film and Television? One would assume that the interim board was an inquiry and that the interim board, which was set up by the Minister, would have liaised, and did liaise, with the three bodies and other groups and individuals in the community, including the teachers and their organizations. However, there does not appear to be any final report. The Minister advised that he received a copy of the minutes of the interim board. Those minutes are not available to anybody else and nobody in the widest stretch of his imagination could conceive that those minutes represent a final and conclusive report. The Minister rejects that suggestion and, because the Bill has remained on the Notice Board for some time, he says that he is not hurrying it through Parliament. The Parliament has not had an opportunity of debating the Bill until now. It has been allowed to stay on the Notice Paper and it is only now, in the final hours of Parliament, that honourable members are able to debate the issue. If the Minister were prepared to listen to what I am saying, I would explain the reason behind the amendment.

**The CHAIRMAN (Mr A. T. Evans)**—Order! I remind the honourable member for Carrum that the Committee is now considering the amendment, not the clause.

**Mr CATHIE**—That is right, and I am adding to the clause, "and for educational purposes".

**Mr Lacy**—Why?

**Mr CATHIE**—I have just been telling the Minister why, but he is becoming restless. I have taken the time to explain to the Minister that the Labor Party has a different concept of the functions of the proposed corporation. We believe it is better for the existing bodies, such as the Audio-Visual Resources Branch, to be able to continue to produce, distribute, exhibit and broadcast films and sound recordings. For that reason, we are suggesting that sub-clause (1) (*b*) should be deleted. That amendment is consequential upon the first amendment.

We cannot anticipate ahead, but perhaps the Minister is able to do so. He has made it quite clear, by his smile, that there is no way in which the Government will allow clause 13 (1) (*b*) to be deleted. If that part of the clause were deleted, once the corporation became an advisory and coordinating body, it would be encouraged to promote and assist in the production, distribution, exhibition and broadcasting of films and sound recordings. That would not be only for the entertainment and information of the public——

**Mr Lacy**—The House has rejected that proposition.

**Mr CATHIE**—The Minister says the the House has rejected a proposition.

**Mr Lacy**—Your proposition.

**The CHAIRMAN (Mr A. T. Evans)**—Order! The Minister will have an opportunity of refuting the remarks in due course.

*The sitting was suspended at* 6.15 *p.m. until* 8.5 *p.m.*

**Mr CATHIE**—Prior to the suspension of the sitting, I indicated that amendments Nos. 1 and 2 standing in my name go together and that amendment No. 2 will subsequently be consequential. The aim of the amendments is to omit certain powers and functions of the proposed corporation. That is, the corporation should not have the power to cover the entire production, distribution, exhibition and broadcasting or arrangements for the production, distribution, exhibition and broadcasting of film and sound recordings specifically for educational purposes. If the basic role of the proposed corporation is to be that of either an advisory or coordinating body, there would be nothing wrong with the provisions of clause 13 (1) (*a*) stating that the functions of the corporation should have the added responsibility of providing entertainment and information for the public. However, it should also provide for educational purposes. The amendments if adopted, would mean that the function of the proposed corporation would then be to encourage, promote and even to assist in the production, distribution, exhibition and broadcasting of films and sound recordings. As the clause stands, it is questionable whether that assistance and encouragement will be for the entertainment and information of the public or whether it might be specifically for educational purposes.

The corporation should play a positive role that will be accepted by each of the three institutions that will be combined to form the proposed body corporate. That would be a body that would play a positive role in the encouragement, promotion and assistance of the three bodies concerned. That was the object the Opposition suggested previously.

It would be better to take a small step at one point of time than do what the Minister of Educational Services is attempting to do; that is, to take a huge step forward and force the audio-visual resources centres into an amalgamation, about which its members are fearful.

The proposed amendment, if adopted, would give a specific role to the corporation to play. That specific role would not cut across the excellent work that is presently undertaken by the State Film Centre and by the

audio-visual resource centres. If that were done, it would set in line a relationship between those bodies that would be based on mutual assistance and co-operation that would achieve mutual goals.

It is pleasing to note that even the honourable member for Bendigo is interested. As an honourable member who represents a regional centre, he would well know the work of the audio-visual resources centre in that area. It is to be hoped that the honourable member will support the amendment, which, if adopted, would assure the continuation of the positive functions that are presently being performed by those resource centres.

**Mr McClure**—Make me a better offer.

**Mr CATHIE**—What better offer could one make than to ask someone to work together through mutual co-operation and assistance in terms that are acceptable to those who are involved? However, the honourable member for Bendigo does not want to do that. That honourable member wants the Government to impose a tight amalgamation on these bodies, whether they want it or not.

**Mr Birrell**—You are going to just push stuff through the House.

**Mr CATHIE**—I should be interested to hear the contribution from the honourable member for Geelong West, who seems to be disturbed about the proposed amendment, and I should like to know why this is so. I should also like to know, after the discussions and conferences that no doubt he has been involved in, why he believes he should continue to support the Bill in its present form. Perhaps he will not do so, and perhaps his interjection indicates that he is prepared to think about the proposed amendment and vote in support of it.

**Mr WHITING** (Mildura)—This clause, which sets out the functions of the corporation, is important because it lays down the things that the corporation either wants to do or will be expected to do. Although I had no discussions with the honourable member for Carrum prior to drawing up some proposed amendments to the Bill, by pure coincidence I had proposed an amendment to clause 13(1) in exactly the same terminology as that of the amendment moved by the honourable member for Carrum.

Members of the National Party have discussed this Bill with many people, and believe that if the phrase "and for educational purposes" could be added to sub-clause (1) (*a*), there would be no need for paragraph (*b*) to remain in the Bill because that paragraph includes the words "educational purposes". The amendments that I would have moved, numbered 1 and 2 on the printed sheet, are consequential on one another and I hoped that they would have achieved the same purpose.

The deep concern of many people in this State is that once the corporation is set up and has overriding control over the production of all material in this field, given that there are only three representatives from the education sphere amongst the eleven corporation members, it will carry on oblivious of other requirements which it would regard as secondary, such as those of the Education Department, the Department of Agriculture and so on.

In the first two pages of the Minister's second-reading speech all one finds are references to the various films and television productions such as *The Sullivans, Water Under the Bridge, A Town Like Alice, Partners,* and *Squizzy Taylor*. The Minister seems to be obsessed with producing major films for distribution throughout the theatres of the land or broadcasting over the television networks, so the whole attitude of the corporation will be coloured in this direction. The National Party does not accept that because it is convinced that the requirements of the education sector should be greater than those of the ordinary film production activities of the corporation in future years.

For those reasons, I believe the only way of achieving that object in the present drafting of the Bill is to include in sub-caluse (1) (*a*) the words "and for educational purposes" because that refers to encouragement, promotion and

assistance in production and so on. The removal of paragraph (*b*) would take away the sole right of the corporation to produce, distribute, exhibit and broadcast films and so on.

I raise with the Minister a further query on this matter. I have received a letter from representatives of the Mildura Regional Library Service expressing concern about the Bill and stating that the new proposals, if passed, would restrict and perhaps eliminate the present system of regional film libraries operating through public libraries. Although the Mildura Regional Library Service has had the services of the film centre only during this year, it has received an overwhelming response to this service. Between August, when the service was introduced, and October, it has lent 173 films to 31 organizations. This indicates that there is a need for this type of film-lending facility to be available through public libraries.

Clause 13 (1) (*b*) gives the corporation the sole right to produce, distribute, exhibit, and broadcast material. The regional library service is satisfied with the present situation. The Minister may call it reactionary, but when one has a successful operation, one does not change it without good reason.

The National Party knows of no good reason why the objects that the Bill sets out to establish cannot be achieved on a co-operative basis with all the parties being involved in the process instead of setting up a corporation with supreme control over the whole issue.

**Mr FORDHAM** (Footscray)—I hope the Minister will reconsider his stance on this proposed amendment. I ask him to seriously consider the proposal of the honourable member for Carrum. It would in no way detract from the Bill if the Minister accepted the amendment. The second amendment proposed by the honourable member for Carrum would certainly affect the thrust of the Bill, because it proposes to omit paragraph (*b*). However, all that the inclusion of the words "and for educational purposes" would do would be to create an option for the corporation. As it is now, the corporation would be precluded from simply encouraging, promoting and assisting in any project for educational purposes; it must either produce the film or recording or keep out of it. Surely the Minister does not want the clause to be so narrow.

Scope ought to be provided for the new corporation, where it considers fit, in the Minister's terms of thinking, to be able to encourage some other organization or individual to undertake some activity for educational purposes. The corporation may wish to encourage a group or to assist with the promotion, production, distribution, expedition and broadcasting of a film or recording. The addition of the words "and for educational purposes" would add that further possibliity to the functions of the corporation.

**Mr Maclellan**—If you use the word "and" you narrow it. The word "or" must be used.

**Mr FORDHAM**—The point I am making, Mr Chairman—and you, at least, would understand this—is that if the corporation is to be involved in educational functions, it must take over the whole exercise. At no stage has the Minister suggested that that was what he wanted.

The Labor Party believes the Audio-Visual Resources Branch should be retained and that the corporation in its consortium role should be working with the branch and certainly assisting, promoting, encouraging and helping in every way possible but not being the controlling agent of the branch. I ask the Minister to take note of the comments I have made and perhaps suggest why it would not be possible to accept the first amendment.

**Mr LACY** (Minister for the Arts)—There are a number of reasons why it is not possible for the Government to accept the first amendment proposed by the honourable member for Carrum. The first reason is that the whole intention of clause 13, apart from spelling out the functions of the corporation, is to spell them out in such a way that the integrity of the functions of the existing organizations being amalgamated is maintained with the passage of the Bill.

The second reason is that the very wording of the clause is precisely the product of the extensive consultations that have taken place with those organizations. I had a meeting with the Victorian Film Corporation and members of the Council of the State Film Centre, the Documentary Film Council and officers of the Special Services Division to draw up the wording of these functions in such a way that the integrity of the functions of the organizations being amalgamated is maintained in the new organization. Clause 13(1) (*a*) precisely in the view of the Victorian Film Corporation maintains for the new organization the integrity of that corporation and clause 13(1) (*b*) and (*d*) maintains the integrity of the function of the Audio-Visual Resources Branch.

The third reason, apart from the fact that this was the very product of the consultations held and that the purpose of it was to maintain the very things that people have been arguing will disappear as a result of the Bill, is that if it were carried the effect would be that the abolition of clause 13(1) (*b*), which the honourable member for Carrum foreshadowed, would mean that this corporation itself could produce nothing; it would only assist in the production of something. If something is staring us in the face in this country and other countries of the world it is that there is no limit to the capacity of engineers to produce new modes of telecommunications technology, but there is an enormous limit in the capacity of private organizations or Government departments to produce sufficient material to make use of that capacity. If one takes the communications satellite fifteen additional channels and the potential for 30 additional channels into consideration, one is bound to ask where will the material come from to make use of the capacity that the engineers are giving us in the interests of education?

In this country we have not enough material to use the existing commercial channels and the Australian Broadcasting Commission. What is being used is rubbish in the main, although there is some good material. The amount needed to fill the capacity of the channels is just not there. To remove from this corporation the one organization that is being set up which is designed specifically to meet that challenge and to denude it of the capacity to produce anything, is fundamentally against the intentions of the Bill and against common sense in the present situation in this country. That amendment cannot be agreed to.

The fourth reason is that much has been said in the discussion of this Bill about those who have opposed it but I should like to quote from the transcript of the inquiry into cable and subscription television and related matters. In particular I quote the chairman of the inquiry, Mr David Jones, and his comments on this Bill because the provisions and particularly the functions of this Bill were outlined to that inquiry. Mr Jones said:

> It would appear to the tribunal from the sort of initiatives that are being taken here . . .

In this Bill and that is in Victoria—

> that the Victorian Government is pretty serious about really pushing ahead with new frontiers in this area. I think it is helpful for us to have some conception of what the reaction by the Victorian Education Department and the State of Victoria might be in the event of opportunities arising through the development in cable technology and the signs seem to be that the approach taken in this State anyway is pretty positive.

Dr Gisborne, an associate member of the inquiry said:

> I think there are many examples of the initiatives being taken in Victoria.

Referring to this Bill and the functions of the Victorian Film Corporation—

> which we have heard of today which have been very exciting.

In providing these functions the Government is doing precisely what is needed in respect of this matter and is tackling it positively. It is what has been determined in the advice to me from all those currently involved in the three organizations that are the subject of this amalgamation, and to amend the measure in the way proposed by the honourable member for Carrum and the Deputy Leader of the

National Party would be to remove precisely the magnificent opportunity that this organization provides to the Government and the people of Victoria.

**Mr CATHIE** (Carrum)—I am just as disturbed as I was previously with the Minister's reply because again he has given the House an extremely ambitious and large scheme where obviously he is thinking in terms of the traditional role of the Victorian Film Corporation in producing major films. No one can deny that that has been and will continue to be a major and important role for the Victorian Film Corporation but if we are to allow that role to dominate this new corporate body that is being set up, that role and the influence of meeting international commitments with satellite television and cable television and a technology, about which the Minister is talking, will begin to dominate and will replace to a certain extent the traditional and important requirements of the education sector. That is a fear that the Labor Party has had all along in this debate.

It is all very well to put the emphasis on what Australia can do in the production of major films. That is important. We have a Victorian Film Corporation to ensure that that continues to be important. In the amendment proposed by the Labor Party each of the three bodies will be allowed to continue to make its contribution in those vital fields. I have foreshadowed that the Labor Party wants to remove subclause (*b*) because it appears to give the corporation the sole right to produce, and it specifically relates to educational purposes. That job is currently well undertaken by the Audio-Visual Resources Branch.

Members of the Labor Party are concerned that in a new type of body with a different type of balance with the Education Department very much in the minority, the whole emphasis will be distorted and changed from the excellent work and facilities provided by the Audio-Visual Resources Branch. If action is not taken for educational purposes, the effect may be disastrous. If the situation is allowed to remain as it is, either the corporation will produce something for educational services or it will not be produced at all, and we will be in a no-man's-land.

It seems that it is much better to adopt a co-operative basis between the three organizations, whereby one will assist the other. That is all that the Labor Party is suggesting, to encourage promote and assist not only for entertainment and the information of the public, but also for educational purposes. Each body will continue to provide to the people of Victoria the role that it now provides. The Minister has indicated that it was the intention of this clause to protect the basic integrity of the functions undertaken by the three bodies to ensure that they were maintained.

If the wording is the product of consultation, is based on considered decisions and provides a fair representation of the view of each of the bodies, I should like to hear something from the Minister about the balance between the three bodies. All we have heard about so far is an imbalance and the importance of film production and new technology. I should like to know the balance between each of the three quite separate and independent bodies that will be amalgamated and I should also like to know the balance of the funding that will be provided to each of the bodies, because if they are not adequately funded, once again, there will be a distortion.

Clause 13 (1) (*b*) indicates that each of the organizations has the right to produce material. The Opposition believes the amendment will preserve the existing rights and functions and the existing balance between the three organizations.

The Committee divided on Mr Cathie's amendment (Mr A. T. Evans in the chair).

| | |
|---|---|
| Ayes .. .. .. | 34 |
| Noes .. .. .. | 37 |
| Majority against the amendment .. .. | 3 |

AYES

| | |
|---|---|
| Mr Cain | Mr Mathews |
| Mr Cathie | Mr Miller |
| Dr Coghill | Mr Remington |
| Mr Crabb | Mr Rowe |
| Mr Culpin | Mr Sidiropoulos |
| Mr Edmunds | Mr Simmonds |
| Mr Ernst | Mr Simpson |
| Mr Evans (*Gippsland East*) | Mr Spyker |
| | Mr Stirling |
| Mr Fogarty | Mr Trewin |
| Mr Fordham | Mr Trezise |
| Mr Gavin | Dr Vaughan |
| Mr Ginifer | Mr Walsh |
| Mr Hann | Mr Whiting |
| Mr Hockley | Mr Wilton |
| Mr Jolly | *Tellers*: |
| Mr King | Miss Callister |
| Mr McGrath | Mr Jasper |

NOES

| | |
|---|---|
| Mr Austin | Mr McKellar |
| Mr Balfour | Mr Mackinnon |
| Mr Birrell | Mr Maclellan |
| Mr Borthwick | Mrs Patrick |
| Mr Brown | Mr Plowman |
| Mr Burgin | Mr Reynolds |
| Mrs Chambers | Mr Richardson |
| Mr Coleman | Mrs Sibree |
| Mr Collins | Mr Skeggs |
| Mr Cox | Mr Smith (*South Barwon*) |
| Mr Crellin | |
| Mr Dixon | Mr Smith (*Warrnambool*) |
| Mr Dunstan | |
| Mr Ebery | Mr Templeton |
| Mr Hayes | Mr Weideman |
| Mr Jona | Mr Williams |
| Mr Kennett | Mr Wood |
| Mr Lacy | *Tellers*: |
| Mr Lieberman | Mr McClure |
| Mr McArthur | Mr Tanner |

PAIRS

| | |
|---|---|
| Mr Kirkwood | Mr McCance |
| Mr Roper | Mr Ramsay |
| Mr Ross-Edwards | Mr Thompson |
| Mrs Toner | Mr McInnes |

**Mr CATHIE** (Carrum)—I move:

Clause 13, sub-clause (1), paragraph (*d*), omit this paragraph and insert—

"(*d*) to assist in the co-ordination of libraries of films and sound recordings conducted by government departments;".

The amendment provides a co-operative, co-ordinating framework whereby each of the three bodies can continue to exercise its present functions. The Labor Party wishes to remove paragraph (*d*) which states that one of the functions of the corporation shall be:

to conduct a library of films and sound recordings and periodicals, books and other materials relating to, or for use in connexion with, films and sound recordings;

The Labor Party wishes to substitute the word "assist" for "conduct". It is quite clear that the State Film Centre and the Audio-Visual Resources Branch have both examined the collection of libraries of films and sound recordings. If the corporation were to assist positively in the development of those collections it is not necessary to describe the function of the corporation as conducting the library. This seems to suggest that it is a single library rather than the various libraries that exist at present.

**Mr LACY** (Minister for the Arts)—The proposal put forward by the honourable member for Carrum is not accepted by the Government. It would ensure that the new organization had no capacity to actually conduct the library of films and sound recordings. That is the intention of the proposed legislation. Victoria has two groups of persons employed under the Public Service Act both conducting film libraries. The purpose of the Bill is to bring these together to do the same work efficiently without duplication and waste. This can be done in such a way that those who wish to borrow films from the centralized efficient film library will be able to do so without the distraction of having to make telephone calls and requests to two separate organizations to make sure they obtain the film they need. This will increase efficiency and reduce waste and duplication. The amendment is not accepted.

The amendment was negatived.

**Mr CATHIE** (Carrum)—I move:

Clause 13, sub-clause (1), paragraph (*f*), omit this paragraph.

The amendment seeks to omit paragraph (*f*) which gives one body the power to conduct research for the purpose of improving the quality and effectiveness of films and sound recordings produced, distributed, or broadcast for educational purposes.

That is the task which is currently undertaken by the Audio-Visual Resources Branch. The Labor Party fears the effect of giving the over-riding power to a new single corporation. The

work currently undertaken in providing schools, educational institutions, teachers and pupils with those materials provides an excellent service and the Labor Party is fearful that, if there were a tighter amalgamation in which the future moves of the Audio-Visual Resources Branch were not clear, this would have an adverse effect on a body which is performing a beneficial service.

**Mr LACY** (Minister for the Arts)—This function is not being carried out by anyone at present; it is not done by the Victorian Film Corporation, the State Film Centre or the Audio-Visual Resources Branch, It is critical to the functioning of strategies and policies to be developed by Film Victoria that this function be carried out. The amendment therefore cannot be accepted.

The amendment was negatived.

**Mr WHITING** (Mildura)—Sub-clause (2) is the nub of the Bill because this gives the Minister for the Arts complete control of the corporation. Although this suits the ego of the present Minister, the fact that he has a hand in the education sector of this State may well be unsatisfactory. There could well be a time in the future when there will be conflicts between the Minister for the Arts and the Minister of Education, and consequently education will be the loser.

I spoke earlier of the increased costs which have arisen in the production of films and other materials in South Australia. The Minister has not replied to those comments but he can do so under this clause. Clause 13 (2) states:

The Corporation shall carry out its functions in an efficient and economical manner and subject to the general direction and control of the Minister.

Earlier in the Bill "Minister" is defined as Minister for the Arts. This provision could well bring the corporation to a standstill in the years to come if it were found that the capacities of the Minister for the Arts and the Minister of Education conflicted. That would be a sad day for Victoria.

**Mr LACY** (Minister for the Arts)—Clause 13 (2) does nothing for my ego, which is healthy and well; it is not enhanced by the words in the Bill. The same words are found in every Act or schedule of the Ministry for the Arts, and every one of those corporations or trusts are subject to the general direction and control of the Minister. This is no different from that which applies in hundreds of other statutory organizations. I am comforted by the fact that the Deputy Leader of the National Party is not opposed to the proposition that the corporation shall carry out its functions in an efficient and economical manner.

The clause was agreed to.

Clause 14 (Powers of Corporation)

**Mr CATHIE** (Carrum)—I move:

Clause 14, sub-clause (1), paragraphs (*e*) and (*f*), omit these paragraphs.

Clause 14(1) (*e*) empowers the corporation to acquire and lend films and sound recordings and periodicals, books and other materials relating to films and sound recordings. It is the view of the Opposition that that is a co-ordinating role which should not be included in the new role of the corporation and it ought to follow that that is a power that should reside with the existing bodies and not with the new amalgamated body corporate.

The Opposition is also concerned about the word "acquire". I am not sure of the legal meaning, but at least it has the impact as if it can be read as meaning compulsory acquisition. I hope it does in fact mean that it is done with the consent of the other party rather than something which would allow compulsory acquisition.

Clause 14(1) (*f*) enables the corporation to produce or acquire books and other materials for use in connection with films and sound recordings. That ought to be part of a wider co-ordinating role and ought to remain a power that can be properly and efficiently exercised, for example, by the Audio-visual Resources Branch of the Education Department.

**Mr LACY** (Minister for the Arts)—It will not surprise honourable members to learn that this amendment is also not accepted. In fact, a compulsory acquisition power, if there is one, seems to reside in clause 14(1) in the general provision where the corporation may, for the purpose of carrying out its functions, exercise any power that is necessary or convenient to exercise to carry out those functions, including, without losing the generality of the foregoing, the power to, as contained in clause 14(1) (*e*), acquire and lend films and so on. That is deemed to be one of the specific powers and the corporation could acquire those films and sound recordings and so on by agreement. However, with respect to the comments of the honourable member for Carrum, clause 4(1) provides the power that is clearly there.

If the corporation did not have these specific powers, it could not carry out the functions which have already been agreed upon by the Committee and which are contained in clause 13.

The amendment was negatived.

**Mr CATHIE** (Carrum)—The Opposition is still concerned about clause 14(1) (*h*), which gives power to the new corporation to charge those fees, if any, in connection with any goods or services supplied or lent by it as it thinks fit. That provision has given considerable concern to individual schools and regions in Victoria because in many cases there has been the fear expressed that this could lead to the imposition of fees which could impose dangerously upon the more disadvantaged groups in our community.

It may be that it is only a legal definition when the words "as it thinks fit" are used. It may be that that is simply a form of wording that lawyers use and there is no distinct meaning. If that is so, it may be that all the paragraph does is to give actual power to the corporation to charge fees if it wants to do so. I would hope if that is the position, it will also be agreed that these fees would be charged only after consultation and agreement with the client and approved by the relevant Minister. If that is not the meaning of this paragraph and my interpretation is correct and it is a legal form of words, nobody could be forced to pay these fees because they could be imposed only with the agreement of the corporation and the client, for example, the Audio-Visual Resources Branch, and prior consent would have to be obtained from the relevant Minister. The Minister ought to clarify the intention and the meaning of that paragraph.

**Mr LACY** (Minister for the Arts)—The corporation must have this power because it cannot be envisaged what the cost of services supplied will amount to in future. The services which are currently being supplied may continue to be supplied by the amalgamated organization which may require some fees to be charged. It is not the intention of the Government to charge fees other than any fees that are currently charged, and to my knowledge there are not any.

In the case of services currently provided by the amalgamated organizations, it is not the intention of the legislation to provide a vehicle by which any current charges are modified or changed in any way. However, the provision must be included in the Bill because it cannot be foreseen what may eventuate in the future in terms of the development of the activities of the corporation in providing sound educational opportunities in the production of quality material for education or for entertainment. The corporation cannot foresee what charges may be appropriate or may be desirable to be charged for goods and services that may be provided by the corporation in the future.

It is essential to have a general clause, but I have indicated to honourable members that the current intention is not to be modified in any way. As a result of the passage of this measure the corporation will have the ability to modify these charges for services currently provided.

**Mr WHITING** (Mildura)—This raises an interesting point and as I stated earlier, the Minister for the Arts has not answered the points I raised about the additional cost that will obviously be incurred as a result of the South Australian operation. In the past schools have been able to have audio-visual equipment repaired free of cost. On some occasions, as I stated previously, equipment has been repaired and returned to country schools or centres without cost to those schools or centres. I am wondering whether the same provision will continue after the passage of this measure or will the corporation charge a fee for the provision of that service and will the charge be levied in circumstances such as I have described.

I would welcome the Minister for the Arts answering those questions, whether the servicing of equipment will continue free of cost and whether the honourable gentleman has had time to study the figures of comparison, in the South Australian case, incurred by the audio-visual resource branch in relation to film and production material.

**Mr LACY** (Minister for the Arts)—With respect to both of those matters, it is not the intention of the measure to change the procedure relating to the servicing of machines and equipment. Indeed, that does not come under any of the provisions with respect to the establishment of Film Victoria. Clearly that is a service that will not be amalgamated into the new organization and it is clearly a service that will remain with the Education Department. How the service will be provided subsequent to the restructure of the Education Department is not known, but any charges would then be exercised under legislation other than the Bill currently before the Committee.

With respect to the comparison with South Australia referred to by the Deputy Leader of the National Party, my information is that there is a remarkable omission from the comparison that has been put in that regard, and that is the cost of salaries has not been included in the cost of the production of material by the Audio-Visual Resources Branch. By far the salaries represent the largest segment of the charges involved in the production of material which is very labour intensive. and unless those salaries are accounted for completely in those comparisons, the comparisons really have no validity.

**Mr WHITING** (Mildura)—I am rather astounded at the comments of the Minister because although I did not go through every sub-item for the cost of production using the figures of the Audio-Visual Resources Branch in the case of the film production unit for 1980–81 there is the inclusion of salaries for staff of an amount of $119 500; budget allocation other than salaries, $36 000. and provision for equipment and telephone costs $10 000. That amounts to a total of $165 500. These figures were produced by the Staff Association of Audio-Visual Personnel. That compared with the cost of production of a film of similar length in South Australia, and the charge per minute in one case was $1200, and in another case it was $1500. I am not in a position to know whether the salary component of the Audio-Visual Resources Branch figures is the complete salary figure, but it sounds a reasonably high figure for 176 minutes of film, and salaries of $119 000. I imagine that is more than adequate. The same applies to television production. Salary of staff is $200 000, budget allocation, other than salaries, $54 000, estimated depreciation equipment, rental, building, and telephone costs $41 000 and still there is a variation of $342 000, using the South Australian rate per minute of $650.

The Minister should carefully examine this situation because, under this clause, future productions by the corporation may have a higher cost than for this type of television material that is produced under the Audio-Visual Resources Branch set-up.

The clause was agreed to.

Clause 15 (Films and sound recordings for government departments, etc.)

**Mr WHITING** (Mildura)—I move:

Clause 15, sub-clause (1), line 27 after "recording" insert "for general exhibition or broadcast.".

The purpose of this amendment is to bring about what is contained in amendment No. 5, and the new sub-sections (6) and (7), which I am proposing to move at a later stage. Clause 15(1) reads:

A government department or public statutory authority which desires to produce or to have produced a film or sound recording shall give notice of that fact to the Corporation and may request the Corporation to arrange for its production.

The Department of Agriculture, the State Electricity Commission, and various bodies, at present produce their own documentary films, as do the audio-visual centres throughout the State, on what are considered to be less than broadcasting standard material. The insertion in line 27 of the words "for general exhibition or broadcast", will have the effect that any Government department wishing to produce material for general broadcasting will have to give notice to the corporation, but for anything other than that it will not be required to do so. This is a desirable situation when one considers audio-visual centres throughout the State where a film of a sports meeting in a local area—there have been various examples—is being made. The National Party believes it should not be necessary for an organization to be required to give notice to the corporation of its intention to produce film of less than broadcasting standard.

If the Minister sees fit to accept that amendment, that will clarify the position of my amendment No. 5, because amendment No. 5 spells out in a little more detail the method by which groups of schools within the education regions may produce material of less than broadcasting standard for their own use without having to give notice to the corporation.

This amendment is exactly along the same lines and it would require a Government department, a school, or a statutory authority, wishing to produce a film for general exhibition or broadcast, to give notice to the corporation. In the case of audio-visual centres at schools, notice is not required.

**Mr LACY** (Minister for the Arts)—The Government does not accept the amendment. When the Victorian Film Corporation was established, the intention was quite clear and it had the support of Parliament, that it should have an overriding and all pervasive role in the production of film. This is precisely the provision in the existing Victorian Film Corporation Act.

It is not the Government's intention to weaken that in any way to accommodate the intentions that have been outlined by the Deputy Leader of the National Party. It is the Government's intention to maintain this corporation in exactly the same role as the overriding corporation in respect of film that provides the principal source of advice to Government, and has the principal responsibility for carrying out Government activities in film production.

**Mr CATHIE** (Carrum)—The amendment moved by the Deputy Leader of the National Party is a sensible midpoint. It represents a compromise where regions and individual schools are protected, but it will allow the corporation to exercise that general power over anything that is produced, film or sound recording, which is for general exhibition or broadcast.

The Minister in dismissing that amendment is leaving in the Bill an extremely wide power that can be exercised by the Minister for the Arts. That is, any Government department at all, whether it be the Department of Agriculture or any other department must go cap in hand to the Minister for the Arts. I am not sure whether that happens now, because this Bill states that whether the Department of Agricuture desires to produce, or whether it wants someone else to produce something for them, it has to give notice of that fact to this new corporation and it may request the corporation to arrange for its production.

Is the same true for the State Electricity Commission, if it is making a specialist film? Does it have to go to the Minister for the Arts before it is entitled to do so? I doubt whether that provision is operating in the way the Minister has suggested tonight. He ought to think again and consider the compromise offered by the National Party.

The amendment was negatived.

**Mr CATHIE** (Carrum)—I move:

Clause 15, sub-clause (2), omit this sub-clause.

This sub-clause follows through these very wide powers. For example, if a group of schools or the Department of Agriculture wants to produce something for themselves in the way of a film or a sound recording, or to have it produced by somebody else, they must give notice to the corporation. The corporation will then have to consider such notification and it will have the power to refuse permission.

As drafted, sub-clause (2) provides:

The Corporation shall consider every such notification and may refuse or refuse to approve the production of the film or sound recording.

The corporation is given a very strong power. Not only can it refuse to produce a film or sound recording; presumably it can go further and refuse to allow anybody else to produce it, even though the applicant may be able to arrange for the film or the sound recording to be produced by somebody else.

The Opposition considers the powers given by clause 15 (2), 15 (3) and 15 (4), whereby "if the Minister approves but not otherwise" he may arrange for the production of a film or a sound recording, to be too wide. It is much better to work through co-operation and co-ordination than to centralize powers in the sharp way suggested by those sub-clauses.

**Mr WHITING** (Mildura)—It is interesting that the Minister will also move an amendment to this sub-clause. Amendment No. 4 circulated in my name also endeavours to deal with the restriction applied by the sub-clause. If the Minister's amendment is accepted, the sub-clause will then read:

The Corporation shall consider every such notification and may approve or refuse to approve the production of a film or sound recording.

That makes much more sense. The amendment circulated in my name would not then be necessary. I had difficulty in framing an amendment to correct the clause which was already incorrect.

Because the corporation will have power to refuse to approve the production of any film or sound recording, that itself perhaps negates to some extent the provision that I hope will be acceptable as a result of amendment No. 5 circulated in my name. Because it is difficult to amend the sub-clause, the National Party is prepared to support its omission in line with the motion moved by the honourable member for Carrum.

**Mr LACY** (Minister for the Arts)—The Government's position will be made clear when I move amendment No. 3 circulated in my name, but I understand that I am not to move that amendment until the amendment moved by the honourable member for Carrum has been tested.

Amendment No. 3 circulated in my name was proposed only for the purpose of correcting a drafting error. It was always intended that the sub-clause should read "approve or refuse to approve". It goes to the very heart of clause 15. The reasons why the Government wishes to maintain that clause basically as it is, although it is prepared to consider amendments later on, have been outlined in the pervious discussion.

**Mr FORDHAM** (Footscray)—If the clause is accepted, as drafted, the Minister of Education could be in the position of wanting to produce a short film for use within, say, the Education Department. He would make a submission to the corporation and the corporation could refuse the application. It does not have to refer the matter to the Minister. It is only in circumstances where the corporation wishes to produce a film or a sound recording that it must refer the matter to the Minister.

The department may be prepared to foot the bill and make the necessary arrangements, but the corporation would have control over the operation over every Government department. That is a Draconian power and there can be no justification for giving any statutory authority that power over Ministers of the Crown. I suggest that the Minister is foolish in adopting the provision and I hope he will consider the amendment. If not, the Opposition must persist with its amendment.

**The CHAIRMAN (Mr A. T. Evans)**—In order to preserve the rights of the Minister on amendment No. 3 circulated in his name, I propose to test the amendment moved by the honourable member for Carrum.

The Committee divided on the question that the words and expressions proposed by Mr Cathie to be omitted stand part of the clause (Mr A. T. Evans in the chair).

| | |
|---|---|
| Ayes .. .. .. | 37 |
| Noes .. .. .. | 34 |
| Majority against the amendment .. .. | 3 |

AYES

| | |
|---|---|
| Mr Austin | Mr McKellar |
| Mr Balfour | Mr Mackinnon |
| Mr Birrell | Mr Maclellan |
| Mr Borthwick | Mrs Patrick |
| Mr Brown | Mr Plowman |
| Mr Burgin | Mr Reynolds |
| Mrs Chambers | Mr Richardson |
| Mr Coleman | Mrs Sibree |
| Mr Collins | Mr Skeggs |
| Mr Cox | Mr Smith (*South Barwon*) |
| Mr Crellin | Mr Smith (*Warrnambool*) |
| Mr Dixon | Mr Templeton |
| Mr Dunstan | Mr Weideman |
| Mr Ebery | Mr Williams |
| Mr Hayes | Mr Wood |
| Mr Jona | *Tellers:* |
| Mr Kennett | Mr McClure |
| Mr Lacy | Mr Tanner |
| Mr Lieberman | |
| Mr McArthur | |

NOES

| | |
|---|---|
| Mr Cain | Mr Mathews |
| Mr Cathie | Mr Miller |
| Dr Coghill | Mr Remington |
| Mr Crabb | Mr Rowe |
| Mr Culpin | Mr Sidiropoulos |
| Mr Edmunds | Mr Simmonds |
| Mr Ernst | Mr Simpson |
| Mr Evans (*Gippsland East*) | Mr Spyker |
| Mr Fogarty | Mr Stirling |
| Mr Fordham | Mr Trewin |
| Mr Gavin | Mr Trezise |
| Mr Ginifer | Dr Vaughan |
| Mr Hann | Mr Walsh |
| Mr Hockley | Mr Whiting |
| Mr Jolly | Mr Wilton |
| Mr King | *Tellers:* |
| Mr McGrath | Miss Callister |
| | Mr Jasper |

PAIRS

| | |
|---|---|
| Mr McCance | Mr Kirkwood |
| Mr McInnes | Mrs Toner |
| Mr Ramsay | Mr Roper |
| Mr Thompson | Mr Ross-Edwards |

**Mr LACY** (Minister for the Arts)—I move:

Clause 15, line 30, omit "may refuse" and insert "may approve".

The amendment was agreed to.

**Mr CATHIE** (Carrum)—I move:

Clause 15, sub-clause (5), omit this sub-clause.

This amendment would give a wide power to all Government departments or statutory authorities to produce or arrange for the production of film or sound recordings without the approval of the corporation. That includes Ministerial approval as well. Arguments have been advanced in relation to amendment No. 6 and exactly the same arguments apply to this amendment as the powers contained in the Bill as drafted are extremely Draconian. The Opposition is not convinced that the Minister has given substantial reasons why such wide powers are necessary. He keeps saying they exist in the current legislation, but I have indicated that I do not think it is in force. It is a power that seems to be quite excessive. Therefore to be consistent, I have moved this amendment.

**Mr WHITING** (Mildura)—The National Party has similar feelings about this sub-clause because it virtually reinforces clause 15(2). Clause

15(5) will be extremely restrictive if it is policed. My guess about the whole of clause 15 is that it will probably finish up being completely ignored. There may be some form of notification to the Victorian Film Corporation but that will be the end of the matter. It probably matters little whether sub-clause (5) remains in the clause, but the National Party is prepared to support the amendment moved by the honourable member for Carrum. The National Party endeavoured to frame an amendment along these lines, but decided that if clause 15(2) was adopted, clause 15(5) only reinforces it and does not make any difference.

**Mr LACY** (Minister for the Arts)—The arguments on this point were spelt out in debate on clause 15(2). The arguments are precisely the same for clause 15(5), so I shall not repeat them.

The amendment was negatived.

**Mr WHITING** (Mildura)—I shall move amendment No. 5 standing in my name which proposes two new sub-sections to clause 15. The purpose of both of them is to try to preserve the existing audio-visual centres throughout the State so that at the request of a school or group of schools they can produce the material they use in the educational region without having to give notice to the corporation of that production. It is the intention that that material will be used purely in the areas concerned, and it is agreed that if the material is of such a value and high standard of production that there is demand for it throughout the rest of the State, or elsewhere, notice of approval of the Corporation will be sought. I move:

Clause 15, sub-clause (5), after this sub-clause insert:

"(6) Notwithstanding anything to the contrary in sub-section (1), an officer of the Education Department may, at the request of a school or group of schools within an educational region constituted under Division 2A of Part I of the Education Act 1958, and without giving notice to the Corporation under sub-section (1), produce or arrange for the production of a film or sound recording only for use within that region for educational purposes and not for general exhibition or broadcast.

(7) Any question difference or dispute arising or about to arise between the Corporation and any Government department or public authority with respect to any decision or proposed decision of the Corporation under this section may be finally and conclusively determined by the Governor in Council."

The reason for this amendment is that some disputes will obviously occur from time to time between the corporation and the department. This provision is virtually similar to that which exists under the Port Phillip Authority Act with suitable modifications inserted to allow for some kind of appeal that may be necessary under the provisions with the tribunal, or at least the client body, having a say in the actual decisions of the corporation.

I hope the Minister will accept the amendment, because I consider that it is an endeavour to retain part of the audio-visual concept as we know it at present, even though it does not protect the central branch of the organization. As the Minister has indicated in passing, he is of the opinion that there will be some kind of central audio-visual branch within the Education Department that may be quite different from the present one. The National Party is not happy that that will be the situation, but at least country schools in the State will be covered. It also applies to metropolitan regions. The National Party hopes that this section will be retained and that many more films and television productions will take place on a low-key level at audio-visual centres and within schools in Victoria. I trust that the Minister will accept the amendment.

**Mr BIRRELL** (Geelong West)—I indicate to the Committee that the number of conversations I have had in my area is contained in this clause. The amendment constitutes the gist of most of the recommendations made to me in the area I represent. We could compromise to the point where we accept that there is a role for the present resources of the Audio-Visual Resources Branch being limited to the sort of activity described in the proposed amendment to sub-clause (5).

If the Minister participates in the debate and airs his philosophical views he will win many friends in the provin-

cial areas and around the State. The amendment represents a fall-back position on the operation of the Bill and I compliment the Deputy Leader of the National Party for its introduction.

**Mr LACY** (Minister for the Arts)—I always want to be friends with the honourable member for Geelong West and I would not want to upset his friends on the back bench. I am persuaded by him, his friends and the Deputy Leader of the National Party and will be soon no doubt by the honourable member for Carrum that the amendment is sound. The reasons for accepting the amendment are twofold. Firstly, the Government at no stage intended that Film Victoria would have jurisdiction over every teacher and every district-based officer of the Audio-Visual Resources Branch who had been requested by a school or group of schools to produce a film of some sort for purely curriculum purposes and not for general broadcast.

There was no intention of doing that. The amendment, as indicated by honourable members, ensures that that is abundantly and crystal clear. The intention is for those regional district-based officers and/or a teacher at the request of a school or group of schools to produce such a film without requiring the approval of the corporation. Accordingly I accept that amendment.

Secondly, the additional sub-clause (7), which is part of the amendment, makes it clear what would happen in any event. However, it makes it crystal clear that if a dispute arises between, say, the Minister of Agriculture and me about the production of a training film for the purposes of training rural-based industries and the persons involved in those industries, the matter would be resolved in the last resort by the Governor in Council.

**Mr CATHIE** (Carrum)—I should not disturb the Christmas spirit that suddenly seems to have become apparent. The Labor Party supports the amendment even though it does not go far enough. I shall indicate the two areas in which the amendment will not fit the situation for which it is intended. The amendment refers to an individual school or a group of schools and then refers to an educational region. That may not be so clear cut. The Leader of the National Party represents the country areas but in the city and many regional towns many neighbouring schools often work together. The drawing of an arbitrary division between schools means that one school could be in one region and another school in another region. If such a division were drawn these schools would not be able to come together as a group of schools within an educational region. That does not appear to meet all situations.

A further limitation is the provision that material can only be used within that region for educational purposes and not for general exhibition or broadcast. That is too restrictive. I am reminded of a television series made at Ballarat called *You, Me and Education*, which was certainly shown on country television. The film was distributed through country television stations as an initiative by the Education Department. The Bill before the House does not provide the ability for an individual school or group of schools within a region to initiate a television film similar to that.

The ability of a school to have someone else undertake this task or to obtain the necessary approval from the Miniter will ultimately be determined by the amount of resources made available by the Minister. Honourable members have not heard any mention of that. Although the Labor Party supports the amendment, I point out that it only goes part of the way and will run into difficulties particularly when one considers the boundaries between one region and another.

**Mr WHITING** (Mildura)—I thank the Minister for accepting the amendment and, like the honourable member for Carrum, the National Party still believes it does not go far enough. My party would have been much happier if the Minister had accepted the original reasoned amendment and produced a

new Bill. Under the circumstances the National Party believes the amendment will at least preserve some of the existing situations concerning the Audio-Visual Resources Branch, and the type of film to which the honourable member for Carrum referred well may be produced and distributed if necessary.

My colleague, Mr Burnie Dunn in another place, and I had a number of meetings with both Ministers and experienced difficulty extracting any amendments! However, after numerous amendments to the proposal eventually the wording was agreed upon. I am pleased that this amount of progress has been made. I agree that the Minister has not convinced honourable members of the amount of money that will be made available for the Audio-Visual Resources Branch in regional centres. I hope that provision will be maintained on the present level and increased in view of the new regions that have been provided for education throughout Victoria. These areas have been extended in country areas and will include more schools. Logically they should receive more funding for audio visual purposes.

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

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

## DRIED FRUITS (AMENDMENT) BILL

The debate (adjourned from October 6) on the motion of Mr Austin (Minister of Agriculture) for the second reading of this Bill was resumed.

**Mr FOGARTY** (Sunshine)—The Bill relates to an important Australian food industry that reflects upon employment, especially in Victoria's northern areas.

The dried fruits industry is decentralized and its operations have an impact upon rural communities in nothern Victoria and on Australia's overseas trade balances. The Bill is important. However, honourable members should be concerned that this Bill was introduced into the Parliament two months ago and it is only now being debated in the dying hours of the spring sessional period of Parliament. However, this is not the first occasion on which the Dried Fruits Act has been under consideration by the Parliament. In the dying hours of the 1980 spring sessional period of Parliament, the House was asked to consider legislation and the referral of the Victorian Dried Fruits Board to the Public Bodies Review Committee. That proposition was opposed by the Labor and National parties and the proposal lapsed.

Tonight the House is debating a proposal by the Government to amend the Act to change the constitution of the Victorian Dried Fruits Board. That board has acted on behalf of the Victorian dried fruits industry for almost 60 years. In his second-reading speech the Minister said that the board had been in operation for more than 40 years. However, I have examined the records and I have discovered that the Minister has underestimated the position.

The board has been subjected to trying periods since the early 1920s. It has been subjected to litigation at both the State and Federal levels and it has been subjected to investigation by the Industries Assistance Commission. However, the board has remained viable and has acted in the best interests of those people who are commonly referred to as, "blockies", that is, those people who work the industry. At all times the board has worked in the best interests of the industry. Indeed, that is the highest accolade one can confer upon an authority that is completely under the control of the Government. That board has remained viable.

I refer to a submission made by the Victorian Dried Fruits Board to the Industries Assistance Commission. Most honourable members would know that the dried fruits industry dates back to the turn of the century, that is, it was established during the soldier settlement scheme that occurred after the first world war, when the industry

started to prosper. A report by a Mr Tolhurst of Catherine Street, Canterbury, to the Industries Assistance Commission details the history of this industry.

The industry decided that the best course of action to take would be to initiate the State Dried Fruits Boards. Both South Australia and Victoria initiated a board to act on behalf of the industry in both States in 1925. In 1928, the prosperity of the industry created an export content that became national in character. Therefore, State legislation complemented the Federal legislation.

Following the establishment of the boards, there was litigation in the case of *James* v. *The Commonwealth,* which covered section 92 of the Constitution and the case of *Hartley* v. *Walsh* in 1937, which related to the packing sheds. I have touched on those areas of litigation initiated by people involved in the industry to illustrate the fact that the Australian Dried Fruits Corporation and the Victorian Dried Fruits Board were able to hold their heads high and counteract any opposition from people who were opposed to the prosperity of the industry. Naturally, the Federal legislation dealt with those matters concerning the uniformity of legislation between the States, quotas, quality, grades and specifications.

During the intervening years the industry has prospered immensely. Figures provided by the Commonwealth Statistician demonstrate that, from 1925 to 1929 the Victorian production of sultanas was 22 726 tonnes. The over-all production in Victoria of dried fruits was 32 993 tonnes. Based on the latest figures available for 1980, the Victorian production of sultanas was 67 487 tonnes. The over-all production of Victorian dried fruits was 74 888 tonnes. In one area alone the production of sultanas increased by 300 per cent over that period. Due to that increased production, the employment situation within the industry has also prospered. It should also be noted that the export content of the industry is 75 per cent. Therefore, the industry has a direct bearing on Australia's overseas trade balances.

During that period in which the industry has prospered, the Victorian Dried Fruits Board has acted on behalf of the entire Victorian fruit industry and in close co-operation with the industry at a national level. That board has remained a viable authority.

At the beginning of my remarks I stated that a motion was introduced last year which provided that the future of this authority be referred to the Public Bodies Review Committee. The Labor Party does not oppose that proposition. Twelve months ago, the time was not right, because the newly-constituted authority had more important work to do and it was necessary to have an authority that was viable. That does not mean that at some future time, when the Labor Party is in Government, it will not refer all State Government authorities to that committee.

I challenge the Minister on his statement in the second-reading speech that the Victorian Dried Fruits Board was esablished more than 40 years ago. However, that is immaterial.

The original intention of the Opposition was to move an amendment that the Bill be withdrawn and redrafted. That would be the most appropriate way of dealing with something with which one does not agree. However, to do that would be counterproductive, because honourable members were supposed to be out of this place on 4 December; we are still here on 16 December, and God only knows, even at this stage, when we are going to leave here.

In his second-reading speech, the Minister said:

> The Victorian Dried Fruits Board currently consists of seven members, five of whom are elected by growers. The current term of office of the elected members is due to expire on 31 December 1981, and in the ordinary course of events, an election would be required early in December.

How cheeky can the Minister get? Here on 16 December, honourable members are debating a Bill about which in his second-reading speech the Minister said:

> in the ordinary course of events, an election would be required early in December.

That is being extremely optomistic. The Deputy Leader of the National Party has strong feelings on this matter, and he is on my side. In effect, the Minister is saying, "I don't give a damn what you do, because no matter what you do, the time will have expired prior to the Bill being passed through all stages of the Parliamentary procedure and the election should have been held early in December". I am surprised at the Minister for being so lax in carrying out his duties, because the Bill could have been dealt with before now.

The Labor Party opposes the Bill in more than one area, but must concentrate on one area, and that is where the Minister said:

> In view of the reduced responsibility of the board, as I have outlined, it is proposed that the board be dissolved, and that a new board be appointed consisting of three persons charged with the responsibility of carrying out the remaining functions of the board and of submitting a report within twelve months on efficient procedures to be adopted to meet the reduced role.

The principal Act provides that seven members are to be appointed by the Governor in Council, of whom two shall be appointed by the Minister, one of whom shall be the chairman of the board and one of whom shall be the deputy chairman, and that three shall be appointed by growers producing dried fruits from fruit grown by them on land within the area comprised by the municipal districts of the Shire of Mildura and the City of Mildura.

The principal Act goes on in section 5(3) (*d*) to provide that one overriding factor is that one member shall be elected by the growers to represent them on this important board. The proposition now made by the Minister is that the Governor in Council shall appoint a member selected by the Minister.

I have just had a look at some of the recent appointments by the Ministry. Only this week in a question on notice I asked whether the Minister had appointed someone to the Poultry Advisory Committee. The Minister replied that he had appointed the best person for the job. That referred to the best person in his opinion. Similar things have taken place in the egg industry.

**The SPEAKER (the Hon. S. J. Plowman)**—Order! I do not think the egg industry has anything to do with this Bill.

**Mr FOGARTY**—No, But history has a habit of repeating itself with this Minister.

**The SPEAKER**—That may be so, but the honourable member must deal with this Bill and not with other industries.

**Mr FOGARTY**—The Opposition believes people working in an industry, whose whole livelihood is governed by the prospertity of the industry, should have the capability to appoint whomever they desire to represent them on any statutory authority involving their own livelihood. That involves you, Mr Speaker; you are elected to the office of Speaker and as the honourable member for Evelyn. It also applies to me.

**The SPEAKER**—That is rather an abstruse argument when applied to the Bill before the Chair.

**Mr FOGARTY**—No, the same thing applies; people elect the person whom they desire to represent them in all forms of government—State and Federal Government or the Sultana Board or the Dried Fruits Board. The Victorian Farmers and Graziers Associaton and other industry organizations are correct when they say that they have people with the capability to represent the industries under their control, and that they shall be elected by the people in that industry to represent the industry.

But suddenly now the Minister says that that is not good enough for him. The industry has prospered for 60 years; the Dried Fruits Act has been in operation for a number of those years. The industry has remained viable, but

suddenly the Minister is going to select one of his mates who he believes can do the job, not someone elected from within the industry. That is one of the Opposition's main objections to the Bill. The Opposition has no hesitation in saying that during the Committee stage it will move an amendment, because it would be counterproductive to do so in other sections of the debate. The object of the amendment will be to eliminate the situation to which we take exception.

The Minister in his second-reading speech stated:

> Clause 3 increases the contribution paid by registered packing houses towards the expenditure of the Board from a maximum rate of $2.00 to $6.00 a tonne of the quantity of dried fruits sold or forwarded from packing houses.

That is the easiest way for the Government to get around a situation. It has been doing it for the whole session. If anything is wrong, it "ups the ante" and increases the charges. Even at Commonwealth level, the Dried Fruits Corporation has increased its charges. I will not dwell on that matter, but when one reduces the number of people on the board from seven to three, that reduces the area from which expertise may be drawn. I am looking at quality, not quantity, and not objecting much to the number of people who will now be on the board. However, there are also growers, packing houses and employees to be considered, so the Minister will have to reconsider that part of the Bill.

One area with which the Opposition agrees is the provision that:

> Copies of the annual report and the audited statement of accounts will be forwarded to the Parliament within fourteen sitting days after they are received by the Minister.

Has this year's report been received by the Minister at this date? I should like the honourable gentleman to answer that question. As the Act now applies, the reports are forwarded during the height of the season. Honourable members must be realistic in their approach to this. The certain amount of elasticity provided in the Bill is acceptable by the Opposition. However, the Opposition believes definitely that people who earn their livelihood in an industry and who provide the basic ingredients have the ability and capability to elect people of their own choosing to represent them and the industry on statutory authorities.

**Mr WHITING** (Mildura)—In the view of the National Party, honourable members are witnessing the demise of the Victorian Dried Fruits Board. The proposal in the Bill is that the number of members on the board is to be reduced from 7 to 3 grower members, 2 of whom shall be appointed on the recommendation of the Minister from a panel of names of not less than 3 or more than 5 persons submitted by any organization or organizations considered by the Minister to represent growers of dried fruits and which has or have been invited by the Minister to submit a panel of names. This Socialistic provision was originally advanced by the honourable member for Warrnambool, while he was Minister of Agriculture, in respect of the Victorian Egg Marketing Board and another board. It has been used on two previous occasions.

The National Party believes the Bill is not democratic in any way. It leaves itself open to abuse, perhaps not by this Minister, but by some future Minister. Firstly, an organization must be invited to submit names; and when the names have been submitted it is somewhat of a lottery because it is up to the Minister to choose any one of the 3, 4 or 5 names submitted. It is obvious that under this provision not necessarily the best person to represent growers will be appointed. This is one area about which the National Party is extremely unhappy. The wrong persons may well be appointed to the board under such a system.

Members of the National Party also believe the reduction down to just three members is a first step towards abolishing the board.

One wonders who will operate some of these provisions when the change takes place. At present the board licenses packing establishments on an annual basis. In 1927, 34 establishments for packing and drying fruits were

registered in Victoria, but in 1981 there are two co-operatives and one private group in Victoria packing all the dried fruits.

There is not much involved in registration, and I presume the Department of Agriculture will take on that task. It has made a number of errors in understanding the complex situation within the dried fruits industry. A series of acronyms designate the various bodies and companies and they are confusing because of their similarity. There is the ADFA, the Australian Dried Fruits Association; the VDFB, Victorian Dried Fruits Board; the ADFC, the Australian Dried Fruits Corporation which was previously known as the Export Control Board; the ADFS, the Australian Dried Fruits Sales, a private company which arranges for the sale of all the dried fruit in Victoria and also on a number of overseas markets whereby separate companies have now been established in Japan, Canada and the United Kingdom and go by the titles of Dried Fruits Japan, Dried Fruits Europe and Dried Fruits Canada. People who are not familiar with the industry tend to confuse the various bodies, and an unclear picture is obtained. The Department of Agriculture is just as prone to making mistakes in this regard.

On the historical side, it is worth noting that a former chairman of the Victorian Dried Fruits Board was the Honourable James Miller Balfour, the late father of our respected and very popular honourable member for Narracan in this Parliament, and he had some small part in the early establishment of the board in Victoria. The Hon. J. M. Balfour was a member of another place in the mid to late 1930s and the early 1940s. He had experience not only in being a member of this Parliament, but also in the dried fruits industry and in those days, in the course of his duties, he made numerous visits to Mildura.

The fact that the Bill contains a clause to allow the Minister to choose the names of people to be appointed is inconsistent when contrasted with a piece of legislation which passed through the House recently. I refer to the Dieticians Bill, wherein the Minister of Health allowed the association of dieticians to elect its representatives to the Dieticians Board.

I cannot understand why the Minister of Agriculture and his predecessor are so obsessed with appointing people to various boards rather than allowing the normal process of democratic election to take place. They do not realize the possibility of abuse that can be made of this provision by some person other than the present incumbent of the position. The National Party is concerned that that situation can apply, and it should not apply in this case.

Two other operations of the Victorian Dried Fruits Board are to provide an appeal system to protect growers who are not satisfied with the grading of their fruit or the reduction for moisture, grit, waste or mould.

As growers deliver their fruit to a packing house, whether a co-operative or a private company, the management of that company is keen to make the greatest possible profit for its shareholders, and in any situation it is possible that growers may be dissatisfied with the policy of the company when deductions for mould, grit or rain damage in the product delivered to the packing house are made. At that stage the grower can complain about the deduction.

The grader of the Victorian Dried Fruits Board can, with a representative of the company, go through the produce and then a mutual decision is arrived at as to whether the deduction has been too high, too low or whatever. This is a valuable process for the mental satisfaction of growers who may have had doubts about the management of the company being either too harsh or too lenient with the product.

The Bill also provides statutory power for a voluntary, single pool marketing scheme, under which the proceeds from the sale of dried fruits in Australia are placed in the pool along with the proceeds from overseas sales. The situation varies from time to time, and sometimes the overseas price

is higher than the Australian price, but it is more usual for the local price to be higher than the overseas price because of our higher standard of living. The funds are then paid out to growers on a tonnage basis, so that everybody is in a reasonably fair position. The scheme has worked to the satisfaction of everybody involved for a number of years.

The board has acted to ensure quality control of the product and has also been required to inspect areas in which fruit is produced, to ensure that there are not a large number of noxious weeds, burrs or prickles or a great deal of sand or any of the other foreign substances that can contaminate a good product. Every year, the board's inspectors have inspected the drying facilities on all growing properties and made recommendations about improvements if they have been needed.

The Minister must give serious consideration to the problems that will arise if the board is dispensed with by the stroke of a pen and if no organization is left to carry on the activities I have referred to. I am sure the Minister must be having second thoughts, because problems have cropped up over a period. As the honourable member for Sunshine mentioned, there have been a number of court cases and a Privy Council decision in the James case, in which section 92 of the Constitution was contested, means that free trade between the States will continue. Therefore, the Victorian Dried Fruits Board is a necessary organization and it is necessary for growers to be able to have confidence in the board and to elect their representatives to positions on it.

At present, some members of the board represent parts of Victoria in which little dried fruit is now grown and there may be a case for reducing the number of grower representatives. It might be that four or five grower members would be the ideal number. The National Party does not agree with the proposals of the Minister and I indicate that it will oppose clause 2 during the Committee stage.

*Mr Whiting*

**Mr AUSTIN** (Minister of Agriculture)—I thank the honourable member of Sunshine and the Deputy Leader of the National Party for their contributions to the debate on this important but small Bill. The Deputy Leader of the National Party expressed concern that the Bill could mean the demise of the Victorian Dried Fruits Board. I can assure the House that that is certainly not the intention of the measure. The board will have a reduced responsibility because the Australian Dried Fruits Corporation will have responsibility for export marketing.

**Mr Whiting**—It always has had.

**Mr AUSTIN**—It will have an increased responsibility and the Victorian board will have a reduced responsibility in that area. The Government believes it is appropriate to have a small, efficient board. Both honourable members expressed, as could have been anticipated, their concern about the way in which the board is formed; in other words, that it is appointed by the Minister, after receiving a panel of names for the two grower representatives.

This argument has taken place many times when other boards and statutory authorities have been constituted. It is the policy of the Government in relation to agricultural boards to use the system embodied in the measure. I feel strongly that if we want boards that perform in the best interests of their industries, it is wrong for growers to have the right to elect all of the members of those boards. That system has not worked well in the past and it has been proved that growers are not necessarily the best and right people to be making commercial decisions about the future of their industries. Since the current system has been in operation, it has become apparent that the boards and authorities have worked in the best interests of their industries and have been successful.

It is important that at the end of twelve months the new board will report on the future of the industry. It is believed that it will be in the best position to decide what is in the best interests of the dried fruits industry and, after twelve months, a

decision will be made on what the constitution and functions of the board should be.

The motion was agreed to.

The Bill was read a second time and committed.

Clause 1 was agreed to.

Clause 2 (Amendment of No. 6239 s. 5)

**Mr FOGARTY** (Sunshine)—I move:

Clause 2, line 5, omit "an officer of the Department of Agriculture".

That means that the clause will read, in part:

. . . one shall be nominated by the Minister, who shall be appointed as chairman of the Board.

This matter has been mentioned by the Deputy Leader of the National Party. Some chairmen of the board have not been officers of the Department of Agriculture and they have performed their tasks extremely well. I believe the present chairman is a judge, who has done an excellent job.

The amendment was negatived.

**Mr FOGARTY** (Sunshine)—I move:

Clause 2, lines 8 to 34, omit all words and expressions on these lines and insert:

'(*b*) two shall be elected as hereinafter provided by growers producing dried fruits from fruit grown by them on land in Victoria who are enrolled under this Act.

(4) A person appointed as chairman shall hold office for the period not exceeding three years for which he is appointed but shall upon the expiration of such period be eligible for re-appointment.

(5) The persons elected as members pursuant to sub-section (3) (*b*) shall hold office for the period not exceeding three years for which they are elected.".

That means it will be necessary to have two registers, one for the Victorian Dried Fruits Board and one for the Australian Dried Fruits Corporation. In effect, the representatives shall be elected by the growers on their behalf.

**Mr WHITING** (Mildura)—I am amazed by the attitude of the Minister of Agriculture in his reply to my earlier comments. It strikes me that he and some of his Liberal Party colleagues intend to return to the days of landlords and peasants, because growers are not able to represent an industry that they have spent a lifetime in on a board that controls certain aspects of the dried fruits industry. It is up to the Minister or a member of the Government to choose who in their view may be better than someone else.

Under the Bill, as it is presently drafted, the provision could well mean that two persons elected to the board could be directors of packing companies, and who may also be growers. In fact, one of the managing directors of a leading proprietary company who is a grower in the area could well have his name submitted, if the Minister asked for the right group to provide a list of names. Who are we to decide who is right for the position and who is not? The Minister has not suggested that growers should have the right to submit names of people for election to the board.

The honourable member for Polwarth indicated that anyone may submit names, but the wording of the proposed new subsection 2(3)(*b*) does not indicate that. It reads as follows:

(*b*) two shall be appointed on the recommendation of the Minister after the Minister has considered panels of not less than three and not more than five names of persons submitted by any organization or organizations considered by the Minister to represent growers of dried fruits and which has or have been invited by the Minister to submit panels of names.

I suggest that first the Minister must invite the group to submit a panel of names before he consider them. That is impossible under the clause as drafted. The amendment moved by the honourable member for Sunshine allows for the election of two members representing growers, therefore the National Party supports it.

Proposed new subsection (4), as contained in the amendment is supported by the National Party because it allows for the appointment of a chairman who shall hold office for a period not exceeding three years for which he is appointed but shall upon expiration of such period be eligible for re-appointment. It places a three-year limitation on the chairman appointed at that time and although the former chairmen—two of them being members

of the judiciary—have done extremely well in the position and have been chairmen of the board for a number of years, who knows if in the future the person appointed as chairman will be satisfactory? This provision allows for his re-appointment. The National Party is prepared to support that. Again it allows for the two elected persons to hold office for three years following the term for which they were previously elected.

The amendment improves clause 2 and, if it is not carried, obviously the National Party will oppose the clause.

**Mr AUSTIN** (Minister of Agriculture)—The Government does not accept the amendment. I understand the comments made by the Deputy Leader of the National Party because they are consistent with the policy of the National Party.

It is not always easy for an industry to select the right people to represent it on boards of this nature. I qualify that statement by saying that a certain parochialism must exist in any given industry, or any given district, and it is far more satisfactory for a panel of names to be submitted and a person independent of that geographical area or that industry to make the decisions. When that has been done in the past, it has worked in the best interests of that board and will do so again.

**Dr COGHILL** (Werribee)—I support the amendment moved by the next Minister of Agriculture. The views he expressed and the views expressed by the Deputy Leader of the National Party were put well and accurately reflected the views and the best interests of the industry.

It is extremely disappointing for the Labor Party to receive such a negative approach from the Minister. One would have hoped that, as a man of reason, he would have listened to reason and common sense and accepted the views put by the honourable member for Sunshine and the Deputy Leader of the National Party. One would have hoped that he would also have taken the lead that prevails in other States that have similar complementary legislation.

I draw the attention of the Committee to the situation in New South Wales, where one member is appointed and four are elected to the board. In South Australia, two members are appointed and three are elected to the board. I point out again that the majority of members are elected. In Western Australia, one member is appointed and four members are elected to the board. It is obvious that other States have confidence in growers in the dried fruits industry and there is no reason why the Victorian Parliament, through this Bill, should not express the same confidence.

The Minister suggested that it is not easy for the industry to come up with, what he terms, the right names. Mr Acting Chairman, you would be well aware of the fact that the Government has had difficulty in coming up with the right names and indeed has preferred people of its own political persuasion to those who represent the industry.

The Committee divided on the question that the expressions proposed by Mr Fogarty to be omitted stand part of the clause (Mr A. T. Evans in the chair).

| | |
|---|---|
| Ayes .. .. .. | 38 |
| Noes .. .. .. | 36 |
| Majority against the amendment .. .. | 2 |

AYES

| | |
|---|---|
| Mr Austin | Mr McKellar |
| Mr Balfour | Mr Mackinnon |
| Mr Birrell | Mr Maclellan |
| Mr Borthwick | Mrs Patrick |
| Mr Burgin | Mr Plowman |
| Mrs Chambers | Mr Reynolds |
| Mr Coleman | Mr Richardson |
| Mr Collins | Mrs Sibree |
| Mr Cox | Mr Skeggs |
| Mr Crellin | Mr Smith (*South Barwon*) |
| Mr Dixon | Mr Smith (*Warrnambool*) |
| Mr Dunstan | Mr Templeton |
| Mr Ebery | Mr Weideman |
| Mr Hayes | Mr Williams |
| Mr Jona | Mr Wood |
| Mr Kennett | |
| Mr Lacy | |
| Mr Lieberman | |
| Mr McArthur | *Tellers:* |
| Mr McCance | Mr Brown |
| Mr McClure | Mr Tanner |

NOES

| | |
|---|---|
| Mr Cain | Mr McGrath |
| Mr Cathie | Mr Mathews |
| Dr Coghill | Mr Miller |
| Mr Crabb | Mr Remington |
| Mr Culpin | Mr Rowe |
| Mr Edmunds | Mr Sidiropoulos |
| Mr Ernst | Mr Simmonds |
| Mr Evans | Mr Simpson |
| (*Gippsland East*) | Mr Spyker |
| Mr Fogarty | Mr Stirling |
| Mr Fordham | Mr Trewin |
| Mr Gavin | Mr Trezise |
| Mr Ginifer | Dr Vaughan |
| Mr Hann | Mr Whiting |
| Mr Hockley | Mr Wilkes |
| Mr Jasper | Mr Wilton |
| Mr Jolly | *Tellers:* |
| Mr King | Miss Callister |
| Mr Kirkwood | Mr Walsh |

PAIRS

| | |
|---|---|
| Mr McInnes | Mrs Toner |
| Mr Ramsay | Mr Roper |
| Mr Thompson | Mr Ross-Edwards |

**The CHAIRMAN (Mr A. T. Evans)**—Order! The time for me to report progress under Sessional Orders has arrived.

Progress was reported.

**The SPEAKER (the Hon. S. J. Plowman)**—The time appointed by Sessional Orders for me to interrupt business has now arrived.

On the motion of Mr MACLELLAN (Minister of Transport), the sitting was continued.

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

Clause 2 was agreed to.

Clause 3 (Increase in maximum contributions towards expenditure)

**Mr WHITING** (Mildura)—Clause 3 relates to the levy that is applied by the Victorian Dried Fruits Board on growers and under the principal Act the amount levied is $2 per tonne. Under the principal Act it is provided that the levy of $2 per tonne shall be deducted by each of the packing houses to provide funds for the operation of the Victorian Dried Fruits Board. The funds raised are designed to cover the cost of inspection by inspectors of the Commonwealth Department of Primary Industry, who are appointed to ensure the quality of the fruit that is to be exported and at the same time to control the quality of fruit under contract to the Victorian Dried Fruits Board, which offers the fruit for sale within Australia.

Although the sum of $2 per tonne did provide a reasonable margin in the past, in view of the increased cost of inspection, particularly by inspectors of the Commonwealth Department of Primary Industry, it has been deemed necessary to increase the amount of the levy.

I wonder why the amount has been raised to $6 per tonne? It is a big increase and I hope the Minister of Agriculture can provide some explanation on why the levy needs to be increased by this amount, particularly when the honourable gentleman has indicated that the functions of the board are to be cut very considerably.

The operating costs every year would be reduced considerably. The Minister should explain to the Committee and, hopefully, between here and another place it may be possible to reduce that amount to a lesser degree.

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

Clause 6 (Term of office of existing members)

**Mr FOGARTY** (Sunshine)—Clause 6(3) reads:

> The Victorian Dried Fruits Board as reconstituted by this Act shall within twelve months of the appointed day or such later date as may be determined by the Minister of Agriculture prepare and submit to the Minister a report containing recommendations as to the future role and functions of the Board.

The functions of the board are clearly spelt out in the Act, and it is the responsibility of the board to fulfil those functions. However, what does the Minister mean when he talks about the future role of the board? The Minister shall appoint whom he so desires to represent him and the industry on that board. Are they going to commit hari kari and make a recommendation that will ultimately mean their own downfall and the demise of the Victorian Dried Fruits Board? This is one point raised by the Deputy Leader of the National Party. It could mean the end of the board as it is now known.

Would it not be the function of the Public Bodies Review Committee to go through all areas of its administration of the Dried Fruits Board and then make a report to Parliament, which shall then decide its future role?

**Mr AUSTIN** (Minister of Agriculture)—It is a matter of opinion who is the best person to make a recommendation as to the future of the board. It is considered by the Government that this three-man board would be in an ideal position to make recommendations as to what is in the best interests of the industry in relation to a board or otherwise in the future. I emphasize that it is merely asked to make a recommendation to the Government and the Government can take up that recommendation as it sees fit at the time.

The clause was agreed to.

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

## LOTTERIES GAMING AND BETTING (AMENDMENT) BILL

The debate (adjourned from September 15) on the motion of Mr Maclellan (Minister of Transport) for the second reading of this Bill was resumed.

**Mr TREZISE** (Geelong North)—This Bill amends the Lotteries Gaming and Betting Act. In some ways it assists clubs, particularly those wishing to raise funds from raffles. It is a disaster for other clubs that have been raising funds from bingo over the past few years. The Bill emphasizes the Government's lack of gaming experience, which is not only costing the State millions of dollars in revenue but it is treating the gaming industry, one of the few growth industries, with contempt.

It must be borne in mind that 11 per cent of the State's taxing sources come from gaming, and this amounts to $1600 million each year. The Government continues to stumble along in the dark meeting pitfall after pitfall, and another pitfall is struck by the disastrous bingo tax proposals. It will be a disaster not only for the clubs, but also for the Government, because clubs will turn away from bingo to illegal gambling activities. The honorary officials of bingo who now work as law-abiding citizens will conduct illegal activities. They will be dragged through the courts, and these illegal activities will not raise one single cent for the coffers of this State.

Clause 11 increases the turnover tax on bingo from 2 per cent to 5 per cent for charities, and from 3 per cent to 8 per cent for sporting and recreational clubs. This is the highest bingo tax imposed by any State Government today. The Government has rushed in without experience, without consultation, particularly with the industry, and without knowing how the bingo clubs operate. However, because of the widespread protests and deputations from the clubs to the Government, criticizing the Government for bringing in hasty legislation that would cripple the clubs, the Government has realized its mistake. Not only did the bingo clubs protest, but as soon as the Bill was presented the Labor Party pointed out to the Treasurer and the Attorney-General that the bingo tax was intolerable for the future of the bingo industry, and that the 8 per cent tax was the highest in Australia. Because there was a ceiling on turnover, many clubs playing bingo had to pay 50 per cent of their normal profits straight into State taxing revenues.

In the past four years, because of the lack of flexibility in the legislation, or the lack of observation of how bingo is working in this State, and because of the inflationary prices for hall hire, printing, for supper and other essential costs associated with bingo, the profits of these clubs have been seriously eroded. This has meant the final death blow to the profitability of many clubs.

It seems that the Treasury officials wanted money and they were going to get it out of the bingo clubs without realizing the effect this bingo tax would have on the rank and file clubs. They did not realize that reduced profits would make it impossible for clubs to operate, particularly those honorary

clubs whose officials have guaranteed their personal assets against borrowings of the clubs, to banks and finance companies, for building programmes. For example, some matters were brought to my attention which I referred to the Attorney-General, including the fact that an honorary official of one club had mortgaged his home with a bank, based on the normal profitability of the bingo games of his club continuing in the years ahead. If this Bill is passed, as this gentleman pointed out to the Attorney-General, he will lose his home as a result of that mortgage.

My party received an approach from the Quadreplegic and Paraplegic Sporting Association of Victoria, which in recent weeks, has conducted its international games. That association pointed out to me last October that, if the Bill went through at that stage as was proposed by the Government, it would not be possible to finance those games.

Numerous other examples have been given of the way the Government has stumbled along in the dark, putting officials at peril so far as the clubs were concerned, with many people also putting their personal assets at risk. Protests came from Returned Services League clubs, sporting clubs, schools, churches and so on demanding that the Government wake up, realize what it has done and what the effects on bingo clubs would be. The Government should back down until it has at least had consultation with the industry.

I point out that this is another of numerous sommersaults the Government has taken in backing down on gaming issues in recent months. The policy of the Labor Party is to establish a gaming review board to review all matters relating to gaming to determine the effects on tax revenue and the effects on the clubs concerned and the community to consult with each gaming industry and to coordinate all gaming under one central authority. The gaming industry in this State is shared by four or five departments and Ministers, not one of whom has much experience, knowledge or interest in his responsibilities in that area.

If the Government had examined the bingo industry itself, it could have offered the industry some sort of avenue for accumulating revenue. When the matter was first raised in Parliament by way of question without notice to the Treasurer, he said the bingo clubs are lucky that they do not pay tax, as does the George Adams organization with Tattersall's, of about 32·5 per cent. The Totalizator Agency Board is charged approximately 17 per cent by way of tax, whereas bingo clubs will be charged only 8 per cent. One big difference the Treasurer did not know about then, and perhaps does not know about now, but I hope he will learn, is that Tattersall's lotteries and the Totalizator Agency Board do not have ceilings imposed on the number of tickets they are permitted to sell. No ceiling is imposed on the profit that the Totalizator Agency Board or Tattersall's can make. The higher their turnover, the greater the chance of their meeting increased costs. Surely the Government, before imposing this bingo tax, should have considered allowing the clubs to sell more tickets than at present or perhaps to conduct two sessions in one.

At present, clubs can conduct two sessions a week with a ceiling on the number of tickets sold. That means double hall hire costs, double lighting costs and double supper costs. Twice a week, the honourary officials go out often in the rain to conduct sessions. If a club could combine into one session the number of tickets previously sold at two sessions, they could halve the cost of hall hire, the cost of lighting and the time that honourary officials spend away from their homes. At present, a person arriving at a bingo hall may be turned away because all the ticket limits have been sold. That is in contrast to the policies applied to the Totalizator Agency Board and Tattslotto.

The Government should also have considered that, in many instances, the best venue, such as a local hotel or hall, may be monopolized by one club

on the best night of the week, thus taking the cream off the cake. The Government should consider whether two clubs could conduct combined bingo sessions at the one time in the one hall, thus halving costs and giving both the opportunity of using the best facilities on the best night for the assistance of both clubs. Numerous other matters could have been considered, such as increasing the price of a bingo ticket. It is more than four years since the initial price was set. Inflation is another matter that should have been considered before this hasty resort to legislation.

The proposed legislation will again be a disaster for the bingo clubs and is another example of the Government's ignorance of the way gaming operates in this State. Irrespective of whether one considers horse racing, harness racing, dog racing, Tattersall's or bingo, millions of dollars are wasted by incompetence, bungling and lack of knowledge on the part of the Minister and his department.

The Bill also deals with raffles. The Labor Party supports the progressive move in respect of raffles. Inflation has continued to rise and the amounts allowed for raffles by clubs should help clubs to cater for inflation. The Labor Party is not opposed to that amount being lifted to the 1981 level.

A matter in the Bill which may be controversial is the lucky envelope vending machines which will now be legal in licensed premises, club-rooms and sporting clubs. However, the Government should be warned to tread warily because, as with any new system, some people will look for the loophole and try to work the lurk to overcome the system and make an extra dollar for themselves. Care must be taken that hotel premises are not monopolized by one sporting club installing, say, eight machines and forcing other local clubs out of the prime position. It would be possible for a large football or cricket club to dominate all licensed premises, starving out the smaller clubs.

Care must be taken to ensure that hoteliers do not overstep the mark by charging clubs outside the back door for use of their premises for the installation of vending machines. If there were one or two hotels in a town with four or five sporting clubs, it would be easy for an hotelier to say to a club, "You can install your machine in my hotel provided that you pay me not only for the liquor that the recipients of prizes take, but also kick back an extra $10 a week for rental or hire".

These things may go on. If hoteliers are found breaching the proposed legislation, steps must be taken to safeguard the clubs and to overcome what will undoubtedly be teething problems in a new industry.

The Opposition supports some measures in the Bill but, on behalf of every bingo club and every bingo player throughout the length and breadth of Victoria, I protest at the Government's imposition of tax by this Bill. The Opposition demands that the Government follow the lead of the Labor Party and withdraw any reference to any increase in bingo tax and charges until a full review has been conducted of the bingo industry in Victoria.

**Mr TREWIN** (Benalla)—On behalf of the National Party I express sentiments similar to those of the honourable member for Geelong North, particularly regarding bingo. Members of the National Party received representations following the publicizing of the Bill and the amount proposed to be levied on bingo clubs. The increase from 2 per cent to 5 per cent and from 3 per cent to 8 per cent in some instances created a stir among bingo clubs. I am told that steps are under way to delete those clauses from the Bill, and it will be interesting to hear from the Minister.

Since the legalization of bingo many sporting organizations have taken advantage of the opportunity of raising funds by this method. It is also an important new interest for many people who formerly had not been able to participate in any form of recreation. The result has been that many bingo clubs have proved profitable. Before the legalization of bingo many clubs found

difficulty in raising funds. With the introduction of bingo the social atmosphere of many clubs improved as well as the amounts of money they could raise.

The suggested increase in levies on charitable organizations is unfair when one considers that in many cases the funds are raised not only for individual clubs but also for State-wide charities. The honourable member for Murray Valley objects strongly to the proposed increase. After circulating several bingo clubs, he ascertained a strong reaction and realized that any increase would not be taken lightly. Consequently, on behalf of the National Party, he organized meetings with the Attorney-General and representatives of the Raffles and Bingo Permit Board. The National Party would have moved an amendment if consideration had not been given to the representations.

The Bill also deals with raffles, and this provision is long overdue. Many raffles are conducted by small clubs on Friday or Saturday evenings to raise a few dollars for club funds. The National Party was concerned that latitude was not given to these people. The difficulty will be overcome with the passage of the Bill, and clubs will be able to conduct raffles without seeking formal legalization. In other words, sporting clubs and so on will be able to conduct raffles without upsetting anyone in the community.

Trade promotion lotteries are now legally permitted. The people involved must have certain qualifications, the most important of which is that they must be eighteen years of age. This is important when one considers that children are often roped in to sell raffle tickets. The person must also be of good repute and must pay a fee. This system used to operate in the past and, under the provisions of the Bill, will now be legalized.

Provision is also made for lucky envelope vending machines, which is an innovation. A similar practice takes place now whereby a person simply puts his or her hand into a hat and chooses a number. In this case the machines will not require so much personal handling. I understand that the machines are ready to be placed wherever they are required. Provision is made for the machines to be located on licensed premises and unlicensed clubs. Will the Minister comment on the definition of an unlicensed club? Is it a club where alcohol can be consumed? One must remember that some unlicensed clubs do not allow liquor to be kept on the premises, sold or taken away. It is possible that a person may win one or two bottles of ale and may wish to take them away and consume them. There may be a conflict with the licensing Act in this regard.

I cite the example of the Returned Services League and football clubs and the Good Friday Appeal, as organizations that are looking forward to the introduction of the proposed lucky envelope vending machines. Literature has been circulated to hotels suggesting that a portion of the returns obtained from these proposed machines be made available to the Good Friday Appeal. However, the proceeds from those machines will mean that those people who volunteer to collect for the Good Friday Appeal will no longer have that opportunity. These proposed vending machines could detract from the generous support that is given to the appeal by so many thousands of people who, in many instances, use the appeal to make their one and only annual donation to a worthy cause.

The proposed vending machines will display names that will indicate the organizations to which the proceeds of the machines will be paid. It appears as if these machines are heralding the introduction of poker machines into Victoria. After all, one has to put a coin into the proposed vending machines to obtain a ticket. I have been informed that a recording will be kept of the number of coins that are fed into the machines. That will provide an indication to the owner of the machines and the organization involved that the right result is being obtained.

It is interesting to note that a poker machine does not record the number of coins that are fed into it. There can

be no doubt that at some stage a Victorian Government will be looking more closely at legislation to introduce poker machines.

These proposed vending machines will represent a mechanized form of gambling. The National Party supports the Bill, especially the provision relating to the operation of raffles that are beneficial to many fund-raising groups that direct their efforts to various charities. The promotion of lotteries will prove significant in some areas.

The National Party is opposed to that provision of the Bill relating to the increased levy on bingo. However, I have been informed that that provision will either be amended or withdrawn and that the bingo levy will not be increased.

**Mr MACLELLAN** (Minister of Transport)—I foreshadow an amendment to clause 9 in the Committee stage, which will mean that the Government, having received representations from all parties, will not proceed with the increased collection of the surcharge, nor will the proposed surcharge increases be dealt with and that the limit on prize money will not be proceeded with. The Bill will appeal to all sides of the House.

The motion was agreed to.

The Bill was read a second time and committed.

Clauses 1 to 8 were agreed to.

Clause 9 (Amendment of No. 7429 section 6B)

**Mr MACLELLAN** (Minister of Transport)—I invite honourable members to vote against this clause.

The clause was negatived.

Clause 10 was agreed to.

Clause 11 (Amendment of No. 7429 section 6D.

**Mr MACLELLAN** (Minister of Transport)—I move:

Clause 11, omit paragraph (*a*).

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

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

## EDUCATION SERVICE BILL

This Bill was returned from the Council with a message relating to amendments.

It was ordered that the message be taken into consideration next day.

## RAILWAYS (AMENDMENT) BILL

The debate (adjourned from September 15) on the motion of Mr Maclellan (Minister of Transport) for the second reading of this Bill was resumed.

**Mr WALSH** (Albert Park)—This Bill repeals section 11 of the Railways Act and substitutes a new section 11. The existing section empowers the Victorian Railways Board to contract with railway companies. The new section will empower the board to grant permission with respect to the use of rolling-stock.

The board has been negotiating with a company called Steam Age Australia Pty Ltd since 1979 on the use of a modern steam hauled convention and excursion train concept which will be called the *Melbourne Limited*. It appears from copies of agreements and correspondence that VicRail and the company have agreed on the matter.

The concept of running a tourist excursion and convention train using steam power is basically supported by the Opposition. It is probably a good idea and it is a new venture that the company is undertaking. The steam train which will be used will be an "R" class engine which the company has already bought and is having restored at Bendigo. The company also has the right to buy another "R" class engine which has been made available to it. The company was to purchase nineteen carriages from VicRail, but I understand that it purchased only fourteen at $10 000 each, making a total cost of $140 000.

Correspondence has been exchanged between VicRail and the Managing Director of Steam Age Australia Pty Ltd, Mr T. Binns. It is intended to rent back the carriages to VicRail to be used as rolling-stock at a rental of $90

each a week. For the fourteen carriages $4680 each a year will be received, making an annual total of $65 520.

Many problems are apparent in the agreement, and the Opposition believes that further negotiations should be conducted on the question. For instance, if a carriage is destroyed or damaged while under hire to VicRail, it must be replaced or repaired provided that if the cost of replacement or repair exceeds $14 000, VicRail will have to pay $40 000 to the Steam Age company. Private insurance should be taken out to cover excessive damage.

The Opposition is not against the hire of these carriages to VicRail because of the shortage of rolling-stock in the State. I understand that the carriages will be on hire until about March 1983. All the cars must be returned at the one time. The "N" class carriages should be ready by then. The honourable member for Knox indicates that he is keeping his fingers crossed, hoping they will be ready at that time.

The Opposition accepts the concept of hiring the carriages but opposes the payment of $40 000 if the carriage is damaged. That agreement should be renegotiated and I hope the Minister will heed that suggestion.

The idea of the Steam Age company in operating an excursion train is to try to brighten up the railway system. The train carriages will be coloured blue and yellow and they will look flamboyant running around on these excursion tours.

I also understand that the carriages will be brought up to the standard required by VicRail, and that that work is being done at the railway depot at Spotswood. I hope that the people doing this work have experience in it and an understanding of the requirements. I do not know if it will be possible to bring the cars up to the standard envisaged by the Steam Age company. The carriages will be carpeted throughout and fitted with reclining aircraft type seats. When the venture goes into full operation, a convention carriage will be attached, and this will have a first-class catering service.

I understand that the Ansett group will be involved in the scheme and that people will be coming from overseas to charter the train for functions. However, families probably will not be able to afford to undertake tours on this excursion tourist train. The train will be used mainly by business people from overseas or interstate.

I have some reservations about the viability of the proposition in the long run. I have done some homework on the costs that will be incurred, even though some will be offset by the hiring of the carriages to VicRail. A profit of $3000 or $4000 a week would be needed to make the proposition viable. The venture may begin well, but I hope that in future the company will not have to rely on the guarantee of a subsidy from the Government to keep its tourist and convention train going. The future of the project must be considered, and, as I said, although it may begin well, some long-term problems may occur.

In the short term it will be an embarrassment to VicRail. There are not enough trains available for an organization which desires to hire a train and go on tour in the State. One train which is not used enough is the *Train of Knowledge*. I do not know whether any honourable members have seen it. It is an excellent train which is hired out to schools and so forth for excursions. It should be advertised more widely for use not only on school days but also on school holidays when trips could be made by families who could live and sleep on the train. It could be made available to people in sheltered workshops. I understand the *Train of Knowledge* makes a profit. It may not be large, but the expenses are not astronomical.

Over the past year or so groups have contacted members of the Labor Party advising that they have not been able to obtain a train at various times. In December last year the Camperdown High School could not get transport to Melbourne for 280 school children. It was offered only three cars which could take 220 children. This year the Stawell Gift Committee requested a special

train for the gift's one hundredth anniversary celebration but could not get a special train. It is an indictment of the Government not to have those sorts of trains available. A scout group also tried to hire a train for 550 boys involved in a convention somewhere. They had to be conveyed by motor vehicles to their destination. VicRail should enter into tourist excursions and the convention train area.

Looking at the correspondence that the Minister has provided, one finds that there appears to be a case for what Steam Age Australia Pty Ltd wants to do. It has the support of the Labor Party. It is hoped that it may be one of the last, and that VicRail may be able to go into this type of operation itself in the future, if it is viable. The historical railways group supports the Bill. I have contacted it and many other societies in the State regarding the measure.

In the Committee stage the Labor Party will move an amendment that each such agreement shall be tabled in the House on not more than seven sitting days after the date of the agreement. This will be done because of the problems that exist with the two present agreements. If it is not done, similar problems could arise in the future. Parliament and the people should know about these things. During the Committee stage, I hope the Minister will accept the amendment.

**Mr B. J. EVANS** (Gippsland East)—This Bill is designed to facilitate what might be termed a new approach by the railways, a novel venture. The National Party supports the initiative taken in this regard. It wishes the project success and supports the Bill.

**Mr CRABB** (Knox)—I support the comments of my colleague, the honourable member for Albert Park. Certainly the Opposition supports the intent of the Bill but it has been more than a little concerned about the specific agreement to which the Act is aimed, the agreement with Steam Age Australia Pty Ltd.

This Bill has been bobbing up and down on the Notice Paper for some weeks and the reason has been that my colleague and I suggested to the Minister that both he and we would be better served if we saw a copy of the intended agreement before the Bill came before the Parliament. I am grateful that the Minister accepted that advice and that it has been possible to cite the agreement. My reason for concern is that the rental intended to be paid by VicRail per annum amounts to 50 per cent of the cost of the second-hand vehicles and virtually that means that VicRail will pay over a two year period what it costs the Steam Age Australia Pty Ltd shareholders to purchase the cars in the first place from the Australian National Railways. I understand the carriages were used recently on the Adelaide to Victor Harbour line.

I am informed that the $90 a week which is intended to be paid as rental for each carriage was calculated supposedly at what it cost to maintain a wooden carriage, which hardly seems a basis on which to calculate the rent of a piece of capital equipment. However, I understand that that depended on delivery of the carriages being made by 18 December this year an event which is not likely to occur. Consequently, the agreement is likely to be renegotiated in the light of this debate and the knowledge that the Minister and other honourable members have. There is no objection to VicRail leasing these carriages just as it now leases freight wagons from and to other systems on a regular basis. The Opposition has merely raised a matter of concern that the basis on which this is being done is something less than a commercial basis. That is not in any way casting aspersions on the intentions of Steam Age Australia Pty Ltd whose members are train enthusiasts rather than entrepreneurs although it is not to say that they will not want to make a quid if they have the opportunity. The prime motive seems to be restoring steam trains, but most people would want to run their hobbies profitably.

The amendment to be moved in the Committee stage by the honourable member for Albert Park deserves the

support of the House and the Labor Party will put its argument on that during the Committee stage.

**Mr REYNOLDS** (Gisborne)—I support this Bill. I was the initiator in introducing Steam Age Australia Pty Ltd to the Government in July 1979 when Mr Binns first called on me. Quite a lot has happened since that time. Rail and steam rail enthusiasts are usually amateurs and amateur organizations. This is a professional organization run by businessmen and it will be run for a profit. There is no doubt that with their expertise, particularly in the media world and the entrepreneurial world, they have the ability to make the organization run at a profit. I believe it is a magnificent project which will provide an excursion train for launching products, for picnic race days in the country and so forth and will help our vastly untapped tourist market as well as being used for school excursions. The honourable member for Albert Park mentioned that the price might be out of the range of the ordinary man. If Steam Age does set its prices too high, it will soon go out of business and will fail to achieve what it is setting out to do. It will have to set its price according to the market. If people cannot afford to travel on it, the company will have to drop the prices.

The train will have full catering facilities, a bar service, comfortable seating, audio-visual equipment and it will be fully carpeted. I am firmly convinced it will work. The public is fascinated with steam. Most of us wanted to be train drivers when we were children and that fascination continues through later life, so we can really appreciate a bright and shiny new steam train, which is what *The Melbourne Limited* will be. The people involved are experienced in promotion, advertising and presentation, and the train will be green, red and white. It will be shining bright, clean, eye-catching and colourful.

How will it help VicRail, the Government and, most of all, the people of Victoria? It is a first in Australia, for a start, in that this will be the first occasion on which a State rail system will allow private enterprise to run a joint prestige tourist service. VicRail will be seen to be innovative and imaginative. It will improve the image of VicRail. Although the Government is working on that area with some success at present, it will be a much needed improvement in the image. It will also enhance the reputation of VicRail because *The Melbourne Limited* will be seen as belonging to VicRail, not Steam Age, by the general public.

The project will not cost the Government a penny. The company will pay to run the train on VicRail's lines and it has not asked for any Government funding, nor will it require Government funding. The financial risk is entirely the company's, not the Government's. The project will also assist the Government by helping Government funded tourist projects. It will be able to link in with many organizations, such as airlines, motels, hotels, bus companies, other railway project operations and the like. Many firms have supported and endorsed the project, which will be a prestige tourist service.

Another benefit to VicRail will be that it will be possible to enter into lease back arrangements for rolling-stock or locomotives, particularly during the grain harvest. There is no doubt that VicRail's record shows that it maintains this equipment better than any other organization.

A matter of concern to country residents that has not yet been mentioned is the fire risk that occurs with steam engines in the summer period. The usage days will be strictly controlled during the declared summer period and there will be absolutely no movement of the engine on days of total fire ban.

The company is responsible for the provision of coal and water and it will also provide and maintain its own equipment to the accepted standards of VicRail. That is included in the agreement. It will meet all safety and health requirements and will provide employment for VicRail employees. As I am sure the honourable member for Knox will know from talking to his

friends in this organization, there has been support for the project from the Australian Federated Union of Locomotive Enginemen and VicRail employees are keen to work on it. Steam Age has had no problem in obtaining staff and there are plenty of steam crews available to man the train.

Steam Age Australia Pty Ltd will fully protect VicRail, the company and passengers with the necessary insurance cover, so that if there were to be an accident there would be no risk to the Government or to the community. It will conform to VicRail by-laws, rules and regulations, as well as the safe working codes and maintenance standards, as well as, of course, meeting main line traffic requirements. It will also comply fully with the regulations of the Environment Protection Authority.

I believe this is private enterprise at its best. It should be encouraged. It is unique and innovative. I wish the Bill a speedy passage through this House and another place.

**Mr MACLELLAN** (Minister of Transport)—I thank honourable members for their support of the Bill and I indicate that it is the Government's intention to accept the general thrust of the amendment to be moved by the Opposition. If the amendment were to provide for fourteen sitting days rather than for seven, the Government would accept it entirely. I shall make further comment when the amendment is moved.

The motion was agreed to.

The Bill was read a second time and committed.

Clause 1 was agreed to.

Clause 2 (Board empowered to grant commission with respect to use of rolling-stock)

**Mr WALSH** (Albert Park)—I move:

Clause 2, page 2, line 5, at the end of the clause insert "and the Board shall cause a copy of each such agreement or a memorandum setting forth any terms and conditions agreed upon to be laid before each house of Parliament not more than fourteen sitting days after agreement is reached on those terms and conditions".

I point out that the amendment covers only the agreements contemplated by the Bill and does not refer to the hiring of carriages or rolling-stock from New South Wales, some other State or the Commonwealth.

**Mr MACLELLAN** (Minister of Transport)—As I indicated, I am happy to accept the amendment and I do so in the spirit in which it was moved by the honourable member for Albert Park. In honouring the amendment in the proposed legislation, it is the Government's intention to regard it as being applicable only to private agreements. It is not to be regarded as applicable to inter-system arrangements between, for example, VicRail and the national railways or the New South Wales Railways. Those agreements are often verbal and the need to reduce them to memoranda and table them would mean an avalanche of paper.

However, where the public railway system is making an arrangement with a private operation, the details of the arrangement should be made available. The amendment will put the people involved on notice that the agreement will be tabled in Parliament. Therefore, confidential material should not be a worry because there will be advance notice of the requirement for tabling.

I am happy to co-operate in this matter and the Government will make the arrangements to allow the necessary tablings to take place.

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

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

## EDUCATIONAL GRANTS (CONTINUATION) BILL

The debate (adjourned from November 26) on the motion of Mr Lacy (Minister of Educational Services) for the second reading of this Bill was resumed.

**Mr FORDHAM** (Footscray)—This Bill is of considerable significance. It is an annual Bill that becomes before Parliament providing for financial assistance for non-Government schools.

Its heritage goes back to the Principal Act when the Government, prior to the 1973 elections, announced a commitment to provide a level of 20 per cent of the established cost of educating a child in the Government sector which is to be payable in respect of children in the non-Government sector, and different levels which were developed between primary and secondary education. The initial allocation has increased from $62 per annum in primary schools and $104 in secondary schools. The commitment commenced from the 1974 school year and since then further growth and changes have occurred in the funding arrangements of these non-Government schools. Initially, this annual legislation was designed to maintain that 20 per cent level that was committed earlier by the present Government. However, in 1979 a more fundamental change was introduced when the Government announced—once again by coincidence just prior to an election—that there was to be an increase from 20 per cent to 25 per cent, which would be phased in over a five-year period.

In 1980, legislation provided for an increase in 1981 to 22 per cent. The current rates applying for this year are $269 in respect of primary schools and $443 in respect of secondary schools in Victoria. It is becoming a very significant item in the Budget. In the 1980–81 financial year an allocation of some $69 million was made.

The Labor Party does not share the attitude of the Government on this issue. A fundamental distinction exists between the approach of the Labor Party and that of the Liberal Party to the way in which funds are to be provided to non-Government schools. The Labor Party has consistently argued that funds should be provided on a needs basis, whereas the Government has maintained and introduced legislation that provides for funding on a *per capita* basis.

The Opposition argues that the operation of the needs basis was exemplified by the performance of the Whitlam Government in Canberra, when the Karmel Committee of inquiry was established, followed by the establishment of the Australian Schools Commission. The initial reports of both bodies, conclusively demonstrated the enormous disparities of resources available to non-Government schools. This point has never been argued against either here or elsewhere.

The committees recommended, in the initial reports and since, the need for national and State governments to take account of the disparity of actual resource levels currently available. In terms of the funding proposals, recognition must be made of different needs in different sectors and in different city and country schools. These disparities have been highlighted in the Government sector and non-Government sector.

Different programmes have been developed, such as the disadvantaged schools programme, Innovative Grants and special allocations of funds for the disabled. It has come to pass that there are different needs at different schools and the Government has a responsibility to respond to those disparities that are so evident and ought to be evident to all honourable members.

The Parliament faces a fundamental issue that it cannot and should not attempt to evade. It must face the reality of the stewardship of scarce resources. The Government would be the first to suggest that there are only scarce resources to be allocated in the area of education and to Victorian schools but given the scarce resources, the Government must face the stark reality that there is a vast difference between parish Catholic schools and many other public schools.

Parish Catholic schools on the one hand are clearly crying out for greater resource levels to be made available to match the resources that are already well and truly available in the so-called greater public schools in existence in Victoria. The Government pays lip service to the notion of needs and we often hear speeches made by the Minister of Education, the Premier and the Government on the equality of opportunity and the responsibiilty of Government to address specific needs. However, when it comes to the crunch

the Government should not be judged by its words, but rather by its deeds. It is important that it should be judged by what it does, rather than what it says it will do.

Honourable members on both sides of the House should recognize that the Bill gives them a chance to demonstrate what they feel in terms of the allocation of the scarce resources. How we react to this measure is important. As one who has had the opportunity to visit many parish Catholic schools in the inner suburbs and also in the provincial areas such as Bendigo, Ballarat and Geelong, I have seen the obvious scarcity of resources in so many of those schools. Many have fee incomes of approximately $100 per term per student, compared with the fees of $1000 per term per student in many other public schools in Victoria.

It is not hard to understand why the needs of the poorer Catholic parish schools are far greater than some other schools that clearly have resource levels far and above both that existing in the State system and in the Catholic parish system. I am in no way attempting to disparage the achievements of certain public schools and I applaud the efforts of past generations of parents and students to build up the resource levels in the various schools to ensure that those resource levels meet the requirements of the children concerned. By the same token, it must be recognized that the Government has a stewardship over the scarce resources in meting out the allocation of funds simply on a *per capita* basis. What must be taken into account is the reality that we face. The reality is that many young children in the non-State schools compared with other children in the non-Government sector are worse off, particularly with resource levels, where there is an enormous difference between one school and another and one section and another within those non-Governmental schools.

This principle has been argued before in the Parliament and it is accepted by the Federal colleagues of the Liberal Party Government in Victoria where the allocation of funds in the non-Government sector is according to various agreed levels depending on the resources that are available within the various schools concerned. So it is not a foreign concept, it is one that can work and is working in schools which are trying to meet existing needs.

In debating this measure, honourable members are speaking about a considerable amount of money. For the first half of the coming year the Government is going to maintain the 22 per cent allocation that has been the situation in 1981. There was an earlier statement that it would move up to 23 per cent, but it will only in fact be that amount for the second half of the coming school year when the annual allocation will be increased to 23 per cent. Therefore, for the first half of the year the allocation will be $297 for primary school students and $480 for secondary school students. In the second half of the year, the amount will increase to $306 for primary school students and $501 for secondary school students.

The increase will mean that the funds going out of the Budget will increase from some $69 million to $81 million in total for this financial year, an increase of some 18 per cent. That increase of 18 per cent is in stark contradiction to the funds being provided in our State education system over the same coming period.

There is no suggestion of an 18 per cent increase in State allocations in terms of increased numbers of teachers, the salaries of teachers, the school building programme or the provision of support services in our schools. To the contrary, honourable members from both sides of the Chamber would be well aware of the concern being expressed by teachers and school councils across Victoria over the cutbacks which the Government has instituted within our education system.

My concern is that the antagonism of the past between the Government and non-Government sectors could be resurrected if this funding pattern continues with a significant increase in the non-Government sector and cutbacks in the Government sector. Once

again I can quite properly pay tribute to the Whitlam years where that was put aside for the first time in the long history of this country and where this antagonism was cut out. During that pattern we also witnessed an increase in the allocation of funds for both Government and non-Government schools and the allocation of those funds was on a needs basis.

It is only in recent years that the present Federal Government, under Mr Fraser, has seen fit to significantly cut back funds for both sectors, but particularly for the Government sector and this antagonism runs the risk of coming to the surface again.

Recently, the same pattern is unfortunately emerging in Victoria where we see cutbacks being administered within the State education system. There have been staff ceilings and significant cutbacks in real terms for school buildings and maintenance, but have also been cutbacks in services over a whole range that has been articulated in Parliament during the current session by myself and my colleagues.

It is for those reasons that the Labor Party has determined to introduce a reasoned amendment to the Bill. Therefore I move:

That all the words after "That" be omitted with the view of inserting in place thereof the words "this Bill be withdrawn and redrafted to provide for the establishment of a State Board of Education to examine and determine the needs of schools and students in Government and non-Government education and to recommend to the Government of Victoria on a continuous public basis the level of expenditure necessary to meet the requirements of Victoria's school children on the basis of needs and priorities, educational experimentation and regionalization".

**Mr SIDIROPOULOS** (Richmond)—I second the amendment.

**Mr FORDHAM** (Footscray)—The Opposition believes it is only right and proper that a body such as a State Board of Education be established to examine the needs of those schools so a proper assessment can be made and so funding programmes can be established to respond to real needs, rather than funds simply be provided on a *per capita* basis, a system that is unjust. I indicate that the Labor Party is committed to establishing a State Board of Education.

The Labor Party welcomes the greater understanding that has developed and the relationships which have been developed between the Government and the non-Government sectors over recent years. It has happened in terms of individual schools, teachers and of course administrators. It reflects the greater tolerance within the community at large and a recognition that part of our responsibilities are to meet the needs of children rather than trying to fight sectarianism which has existed in the past.

There is a need for schools, and for all of us who are seriously concerned with education, to recognize the real needs and to respond to them. This is what the Government puts at risk by maintaining its present funding policies. I am very well aware, for example, that schools within our State education system are crying out for additional resources. Schools with remedial education programmes are being denied the opportunity of continuing those programmes because of teacher cutbacks and there have been cutbacks of other scarce resources.

I am similarly aware that in the non-Government sector, many of the Catholic parish schools are not able to conduct remedial programmes geared to the requirements of the students within those schools because the resources are denied to them. Similarly, in relation to migrant education programmes there is a requirement for additional help in so many schools. More than half of these children attending the State School system require special assistance in terms of migrant English and mathematics, but they are not receiving that special assistance because the resources are not available.

In those circumstances to be providing funds on a *per capita* basis to schools is clearly wrong. Certainly some schools have resources far and above those available to schools within

the State system and in the Catholic parish school system and this difference will develop further the antagonism and the shortcomings.

Therefore, needs continue to be neglected and we find a disparity between those schools which have far superior resources compared with those schools which do not and that level of disparity is continuing to grow.

I repeat my earlier remark, that I welcome the bridges that have been established. It is important that the special services work of the Education Department be properly expanded to the non-Government sector. In some areas this has happened and in other areas it obviously needs to be much further developed and strengthened.

The Institute of Educational Administration has been a further bridge in terms of development and the sharing of philosophies. Honourable members have debated legislation in the current session dealing with the Serpell Primary School, and that was an interesting forerunner with perhaps others to come in the not-to-distant future, depending on local circumstances and requirements. Above all we are seeing local teachers and local communities trying to come together irrespective of whether the teachers teach at high schools, technical schools, primary schools or the local Catholic parish schools. They are endeavouring to come together to meet the educational needs of their local community.

My final comment relates to the undue secrecy that is involved in legislation of this type. The Government continued to regard as confidential the basis on which the calculations are made. It is not my intention to repeat the speech I made in Parliament on this issue a year or so ago and any honourable member who is interested in reading my remarks on that occasion may refer to *Hansard* of 20 November 1980 at page 3237 where I outlined what I believe was the unnecessary secrecy by the Government, particularly in relation to the calculation of how public funds are allocated under this heading.

The Opposition believes that it is important that the Parliament face up to this fundamental principle and that we as legislators must respond to real needs, both in the Government sector and in the non-Government sector and that we should not support a system of *per capita* funding and continue to ignore needs. Honourable Members should not hide from the reality of that disparity without taking into consideration the needs, but that will be overcome as a matter of urgency on the election of a Labor Party Government.

**Mr McGRATH** (Lowan)—The Bill amends the Educational Grants Act 1973 and it is legislation that has come before Parliament annually since the Government introduced a policy in 1979 to provide *per capita* grants to private and religious schools. It started on the base figure of 20 per cent, with the promise of an increase to 25 per cent. This Bill, as the Deputy Leader of the Opposition outlined, is increasing the *per capita* grant. It will remain at the level of 22 per cent for the first half of 1982, and then increase to 23 per cent in the latter half of the year, which will increase the rates to $306 for a child at primary level and $501 for a secondary pupil. The National Party welcomes this Bill that provides an increase in the *per capita* grants to children in the private sector of the education system.

It was interesting to listen to the criticism of the Deputy Leader of the Opposition about the more èlite public schools. I daresay he was referring to schools such as Scotch College, the Methodist Ladies College, Melbourne Grammar, Geelong Grammar, Carey Baptist College and Xavier College at Kew. The honourable member for Footscray sees the real need for the grant to be applicable to the not so wealthy Catholic schools and other schools.

I recall two years ago, when the Federal Minister of Education, at that time, Senator Carrick, opened a new Lutheran School at Horsham, and he emphasized the need in education for consumer choice. That is what is being

offered to the children in this State and by the increase in *per capita* grants, will enable parents to undertake consumer choice. Undoubtedly it is cheaper to send children to schools in the State system. Parents have to pay to send children to Catholic schools, Lutheran schools and other private church schools, but the parents are exercising their right in the aspect of consumer choice.

A fortnight ago I was fortunate to attend a speech night at McCauley College at St. Arnaud. It was the school's speech night and I was most impressed. It commenced with a mass that was celebrated by the Bishob of Ballarat, His Lordship Ronald Mulkearns. The students participated in the mass, and then after that they adjourned to the St Arnaud Town Hall where the speech night took place. The audience consisted mostly of the parents of the students and they were most appreciative of the grants to the college. The principal, Mr Kevin Strying, and the president of the school board, Mr Frank Drum, put forward their views that Catholic education was playing an important part in education and should be continued.

The enrolments in the schools in the electorate I represent show that people are exercising that right of consumer choice, and I outline briefly some of the enrolment figures. At the Horsham Lutheran School this year the enrolment was 151. Next year it will be 171. At the Murtoa Lutheran School the enrolment this year was 41 and next year it will be 53. At the Nhill Lutheran School the enrolment this year was 67 and next year it will be 64. At our Lady Help of Christians, a Catholic School at Murtoa, the enrolment this year was 27 and next year it will be 30. At St Brigid's Horsham, a secondary college, the enrolment this year was 305 and next year it will be 320. At St Malachy's school at Edenhope, the enrolment this year was 78 and next year it will be 70. At St Mary's school at Warracknabeal the enrolment this year was 104 and next year it will be 100. At St Michael's and St John's at Horsham, a primary school, the enrolment this year was 370 and next year it is expected to be the same. At St Patrick's school, Nhill, the enrolment this year was 32 and it is expected to be the same next year. Taking those figures overall, in 1981 there was an enrolment of 1250 and next year there will be an enrolment of 1299. I doubt whether there will be the same percentage in the State sector as in those townships.

It is my understanding that there has been a movement way from the State system to the Catholic and Lutheran schools in those particular areas. This is because parents have been concerned over the actions of teachers in the State system, and I criticize a minority of teachers. There are good teachers in the State system but as against that there are some irresponsible teachers and this has reacted against the State system. Parents are preferring, if possible, to send their children to the religious or private schools. That is not such a bad thing because the townships in the electorate I represent, such as Nhill, Horsham, Donald and St Arnaud, have private schools competing against the State system and this is reflected in the students' results. The teachers in both the State and the private system are endeavouring to obtain the best possible results from the children they are teaching. That in itself is good. If there is not competition between the State and the private sector there will be more industrial unrest in the State system and the results of the students will not be as good.

It is interesting that 46 per cent of grade 6 students in the Ballarat area attend private schools. That shows that people in Ballarat have an understanding and appreciation of the private school system. It must always be remembered that the private school system is not just for wealthy parents. People make a real sacrifice to bring together financial resources so that their children can attend a religious or private school. It is hoped those people are rewarded for making that sacrifice and that their children gain the results the parents are seeking for them.

The National Party will not support the amendment moved by the Deputy Leader of the Opposition. Withdrawing and redrafting the Bill will only take more time and hamper the passage of the measure through Parliament. It is also believed that the increases to private and religious schools through the *per capita* system are sound and reasonable.

I agree with one comment by the Deputy Leader of the Opposition that a sound relationship exists between the State and the private school systems. I also believe that in recent years the relationship has been much better than it was 20 or 30 years ago. There is an acceptance of private and religious schools and the children who go to them, just as there is an acceptance of the fact that some children go to the State school system. We cannot have a community that is divided on religious or other grounds. We all live in one society and have an equal part to play. If we have a sound school system providing for State and religious and private education, it will help to bring about a better society.

I believe every honourable member received a submission from the Council for Defence of Government Schools that suggested that the Education Grants (Continuation) Bill should be rejected. Some of the arguments put are valid but many of them are hypothetical. Those people believe the Bill will promote wastefulness in education. I do not agree with that. A little further in the submission the group says that the provision of these increased grants will encourage education piracy and maintenance and expansion of the church school system which means the downgrading of Government schools. That does not necessarily follow. These people are always defending rather than putting forward positive suggestions on how the State school system can work more effectively. On behalf of the National Party, I support the Bill. It is a responsible measure and I hope the Government honours its commitment to increase the *per capita* grants for children in the religious and private school systems.

*Mr McGrath*

**Mr SIDIROPOULOS** (Richmond)—I support the amendment by the Deputy Leader of the Opposition. Once again in this Bill one sees the priorities and direction of this Government. While State schools are crying out for money and school programmes are cut back because of lack of staff, this Government is prepared to direct even more money to private schools. Evidence of the favouritism towards non-Government schools is obvious in all areas of funding.

Recently I obtained information on the latest funding by the Victorian Advisory Committee on Migrant and Multi-cultural Education. Of the 22 schools and organizations funded, only 7 were Government schools. These schools received $128 000 out of the $384 769 allocated, despite the fact that State schools are responsible for the education of more than 70 per cent of the children of Victoria.

Not only is this Bill designed to give greater assistance to non-Government schools, but also other areas such as Victorian Advisory Committee on Migrant and Multi-cultural Education have a deliberate favouritism towards the private sector. State schools have had a real cut of 42·4 per cent over the past six years for buildings and maintenance with an 11·1 per cent real cut in the last year. This is at the same time as the State Government is giving $1 578 651 to Scotch College, $1 411 132 to Wesley College and $1 168 571 to Geelong Grammar.

In the central metropolitan region building and maintenance funds have been reduced from $4·2 million in 1980–81 to $3·6 million in 1981–82. The aid to private schools which helps to provide them with modern facilities is also contributing to the decline in enrolments in State schools. This Bill is designed to decrease further State school enrolments by subsidizing State schools and making them cheaper and more appealing to those with aspirations in the community.

Many migrants came to this country not only for a better life for themselves but also for a better life for their children. Parents have been prepared to

work hard, often under appalling conditions so that their children will not have to suffer in the same way as they suffered. Many of the parents drive their children hard at school so that the children can not only obtain a good education but also a profession. Recently many migrants have started sending their children to private schools. The ethnic population of many schools such as Wesley College and Caulfield Grammar is increasing. This is due not only to the high aspirations of many migrant parents but also to the fact that they realize that the Government is not providing State schools with the same facilities. Parents who have sent their children to private schools have been prepared to tax themselves in effect twice. In Victoria this trend is getting out of hand and creates problems and frustrations for Greek families. In some families the aspirations for educating the children are so strong——

**The SPEAKER (the Hon. S. J. Plowman)**—Order! Is the honourable member simply reading his speech? He appears to simply be reading his speech. I ask him to quote from his notes but not to read his speech completely.

**Mr SIDIROPOULOS**—I have my notes, Sir.

**The SPEAKER**—I ask the honourable member to quote from his notes rather than to read his speech.

**Mr SIDIROPOULOS**—In some families the aspirations for educating the children are so strong that the parents are sacrificing basic necessities for living to save the fees to send the children to private schools. I should like to read a paragraph from an article in a magazine called *Connections*, which is published by the Western Region Education Centre:

> As the Education Department abrogates its responsibilities towards the Greek speaking population in the community, by not providing for adequate education of Greek speaking children, there is an increasing demand for secondary Greek schools such as St John's College in Carlton. Three private Greek schools have indicated their intention to follow in the footsteps of St John's College. This reflects the failure of the State school system to cater adequately for the education of Greek-Australians (especially at secondary school) often in terms of the aspirations of the parents (for their children) not those of the children.

St John's College was established in Carlton in 1979. It operates a bilingual programme for more than 600 children in primary and secondary schools. At present, it charges $600 per child and next year the charge will be more than $700. The demand is so great that the priest who runs the school has just bought a 5-acre block of land in St Georges Road, Preston, at a cost of more than $600 000 in order to build another college. He has publicly criticized State schools and the education system in Victoria. In order to attract business to his school, he uses the power of the church, sickening conservative and nationalistic propaganda, which is contrary to the concept of multi-culturalism. He has a long history of such activities and his role in Australia towards dividing the Greek community is well known.

In a survey conducted last year, it was estimated that the teaching of the Greek language in community and private schools in Victoria is one big profitable enterprise, with a turnover of $5·5 million a year. Father Courtesis, who runs St John's College, is a part of this enterprise.

Is this Government or the Federal Government prepared to finance him to build a multi-cultural college on that land he has purchased?

**The SPEAKER (the Hon. S. J. Plowman)**—Order! The honourable member is straying from the Bill and the reasoned amendment, which deal with the continuing funding of schools in Victoria. I ask him to return to the Bill, the funding of schools and the level of funding, not the teaching of Greek or other subjects.

**Mr SIDIROPOULOS**—I was saying that many parents in the Greek community transfer their children to private schools because of the unacceptable situation in State schools and I quoted this example within the Greek community of which I am very much aware. That is why I chose that particular example.

I stress that the aid to non-Government schools from the Federal and State Governments creates a problem which society must face sooner or later. More and more people and individual organizations are establishing private schools. More and more parents are sending their children to those private schools from State schools, and that is a fact of life.

It is about time the State Government lived up to its responsibilities to the people of Victoria rather than serving sectional interests. This time next year the Labor Party will be in Government and the full potential of State schools will be demonstrated. The Labor Government will not sit by and let the State education system run down. For the sake of the children in the State, the sooner the Liberal Government is removed from office the better. I support the amendment moved by the Deputy Leader of the Opposition.

On the motion of Mr MACLELLAN (Minister of Transport), the debate was adjourned.

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

## DRUGS, POISONS AND CONTROLLED SUBSTANCES BILL

This Bill was returned from the Council with a message relating to amendments.

It was ordered that the message be taken into consideration next day.

## ADJOURNMENT

### Fruit canning industry in Goulburn Valley

**Mr MACLELLAN** (Minister of Transport)—I move:

That the House do now adjourn.

**Mr HANN** (Rodney)—I raise with the Minister for Economic Development a matter relating to the announcement this afternoon at 5 o'clock that there is to be rationalization of the fruit canning industry in the Goulburn Valley. As a result of that announcement, fruit canning operations at the Kyabram cannery will be transferred as from 1 January 1982 to SPC Ltd and Ardmona Fruit Products Co-operative Company Ltd with the result that no fruit canning operations will continue at the Kyabram cannery. There will be an immediate loss of jobs for 104 persons, plus eleven staff. This could have a severe impact on the town of Kyabram, as the cannery is the major industry in that town.

I understand that Henry Jones (IXL) Ltd intends to continue its jam making operation at Kyabram and it is suggested that there may be an increase in employment at that processing works. However, more than 100 persons have lost their jobs just prior to Christmas at a difficult time. The fruit industry is in a lot of trouble and one recognizes the need for rationalization. At least people are relieved that fruit growers and their quotas are to be protected.

I ask the Minister to take the matter up immediately with personnel in his department with a view to determining what can be done to provide additional job opportunities in Kyabram and perhaps additional support for the company concerned. That assistance may involve using part of the space in that plant for some other purpose oriented towards ensuring that maximum employment is available.

I ask the Minister to take urgent action on the matter to assist the cannery through the present crisis and particularly to make use of those facilities which will not now be used for canning fruit, perhaps by some other industry taking up the available space, and to see whether the Government can assist Henry Jones (IXL) Ltd to maximize use of the space in an attempt to reinstate the jobs that were lost today.

**Mr MACLELLAN** (Minister of Transport)—I shall take up with the Minister for Economic Development the matter mentioned by the honourable member for Rodney in regard to the rationalization of the canning industry and the loss of jobs in Kyabram. It is perhaps unnecessary to ask the honourable member for Rodney to discuss the

matter with the Minister tomorrow, but I will certainly make sure that the Minister's office is advised at an early stage of the difficulties that the honourable member anticipates will arise. Henry Jones (IXL) Ltd is a very responsive company with a wide range of interests, and it may have some plans, but it would be appropriate for the Ministry for Economic Development to establish contact with the company to determine whether it has some contingent plans or whether it is a matter for Government and private initiatives together to try to work out a solution, for the people whose jobs in the town are at risk.

The motion was agreed to.

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

## *QUESTIONS ON NOTICE*

*The following answers to questions on notice were circulated—*

### WEST GIPPSLAND HOSPITAL

(Question No. 18)

**Mr ROPER** (Brunswick) asked the Minister of Health:

In respect of the day therapy area underneath the existing nursing home wing at the West Gippsland Hospital:

1. When the area was completed?

2. When a request for staff for the area was received, specifying the staff requested?

3. When it is proposed that staff will be available to operate the area?

4. When it is expected that capital funds will be available to complete the interior fitting?

**Mr BORTHWICK** (Minister of Health) —The answer is:

1. When the nursing home wing was completed in May 1978, a shell area was left at lower ground level for a future day therapy area.

2. No request for staff in respect of the yet to be completed day therapy area has been received.

3. When funds are released to complete the day therapy area, the provision of staff will also be taken into consideration.

4. The hospital has recently approached the Commonwealth for consideration of funds in the next triennium for the fitting out of the day therapy area.

### STAWELL DISTRICT HOSPITAL

(Question No. 73)

**Mr ROPER** (Brunswick) asked the Minister of Health:

In respect of the Stawell District Hospital:

1. Whether he has received a further submission from the hospital pointing to the growing needs, particularly in the nursing area of the hospital; if so, what response will be made to the submissions?

2. Whether a detailed study has been made of that hospital by the Health Management Services Group which at least on an interim basis, suggests that additional staff are needed in nursing, administration, catering and domestic services?

3. Whether a copy of the interim study will be made available to the member for Brunswick?

4. When it is expected that the final report will be completed and whether a copy of the final report will be made available to the member for Brunswick?

**Mr BORTHWICK** (Minister of Health) —The answer is:

1. Yes. Two additional positions will be provided in 1981–82 but, because of limited funds for staff expansion, no further resources can be provided. The commission does not agree with all aspects of the staffing changes proposed by the hospital.

2. Yes.

3. and 4. The report relates to the nursing, administration, catering and cleaning services at the hospital. It has the status of an internal report, having been funded by the commission, and will be used for on-going assessment of staffing needs at the hospital. In those circumstances, I do not propose to make a copy available to the honourable member.

### HOSPITALS AND HOMES FOR THE FRAIL AND AGED

(Question No. 104)

**Mr MATHEWS** (Oakleigh) asked the Minister of Health:

Whether he will bring up to date and consolidate in *Hansard* the information on hospitals and homes for frail and aged people, given in answer to question No. 113 on 28 September 1980 (*Hansard* page 814)?

**Mr BORTHWICK** (Minister of Health) —The answer is:

(*a*) Western Geriatric Complex

This complex is part of the Sunshine Hospital and Health Services Society. While discussions between the Health Commission and

the society concerning the complex have taken place, the brief has not been finalized at this stage. The complex is not scheduled for documentation until the current development stage—construction of the 150-bed hospital and provision of support services—is completed and funds allocated to the complex.

(*b*) I recently announced the go-ahead for the development of a day hospital and a 44-bed assessment and rehabilitation complex on the Bundoora site. Working drawings are currently in the process of being prepared and tenders will be let in early 1982. It is anticipated that the estimated cost of plans and construction will be under $5 million, and that works will be completed by the end of 1983.

(*c*) The eastern suburbs project consists of a day hospital and a 60-bed assessment and rehabilitation complex. It is anticipated that plans will be completed shortly and tenders let early in 1982.

## CASUALTY SERVICES CONSULTATIVE COUNCIL

(Question No. 160)

**Mr MATHEWS** (Oakleigh) asked the Minister of Health:

On what dates since 6 March 1980 the Casualty Services Consultative Council has held meetings, indicating in each case the substance of any—(*a*) decisions, or (*b*) recommendations, and the Government's response?

**Mr BORTHWICK** (Minister of Health) —The answer is:

The Casualty Services Consultative Council has met on the following dates since its inaugural meeting on 6 March 1980:

1980—3 April
1 May
5 June
3 July
7 August
4 September
2 October
6 November
4 December

1981—5 February
5 March
7 May
9 July
6 August
1 October
3 December

Decisions and recommendations of council have evolved over a period of time and for this reason cannot be identified in respect of specific meeting dates.

Council has made certain interim reports and recommendations in accordance with its terms of reference. These include comment by council on the report by Professor Opit and Dr D. Christie on the mobile intensive care ambulance, as well as recommendations concerning casualty facilities in the south-eastern area of Victoria and in particular the updating of casualty facilities at Frankston Hospital.

Opit Report

In respect of the Opit report, council, although questioning some of the figures and therefore some of the deductions, was generally in favour of the report. Specifically council noted the following:

1. While two levels or tiers of ambulance service, routine transport and emergency, are needed, these could not be "two distinctive arms".

2. Present ambulance emergency services should be broader based than the present "cardiac orientated" arrangement. It was further considered that a more wide-spread training base for ambulance officers was called for.

3. While in agreement with the necessity for recognition of costs by users, council rejected the concept of hospital-based transport services.

4. Council also rejected the concept of a community rating system as a basis for funding ambulance services.

Casualty Facilities in South-Eastern Victoria

Council considers that a mal-distribution of casualty facilities exists in the south-eastern area of Victoria. It recommended that hospitals should be graded relative to their over-all capacity for reception and management of accident and emergency cases as follows:

(*a*) Level 3 hospitals with advanced emergency facilities and easy access to specialist arrangements;

(*b*) level 2 hospitals able to cope with most conventional trauma and emergency cases, recognizing that certain patients may require transport to level three hospitals; and

(*c*) level 1 hospitals able to provide treatment for minor injuries or primary emergency care preliminary to appropriate transfer to level 2 or level 3 hospitals.

Council further recommended that minimum standards recommended in the August 1977 "Report on Road Accident Reception" be accepted as the minimum standard for casualty departments in level 2 and level 3 hospitals and that all casualty departments within these categories should be brought to this standard.

In particular, council believes that the south-eastern quadrant casualty arrangements required specific attention and recommended that Frankston Hospital be brought to level 2 standard so far as accident reception arrangements were concerned.

The recommendations of the casualty services Consultative Council are currently under consideration.

## BLUE ROCK DAM PROJECT

(Question No. 322)

**Miss CALLISTER** (Morwell) asked the Minister of Agriculture, for the Minister of Water Supply:

What are the latest cost estimates for the Blue Rock Dam project?

**Mr AUSTIN** (Minister of Agriculture) —The answer supplied by the Minister of Water Supply is:

The total estimated cost for the Blue Rock Dam Project at December 1981 prices is $36·5 million.

## MILPARINKA ACTIVITY THERAPY CENTRE

(Question No. 400)

**Mr ROPER** (Brunswick) asked the Minister of Health:

In respect of the Milparinka Sheltered Workshops for Retarded Adults in Richmond, whether earlier this year changes were made to the firm carrying passengers to the workshops; if so, on what basis that change was made and whether the Health Commission has carried out an investigation; if so, on what basis?

**Mr BORTHWICK** (Minister of Health) —The answer is:

The Milparinka Activity Therapy Centre, Richmond, conveys a number of adults to and from the centre, by means of taxis. The committee of management, which is charged with the responsibility of effectively managing the centre, directly organize and pay for all transport services for which only approved costs are eligible for subsidy through the Mental Retardation Division of the Health Commission.

To obtain the maximum benefit from available transport subsidies, the committee of management of Milparinka undertook a review of its transport arrangements for all clients attending the centre. Following this review, quotations were sought for the provision of the amended service from four taxi companies operating in the area. Quotations obtained by the committee of management varied considerably, with Silver Top Taxi Services providing the lowest quotation. On the basis of quotations obtained, the committee of management recommended to the Mental Retardation Division that the services of Silver Top Taxi Services be accepted.

Considering the significant variation in quotations obtained by the committee and its eligibility for total funding of transport services, the Mental Retardation Division approved the committee of management's recommendation on 20 February 1981 with effect from 2 March 1981.

## LIVESTOCK EXPORT

(Question No. 447)

**Dr COGHILL** (Werribee) asked the Minister of Agriculture:

In respect of the roles of Department of Agriculture's veterinary officers and other staff in the export of horses and other animals from Victoria, whether guidelines have been adopted; if so, what are the full details?

**Mr AUSTIN** (Minister of Agriculture) —The answer is:

Officers of the Department of Agriculture operate as agents for the Commonwealth Department of Primary Industry in the export of horses and other animals from Victoria. In so doing they operate under guidelines contained in the following regulations and standards:

1. Quarantine (Animals) Regulations made under the Quarantine Act 1908–61 of the Commonwealth. Regulations 96A (1) and 96A (2) of these regulations state:—

(1) A person shall not export an animal that is a bird or mammal unless the animal has been examined at the port of shipment by a quarantine officer who is a veterinary surgeon during the period of forty-eight hours immediately preceding shipment.

(2) A quarantine officer who has examined any such animal intended for export shall grant such certificates relating to the freedom of the animal from disease or otherwise as the circumstances require.

2. Standards for the preparation and carriage of sheep by sea, authorized by the Australian Bureau of Animal Health of the Commonwealth Department of Primary Industry in July 1981.

3. Standards for the carriage of horses by sea, authorized by the Australian Bureau of Animal Health of the Commonwealth Department of Primary Industry in July 1980.

## DEPARTMENT OF MINERALS AND ENERGY REPORTS

(Question No. 464)

**Mr GAVIN** (Coburg) asked the Minister for Local Government, for the Minister for Minerals and Energy:

Whether the Minister will be tabling the 1979 and 1980 reports of the Department of Minerals and Energy during the current sessional period; if not, why?

**Mr LIEBERMAN** (Minister for Local Government)—The answer supplied by the Minister for Minerals and Energy is:

The 1979 and 1980 reports have been tabled during the current sessional period.

## FRUIT FLY

(Question No. 491)

**Dr COGHILL** (Werribee) asked the Minister of Agriculture:

Further to the answer to question No. 283 given on 6 October 1981:

1. Whether he will investigate the papers "A Regional Approach to the Fruit Fly Problem in South-Eastern Australia" by M. A. Bateman (1975), "The Bioclimatic Potential of the Queensland Fruit Fly, *Dacus tryoni*, in Australia" by A. Meats and "Fruit Flies" by M. A. Bateman (1971) in which the authors have drawn attention to the valuable role of quarantine barriers such as road blocks in controlling the spread of fruit fly including *Dacus tryoni*?

2. Whether he will ascertain and advise why these papers were not drawn to his attention previously?

3. Whether the advice of these highly respected research scientists has been rejected; if so, why?

**Mr AUSTIN** (Minister of Agriculture) —The answer is:

1. The papers by Drs Bateman and Meats referred to have been investigated.

2. The first two papers referred to by the honourable member are not published papers. The paper by Dr Bateman "A Regional Approach to the Fruit Fly Problem in South-Eastern Australia" was prepared in 1975 for consideration by an *ad hoc* working party on fruit fly suppression, while the paper by Meats is a draft copy currently awaiting publication.

The reference to road blocks in the third paper mentioned—the article "Fruit Flies" by Dr Bateman published in 1971—contains the comment: "Quarantine stations at State borders, etc., probably play a vital role in curtailing the spread of larvae in fruit . . .". It was not an analysis of the effectiveness of road blocks nor a recommendation for their permanent retention.

3. Consideration has been given to all available research information concerning the Queensland fruit fly.

Dr Bateman's 1975 paper was prepared for a meeting of an *ad hoc* working party on fruit fly suppression in Sydney in June 1975. It was presented as a theoretical concept for a possible national programme of fruit-fly control in which quarantine zones of eradication or suppression, protected by road blocks protem, were proposed. Progressive movement of these zones to the north and the east was envisaged if and when eradication beyond a quarantine line had been achieved.

The concept received technical support for the initial stage of the proposal, but was not pursued because of lack of financial support from the Commonwealth Government.

The advice of these scientists had not been rejected, but has been considered in determining the present strategy for fruit-fly control in Victoria. Research is being carried out in Victoria in consultation with these and other scientists and our total strategy is kept under review.

## TOXIC EFFECT OF MEAT DYE

(Question No. 528)

**Dr COGHILL** (Werribee) asked the Minister of Agriculture:

Further to the answer to question No. 403 given on 10 November 1981, in respect of meat stained with methyl violet having toxic effects if eaten by dogs:

1. When and where the research was conducted?

2. What were the signs observed in affected animals?

3. What were the pathological changes detected in affected animals?

4. What was the proportion of dogs affected?

5. Whether details of the research have been published; if so, where?

**Mr AUSTIN** (Minister of Agriculture) —The answer is:

1. Tests were conducted between April and July 1978 at the Department's Attwood Veterinary Research Laboratory, Westmeadows, to examine the effect of feeding dogs on meat stained with up to four times the maximum legislated rate of methyl violet when stain was required to be applied to all surfaces of pet meat.

2. Dyed meat was fed to a total of eight dogs. Of these, six dogs were fed four times the maximum rate of application and they all developed diarrhoea or dysentery within four days and refused to eat the dyed meat. At this time, the rate of methyl violet application was halved to two times the maximum rate and an additional two dogs were added to the treatment group. All eight dogs consumed the dyed meat from this point over the next three months.

An additional four dogs were fed undyed meat as controls.

The dysentery rapidly resolved in all four dogs that were initially fed meat stained with four times the maximum rate of methyl violet and by seven days two of these dogs were normal. The other two dogs in this group had diarrhoea only intermittently throughout the experiment. The dogs added to the experiment and the control dogs remained normal throughout.

3. and 4. The dogs that had been fed dyed meat were killed painlessly with an overdose of sodium pentobarbitone administered intravenously between 58 and 95 days after starting

the experiment. In comparison with the control dogs, two dogs had no discernible pathological lesions, two dogs had thickening of the duodenum, three dogs had thickening and ulceration of the duodenum and one dog had thickening of the stomach and ulceration of the duodenum.

5. The details of these tests have not been published.

## "CITY BY THE BAY" PROJECT

(Question No. 535)

**Mr ERNST** (Geelong East) asked the Minister of Labour and Industry:

In respect of the "City by the Bay" project announced on 5 November in Geelong, whether the new shopping complex will be granted seven day per week trading at present disallowed under law; if so, under what conditions and whether such a decision would prevent any other shopping complex in the Geelong region from similar extensions?

**Mr RAMSAY** (Minister of Labour and Industry)—The answer is:

Shop owners involved in the "City by the Bay" project will be required to observe the shop-trading hour provisions as laid down by the Labour and Industry Act 1958.

Only shops of the kind mentioned in the Fifth Schedule to the Act or those exempt from the general provisions by way of sections 80A to 80G of the Act, can trade seven days a week.

All shops exempted from general trading hours are required to comply with the conditions set down in the section of the Act under which exemption is granted.

The above applies to any retail shopping establishment in the State of Victoria, bearing in mind that exemptions under the Act are granted to individual shops and not to shopping complexes as a whole.

## PAY-ROLL TAX OWED BY VFL CLUBS

(Question No. 587)

**Mr JOLLY** (Dandenong) asked the Treasurer:

1. What amount of pay-roll tax is owed by Victorian Football League football clubs?

2. What are the amounts outstanding against the respective clubs?

3. What is the present situation regarding payments to the Treasury, indicating whether interest payments are imposed on such overdue amounts, and if not, why?

**Mr THOMPSON** (Treasurer)—The answer is:

The secrecy provisions contained in section 5 (1) of the Pay-roll Tax Act 1971 do not allow the commissioner of pay-roll tax to make available the information requested by the honourable member.

## COAL CONVERSION INDUSTRY

(Question No. 628)

**Miss CALLISTER** (Morwell) asked the Minister of Labour and Industry:

In respect of the coal conversion industry:

1. What studies have been undertaken by the Department of Labour and Industry into the health and safety of workers associated with this industry?

2. What involvement the department will have in monitoring the health and safety of workers involved in solvent refined coal and coal to oil technology?

**Mr RAMSAY** (Minister of Labour and Industry)—The answer is:

1. No particular studies have been undertaken by the department at this time.

2. Where the provisions of the Labour and Industry Act 1958 and, if enacted, the Industrial Safety Health and Welfare Act apply to particular projects, oversight will be maintained by officers of the Department of Labour and Industry to ensure that the standards required under those Acts are observed.

# Legislative Council

**Thursday, 17 December 1981**

**The PRESIDENT (the Hon. F. S. Grimwade)** took the chair at 2.3 p.m. and read the prayer.

## RAILWAYS (AMENDMENT) BILL

This Bill was received from the Assembly and, on the motion of the Hon. GLYN JENKINS (Minister of Water Supply), was read a first time.

## EDUCATIONAL GRANTS (CONTINUATION) 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.

## *QUESTIONS WITHOUT NOTICE*

### VACANCIES ON TRUSTS

**The Hon. W. A. LANDERYOU** (Doutta Galla Province)—I direct my question without notice to the Minister of Lands. As a result of the unfortunate death of the late Senator Pat Kennelly, which has created at least two vacancies that I know of, with respect to positions that he occupied, and I presume that there are other vacancies which exist under various trusts coming under the jurisdiction of the Minister of Lands, has the honourable gentleman determined an attitude on how he intends to fill those vacancies; has there been a change in Government policy on the filling of those vacancies, and is the Minister in a position to advise the House what steps he intends to take to have those vacancies filled?

**The Hon. W. V. HOUGHTON** (Minister of Lands)—When a man of the capacity of the late Senator Pat Kennelly departs from the scene, it is extraordinarily difficult to fill the vacancy thereby caused because in this instance, we are looking for a man who could perform the tasks as competently as did the late Senator Pat Kennelly. It is no easy task and I suggest that puts the finger on the real problem; finding someone to take his place, particularly for his most important task, that of Chairman of the Albert Park Committee of Management. I assure Mr Landeryou that I am pursuing the matter with as much vigour as I can during the closing stages of the Parliamentary sessional period in an endeavour to appoint someone to that position. Submissions have been made to me by various honourable members from both sides of the Chamber and from other groups and certainly the matter is under active consideration. One of the other positions which the late Senator Pat Kennelly held was that of trustee of the Melbourne Cricket Ground and that position has been filled by the appointment of Mr Frank Wilkes.

### MURRAY CRAYFISH

**The Hon. K. I. M. WRIGHT** (North Western Province)—My question to the Minister for Conservation concerns the fact that the Murray crayfish is almost extinct and this has been brought about by the fact that it takes three years for them to reach maturity and reproduce and when they do reproduce there is a high casualty rate. The River Murray Development League and local municipal councils have brought this problem to my notice and I ask the Minister whether he is aware of these facts concerning the Murray crayfish and, if so, will he implement a moratorium with regard to the capture and use of the Murray crayfish?

**The Hon. W. V. HOUGHTON** (Minister for Conservation)—I am not aware of the current status of the Murray crayfish population and before I progress any further, I should obtain some expert opinion and information—I take it that that will be available from the Fisheries and Wildlife Division, which would have the facts on the status and population of the Murray crayfish. If there are any problems, of course the Government will take steps to determine how it can preserve this species.

## AUDIO-VISUAL RESOURCES BRANCH, BENDIGO

**The Hon. N. B. REID** (Bendigo Province)—Is the Minister of Education aware of the staffing problems at the Audio-Visual Resources Branch in Bendigo? What action has the Government taken to alleviate this problem?

**The Hon. A. J. HUNT** (Minister of Education)—The matter was raised by Mr Dunn in his speech last night and also yesterday by Mr Reid. I did make inquiries and according to the information supplied to me, the staff ceiling is four and not five as has been alleged. One is a replacement for a member of the service on leave who is about to return and naturally the replacement would normally disappear. However, the Audio-Visual Resources Branch believes there are some other circumstances which may not have been taken into consideration and will be making a fresh submission to the Assistant Director-General (Personnel), who will, if necessary, refer the matter to me.

## COAL LIQUEFACTION PROJECTS

**The Hon. D. R. WHITE** (Doutta Galla Province)—Will the Government make available publicly the contractual arrangements that it has entered into with Mitsui, Rheinbraum and Nedo, in respect of coal liquefaction projects, and is it correct to say in respect of those contractual arrangements that the Government has committed itself to nominating a coalfield for each consortium if they demonstrate that coal liquefaction projects are technologically and commercially viable?

**The Hon. A. J. HUNT** (Minister of Education)—When the Minister for Minerals and Energy is available I will invite you, Mr. President, if you think fit, to re-open question time and invite the honourable member to redirect the question to the Minister, as it is obviously a matter within his field and a question that he can answer.

## COSTS OF INQUIRIES

**The Hon. W. R. BAXTER** (North Eastern Province)—My question is in the same category and, in the absence of the Minister for Minerals and Energy, I will address it to the Leader of the Government. In respect of the costs of the Cochrane inquiry, the Ernst and Whinney inquiry and the foreshadowed inquiry into the State Electricity Commission, are those costs being borne by the consumers of the State Electricity Commission, or are they being met out of the consolidated revenue?

**The Hon. A. J. HUNT** (Minister of Education)—The Minister for Minerals and Energy should answer that question.

## MUNICIPAL REPRESENTATIVES ON BOARD OF WORKS

**The Hon. N. F. STACEY** (Chelsea Province)—Has the Minister of Water Supply received notification of a resolution that I understand was passed at the recent meeting of representatives of the Melbourne and Metropolitan Board of Works in metropolitan councils? Did this meeting suggest an increase in the number of municipal representatives of the Board of Works and what view has the Minister formed as a result of receiving such communication?

**The Hon. GLYN JENKINS** (Minister of Water Supply)—I have received the report of that meeting. A resolution was passed recommending that the number of municipal representatives be increased to eight. I will be examining that recommendation and I will reach a conclusion on it in due course. I would be inclined to the view that the board itself, and the way it is presently structured, should be allowed another year or two before any changes are contemplated. It is only four years since this Parliament reconstituted the number of members, and the constitution and method of appointment of the membership of the board.

**The PRESIDENT (the Hon. F. S. Grimwade)**—As the Minister for Minerals and Energy is now present, I invite Mr White and Mr Baxter to again ask their questions and I will extend question time.

## COAL LIQUEFACTION PROJECTS

**The Hon. D. R. WHITE** (Doutta Galla Province)—Will the Minister for Minerals and Energy make available the contracts that the Government has entered into with Mitsui, Rheinbraun and Nedo, in respect of coal liquefaction projects? Can the Minister inform the House whether the Government has made a commitment to nominate a coalfield to each of the consortiums if they demonstrate that the coal liquefaction projects are technologically and commercially viable?

**The Hon. D. G. CROZIER** (Minister for Minerals and Energy)—The answer to the first question is, "No". The answer to the second question, as I explained to the House in a Ministerial statement yesterday, is that the Government is pursuing a policy of actively encouraging coal conversion projects. However, with the exception of the pilot plant, which is now under construction in Morwell, there are no firm contractual arrangements with other parties who may hopefully in the future develop other plants.

## COSTS OF INQUIRIES

**The Hon. W. R. BAXTER** (North Eastern Province)—I ask the Minister for Minerals and Energy, in regard to the cost of the Cochrane inquiry, the Ernst and Whinney inquiry and the foreshadowed inquiry into the State Electricity Commission, are the costs being met by the consumers of the State Electricity Commission, or are they being met out of the consolidated revenue?

**The Hon. D. G. CROZIER** (Minister for Minerals and Energy)—My understanding is that the costs of those inquiries will be met from the latter source.

## SEWERAGE CHARGES

**The Hon. R. A. MACKENZIE** (Geelong Province)—Following assurances given by the Minister of Water Supply to pensioners and other ratepayers in the Portarlington area that he will ensure that interest charges on sewerage installed in their homes will not be taken out of their estates if they are unable to pay, what action has the Minister taken in this regard and, if action has been taken, will the honourable gentleman let the people know what is the situation?

**The Hon. GLYN JENKINS** (Minister of Water Supply)—I gave the pensioners at Portarlington no such assurance. I said to them that I would be seeking ways and means of alleviating the problems for pensioners, including the deferment of capital costs under the section 120A scheme of the Sewerage Districts Act or assisting in meeting instalments if that arrangement was made with the authority.

The House will recall that only yesterday a Bill was passed giving pensioners the right to claim a rebate on the interest component of those instalments. I am still actively pursuing the alternative methods of funding of all sewerage schemes in this State and hope to come up with a policy in due course.

## RADAR SPEED GUNS

**The Hon. D. M. EVANS** (North Eastern Province)—I refer the Minister for Police and Emergency Services to a newspaper report that the so-called radar speed guns are due to be introduced next Tuesday. As they rely on electro-magnetic radiation similar to X-rays and gamma rays, can the Minister assure the House that the shielding of the equipment is adequate and that there is no danger to the operator of damage causing sterility or any other problem?

**The Hon. F. J. GRANTER** (Minister for Police and Emergency Services)—I do not have that information but I do not think the suggestion of danger is true.

## UNIFORM COMPENSATION PROVISIONS

**The Hon. B. A. CHAMBERLAIN** (Western Province)—Following criticism by members of the High Court as to the vastly differing levels of compensation paid to plaintiffs in cases of civil

injury, particularly in the calculation of loss of future earnings, and the further suggestion that the State should do something about introducing uniformity in this area, will the Leader of the House suggest to the Attorney-General that this issue be raised at the next meeting of Attorneys-General with a view to having some common sense and common principles introduced into the compensation system in Australia?

**The Hon. A. J. HUNT** (Minister of Education)—The matter will certainly interest the Attorney-General on his return and I will ensure that it is brought to his attention for his preliminary study and for raising at the conference of Attorneys-General. The High Court has raised an important principle, that there should be uniformity. Few honourable members would cavil at that. However, the basis of the judgment yesterday would, if adopted, very substantially raise third-party insurance premiums around this country. Thus the matter will need careful study, hopefully with a view to action by the State.

## INTERPRETERS AT CLINICAL AND GUIDANCE CENTRES

**The Hon. G. A. SGRO** (Melbourne North Province)—Will the Minister of Education inform the House why interpreters presently placed at the clinical and guidance specialist centres have been left off the established list of the new special assistance resource teachers centres? Where are these interpreters to be located?

**The Hon. A. J. HUNT** (Minister of Education)—I shall refer the question to my colleague, the Minister of Educational Services, within whose field the matter lies, and arrange for Mr Sgro to receive an answer in writing.

## MINERAL RESERVES BASIN SCHEME

**The Hon. B. P. DUNN** (North Western Province)—In relation to the mineral reserves basin scheme in the Tresco area near Swan Hill, can the Minister of Water Supply advise to what extent progress is being made on work at the scheme? Does the State Rivers and Water Supply Commission itself or in any contract associated with the scheme intend to continue its work during the late December-January period, and what is the proposed completion date of the scheme?

**The Hon. GLYN JENKINS** (Minister of Water Supply)—The State Rivers and Water Supply Commission is continuing with the construction work on the mineral reserves basin project and there is no doubt whatsoever as to whether that project will continue or not.

The State Rivers and Water Supply Commission is making arrangements to upgrade the level of the work, and negotiations will commence shortly to acquire the land required for the easements for the channel. I estimate that the whole project will probably be completed in about two or three years' time.

## SEAT BELT LEGISLATION

**The Hon. ROBERT LAWSON** (Higinbotham Province)—I direct a question to the Minister for Police and Emergency Services relating to the proposal to enforce the new seat belt regulations from next Sunday. I understand that children under the age of eight years will have to be restrained by safety harness while travelling in a vehicle and that the fine for non-compliance with this regulation will be $36, which will be levied against the driver. Can the Minister inform the House whether these new regulations will be applied rigorously from the first day or whether a period of education for drivers will be allowed?

**The Hon. F. J. GRANTER** (Minister for Police and Emergency Services)—I have discussed this matter with the Assistant Commissioner of Police in charge of traffic, Mr Jack Martin, and have asked him to tell the police to be realistic in enforcing this legislation for the initial period. As I said in the House before, a period for education of drivers in this respect is needed, and I am sure that the police will view the legislation in this way.

## EMERGENCY TEACHERS' SALARIES

**The Hon. JOAN COXSEDGE** (Melbourne West Province)—I ask the Minister of Education to investigate as a matter of urgency the situation under which emergency teachers must wait for up to a month for their pay, which in many cases is causing severe financial hardship. Will the Minister take steps to remedy what is obviously an unsatisfactory arrangement?

**The Hon. A. J. HUNT** (Minister of Education)—Steps are already in force to overcome this problem. Mrs Coxsedge will be aware that on implementation of the White Paper, emergency teachers will be paid, where practicable, through the region or directly through the school, avoiding the lengthy administrative delays which currently occur and which, I fully agree, frequently cause hardship to the teachers concerned. These steps will be taken as quickly as possible, and I will immediately examine this particular case.

## ONE-MAN POLICE STATIONS

**The Hon. J. W. S. RADFORD** (Bendigo Province)—Can the Minister for Police and Emergency Services inform me whether there is any change in the departmental policy regarding the manning of one-man police stations?

**The Hon. F. J. GRANTER** (Minister for Police and Emergency Services)—No change has occurred in the one-man police station system that operates throughout Victoria. There are 117 one-man police stations which perform a useful function for the people of Victoria, especially in country districts where the policeman acts as a guide and philosopher, one might say, to a number of people, and performs a magnificent service. At various times there have been suggestions that one-man police stations should be phased out in certain areas. This is not being done.

## PRISON CHAPLAINS

**The Hon. R. J. EDDY** (Thomastown Province)—I direct a question to the Minister for Conservation, appreciating his knowledge of the Department of Community Welfare Services. Is it the intention of the Minister and his departmental heads to curtail the duties of prison chaplains and to phase out chaplains in prisons throughout the State?

**The Hon. W. V. HOUGHTON** (Minister for Conservation)—I have no knowledge of such a policy. If there is one, it has not been communicated to me. However, the question ought to be referred to the Minister for Community Welfare Services for an answer, and I shall refer it to the honourable gentleman.

## SCHOOL SUBJECT LEVIES

**The Hon. C. J. KENNEDY** (Waverley Province)—I direct a question to the Minister of Education. In view of the fact that some subject levies amounting to $30 million a year are imposed on children in State schools and that no provision is made for this in the Education Act, will the Minister inform the House whether the payment of these fees is voluntary or compulsory?

**The Hon. A. J. HUNT** (Minister of Education)—Firstly, I do not accept the premise; secondly, I have answered questions on the subject asked by Mr Kennedy many times previously.

## BUILDERS LABOURERS FEDERATION

**The Hon. A. J. HUNT** (Minister of Education) (*By leave*)—I desire to supply further information concerning a question asked of me by Mr Hamilton yesterday. He asked whether, in view of the decision of the High Court in an appeal involving the Builders Labourers Federation, I would lay on the table in the Library the transcripts covering the period during which the Royal Commission has operated *in camera*. I replied that I would, subject to checking that the judgment did have the effect he suggested it did and to there being no legal impediment.

I have since checked and I have ascertained that at both the hearing before the Federal Court and the appeal before the High Court, counsel for the

Royal Commissioner gave an undertaking that the transcripts for the period in which the *in camera* ruling applied would be retained *in camera* until the completion of the report. In those circumstances, it would be improper to place the transcripts on the table in the Library and publication would certainly be unprotected, as reporting would not be contemporaneous. I therefore do not propose to take any steps to lay those transcripts on the table in the Library.

## PERSONAL EXPLANATION

**The Hon. R. J. EDDY** (Thomastown Province)—Mr President, I wish to make a personal explanation. Yesterday when debating the Tattersall Consultations (Amendment) Bill I stated that children under the age of fourteen years had been sold instant Tatts tickets at an agency. I indicated that I could present photographs. Honourable members on the Government benches challenged me to produce the photographs, and I do so now. Any Government members are welcome to examine the photographs and to see for themselves the ages of the children to whom these tickets were sold.

## VICTORIAN ECONOMIC DEVELOPMENT CORPORATION (AMENDMENT) BILL

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

## PAPERS

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

Friendly Societies and Benefit Associations—Report of the Government Statist for the year 1979–80.

Geelong Performing Arts Centre Trust—Report for the period ended 30 June 1981.

On the motion of the Hon. W. A. LANDERYOU (Doutta Galla Province), it was ordered that the reports be taken into consideration on the next day of meeting.

## LOTTERIES GAMING AND BETTING (AMENDMENT) BILL

**The Hon. F. J. GRANTER** (Minister for Police and Emergency Services)—I move:

That this Bill be now read a second time.

Its purpose is to clarify and update some existing provisions of the Lotteries Gaming and Betting Act and to make special provision for small raffles, lucky envelope vending machines and trade promotion lotteries. I propose to deal briefly with each of the proposed amendments.

At present, raffles of a private nature among persons engaged in common employment where the value of the prize does not exceed $10 are exempted from the provisions of the Act. The limit of $10 has remained unchanged since 1966 and clause 2(2) (*a*) of the Bill raises the limit to a more realistic amount of $100.

Apart from raffles of the type that I have just mentioned, a person who wishes to conduct a raffle under the existing provisions of the Act must apply to the Raffles and Bingo Permits Board in the prescribed form, pay the appropriate fee and receive a permit. The Government is of the view that persons who wish to conduct small raffles for a recognized community purpose should not have to obtain a permit each time a raffle is conducted. Clause 5(*c*) of the Bill inserts a new sub-section (6c) in section 6, which, in general terms, exempts people conducting small raffles from the necessity to obtain a permit and certain other requirements where the proceeds are used for a "community purpose" and the value of the prize does not exceed $500.

However, in order that contestants can be assured of the bona fides of people who conduct raffles with prizes between $200 and $500, proposed sub-section (6D) requires the person conducting the raffle to be registered with the Raffles and Bingo Permits Board. Proposed sub-section (6F) provides that raffle tickets issued by a registered person should contain the registration number of that person; and proposed

sub-section (6G) provides that registration lasts for a period of twelve months. Accordingly, once registration is achieved, there is no need for any further application to the board for raffles with prizes under $500 during the twelve-month period.

Proposed sub-section (6H) gives the board the power to require an audited statement of receipts and expenditure. Clause 5(*d*) makes a minor amendment to section 6(7) to ensure that there is a power to prescribe general conditions under which these raffles can be conducted. These provisions should make it easier for small raffles to be conducted without the necessity for complying with all of the procedural and technical requirements of the Act and regulations.

Honourable members may be aware that there is a certain type of raffle conducted by means of "lucky envelopes". In essence, these are raffles where the sealed ticket contains a printed number and the person who conducts the raffle has a list of numbers which entitle the holder of a ticket with a corresponding number to receive a prize.

These raffles are conducted on the basis that a person who purchases a ticket selects one at random from a container. At present, lucky envelope competitions come within the general raffles provisions of the Act. There are now dispensing machines available whereby a person inserts a coin and receives a ticket. These machines were not in existence when the Act was drafted and the Government considers that it is necessary to have special provisions covering them, in particular to control the operation of the machines. Provisions covering lucky envelope machines are contained in clause 7 of the Bill and proposed section 6AB(1) enables the Raffles and Bingo Permits Board to grant a permit to sell tickets through a vending machine. It should be noted that lucky envelopes are a form of raffle and as such, no cash prizes will be permitted. Proposed section 6AB(4) provides that machines may only be installed in prescribed types of premises. The Government intends, at this stage, that the type of premises prescribed for the purposes of the section will be limited to premises licensed under the Liquor Control Act and premises occupied by the organization benefitting from the sale of tickets, and will not include retail premises. Proposed section 6AB(4) also provides that the name of the fund to benefit shall be displayed on the vending machine and sets minimum levels of prize payments and payments to the organization conducting the raffle. Proposed section 6AD requires printers of tickets sold through machines to be resident in Victoria and to obtain the approval of the board. Proposed section 6AC(1) provides that the Government is to receive a surcharge of 5 per cent of the gross receipts where the raffle is conducted for philanthropic and benevolent purposes and 8 per cent of the gross receipts where the raffle is conducted for sporting or recreational purposes. Proceeds from these machines should provide a welcome boost to the funds of many charitable and sporting organizations.

Clause 6 introduces a new concept of trade promotion lotteries into the Act. At present under the Act, raffles, which are defined as a type of lottery without cash prizes, are only able to be conducted for a "community purpose". However, the Act does allow lotteries for any purpose to be held where the participant is entitled "gratuitously to participate". The courts have interpreted this provision very narrowly and have said that a lottery is not "gratuitous" where a purchase or other expenditure is required in order to qualify for a chance to win a prize. At present, some competitions are conducted by traders but they may only be conducted on the basis that a purchase is not necessary to enter the competition. Competitions such as those where the payment of an admission fee to a function entitles a person to participate in a drawing of prizes are not permitted under the Act at present because participation is not regarded as "gratuitous". From time to time, persons wishing to conduct competitions for the promotion of a trade or busi-

ness and where participation is not strictly "gratuitous", even though the tickets are not sold as such, apply to the Raffles and Bingo Permits Board for permission to conduct such competitions. Under the Act as it stands, the board is unable to permit such competitions, although competitions of this type are permitted in New South Wales and Queensland.

The Government cannot see any harm in competitions of this type provided that no specific fee is required from the public for the right to participate. Indeed, the Government sees advantages in supervising such competitions to ensure that they are conducted in a fair manner. The effect of these provisions is that competitions involving such things as tickets given by shopkeepers with a purchase, competitions where it is necessary to send in a packet top or label and competitions where the payment of an admission fee to a function entitles the person to participate in a drawing of prizes will be permitted.

I should point out that trading stamps will not be permitted under these provisions. Trading stamps are coupons, which entitle the holder to demand money or goods, and they differ from lotteries because every coupon holder is entitled to receive something. With trade promotion lotteries, however, a ticket would merely confer a right to participate in a drawing of prizes. Trading stamps are prohibited under section 10 of the Consumer Affairs Act 1972 and this will remain the case.

Clause 6 of the Bill contains the provisions covering trade promotion lotteries. Proposed section 6AAA (3) makes it clear that no fee—in addition to the amount charged for goods or services—shall be charged for the right to participate. Proposed section 6AAB (1) provides for a fee to be paid for the grant of a permit. The regulations will prescribe basic conditions to ensure that such lotteries are conducted in a fair manner and proposed section 6AAA (4) allows the board to impose any additional conditions which it thinks necessary. These conditions would relate to such matters as the period of time during which the promotion is to be conducted, public announcement of the winners' names, the exact description of prizes to be won and the method of determining winners.

Some time ago, the Crown Solicitor gave an opinion that the awarding of liquor as prizes in raffles did not amount to a breach of the Liquor Control Act 1968. This means that there is no restriction on the awarding of liquor as prizes and in order to achieve uniformity, the Government considers that section 5 (3) (*b*) of the Act should be repealed. Section 5 (3) allows the Chief Commissioner of Police to issue permits for small lotteries and games of chance at fêtes and the like where the value of the prize does not exceed $10 and paragraph (*b*) prohibits the disposal of liquor at these games. Clause 2 (1) of the Bill repeals this sub-paragraph.

Under section 6 (6) of the Act the Raffles and Bingo Permits Board has the power to delegate in writing its authority to issue permits for raffles. This means that in many instances the secretary of the board is able to issue permits with the authority of the board. However, no such power of delegation exists in the bingo provisions and it is obviously inconvenient and time-consuming that the full board deal with each application for a bingo permit. The Government is of the view that the bingo provisions should contain a power of delegation along similar lines to section 6 (6) and clause 8 (*c*) of the Bill inserts a new sub-section in the Act, which gives this power to the board.

Section 6 (1) of the Act provides that the board may consent to raffles in certain circumstances. This was one of the original provisions of the Act and the Act has since been amended by the insertion of the bingo provisions in sections 6A to 6F. The board has recommended that a number of minor amendments be made to section 6 (1) so that, as far as possible, it is consistent with the provisions of section 6A (1) and (2), which deal with the power of the board to consent to games

of bingo. This recommendation is supported by the Government and is implemented in clause 5 (*a*) of the Bill.

The present maximum period of a bingo permit as provided in section 6A (8) of the Act is three months. From time to time suggestions have been made that this period be increased. The Raffles and Bingo Permits Board has recommended that the period be increased to six months, which would offer advantages to permit holders without any diminution of control by the board. The Government supports this recommendation, which is implemented in clause 8 (*a*) and (*b*) of the Bill.

Section 6F (4) of the Act provides that where any under-age person is on premises where a bingo game is being conducted, the holder of the bingo permit authorizing the conduct of the game is guilty of an offence unless the under-age person is accompanied by an adult who is his parent, guardian or spouse. Section 6F (5) provides for a definition of the term "under-age" for the purposes of the bingo provisions. In relation to raffles, the Act leaves the question of under-age persons to the regulations. The Raffles and Bingo Permits Board has recommended that participation of under-age persons in bingo and raffles, whether by way of lucky envelopes, spinning wheels or otherwise, should be dealt with in a uniform manner in the regulations and that section 6F (5) be repealed. The Government supports this recommendation which is implemented in clause 11 (*b*) and (*c*) and clause 12 of the Bill.

Sections 38 (2), 42 (2) and 66A (1) of the Act provide for Ministerial approval to be given for betting on sporting meetings, communication of betting odds and "Calcutta" sweeps. The Government considers it is more appropriate that approval in these circumstances be given by the permanent head of the Law Department. Clauses 13, 14 and 16 of the Bill replace a reference to "the Minister" with a reference to "the Secretary to the Law Department".

Under the present wording of the Act, section 6D (1) requires holders of bingo permits to pay certain surcharges to the Raffles and Bingo Permits Board and section 6D (2) requires the board to pay these moneys into the Bingo Fund. However, section 6C (2) already requires all moneys lawfully received by the board to be paid into the Bingo Fund. The board therefore considers that section 6D (2) is unnecessary and has recommended that it be repealed. The Government supports this recommendation which is implemented in clause 10 of the Bill.

Section 6F (2) of the Act provides for penalties where a bingo game is not played in accordance with the provisions of the Act, regulations or permit granted, but as presently worded, does not specify who is guilty of an offence. Clause 11 (*a*) of the Bill rectifies this situation by relating the offence to persons who conduct or assist in conducting games of bingo. In addition, section 74 of the Act deals with breaches of the provisions of the Act and provides for general penalties where a penalty is not expressly provided elsewhere in the Act. Clause 17 of the Bill extends section 74 to cover breaches of the regulations made pursuant to the Act.

Finally, the Bill replaces all references to the "Chief Secretary" in the Act with a reference to "the Minister" following the transfer of responsibility for administering the Act to the Attorney-General. 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.

## RAILWAYS (AMENDMENT) BILL

**The Hon. GLYN JENKINS** (Minister of Water Supply)—I move:

That this Bill be now read a second time.

This brief Bill does two things. It commits VicRail to enter into arrangements with private operators to cover rolling-stock, to operate their rolling-stock with VicRail staff on the VicRail system. Secondly, it puts beyond doubt the question of the validity of VicRail operating its rolling-stock interests, and it reverses or clarifies the position

of other States' rolling-stock being operated on the VicRail system. I commend the Bill to the House.

On the motion of the Hon. D. R. White, for the Hon. G. A. S. BUTLER (Thomastown Province), the debate was adjourned.

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

## EDUCATIONAL GRANTS (CONTINUATION) BILL

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

That this Bill be now read a second time.

This is the annual appropriation Bill for educational grants. It retains the rate of reimbursement at 22 per cent, the same as for 1981, during the first half of 1982, and raises it to 23 per cent, in accordance with an election promise and a Budget promise, in the second half of 1982. The rates applicable during the first half of the next school year will be at primary level $293 for the full school year, and $480 for a full school year at secondary level. After the amount goes to 23 per cent, it will be at the rate of $306 per annum for a primary pupil, and $501 for a secondary pupil. I commend the Bill to the House.

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

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

## VICTORIAN ECONOMIC DEVELOPMENT CORPORATION (AMENDMENT) BILL

**The Hon. D. G. CROZIER** (Minister for Minerals and Energy)—I move:

That this Bill be now read a second time.

The Victorian Economic Development Corporation Act 1981 passed through this House in the last sessional period of Parliament.

It has been found that some minor amendments are required to the legislation to make it more workable. These in no way change the spirit or intent of the legislation, nor in any way diminish the Government's control of the corporation.

Funding for the corporation is by way of advances from the Works and Services Account and deposits and loans obtained with the approval of the Treasurer.

There are three separate funds, namely, the general fund, the decentralization fund and the preferred industries fund. The Victorian Development Corporation had only one fund—the general fund. Moneys received from the repayment of loans made by the former Victorian Development Corporation are returned to the Victorian Economic Development Corporation's general fund and are therefore not available for onlending to decentralized industry.

The first amendment required is to sections 39 and 40, which will allow such moneys to be lodged in either the general fund for tourist lending, or the decentralization fund, "as the Minister determines". This accords with the intention of this House when the legislation was originally adopted.

Secondly, the requirement that each of the three funds bear their own administrative costs has proved cumbersome and wasteful. Amendments to section 25(3) (*c*), 39(2) and 40(2) will allow all administration costs to be a charge against the general fund, thereby eliminating the need for an unnecessarily cumbersome and costly process in the corporation's accounting system.

The third amendment is to section 36 of the Act which deals with the corporation's ability to lease exchange or otherwise deal with property. The legal advice given to the corporation is that the wording of the section should be altered to make the section more explicit and legally meaningful. This has been done.

Finally, the legislation required that the Governor in Council proclaim both the day of coming into operation and an "appointed day". While the day of coming into operation was proclaimed as 1 July 1981, the "appointed day" was not proclaimed until 29 July 1981. This hiatus has caused both legal

and accounting problems and it is proposed that these should be overcome by legislative amendment.

When the initiating legislation was introduced into this House, the Victorian Development Corporation was described as a key organization in promoting the development of the State.

The Government has been fortunate in attracting men of high calibre to the board of the corporation and in recruiting officers of ability and vision to advise the board and to translate their decisions into action.

I firmly believe that the corporation has the required foundation on which to build and that it will fulfil the high expectations which we have of it. These amendments can only assist in its work. I commend the Bill to the House.

**The Hon. D. R. WHITE** (Doutta Galla Province)—The Labor Party does not oppose this measure.

On the motion of the Hon. B. P. DUNN (North Western Province), the debate was adjourned.

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

## WATER AND SEWERAGE AUTHORITIES (FINANCIAL) BILL

The debate (adjourned from the previous day) on the motion of the Hon. Glyn Jenkins (Minister of Water Supply) for the second reading of this Bill was resumed.

**The Hon. D. R. WHITE** (Doutta Galla Province)—This important measure has been introduced by the Government late in the sessional period. The Opposition has strong reservations about the way in which the Government has gone about introducing the Bill.

The Public Bodies Review Committee was established to investigate the water industry as a whole, outside the Board of Works area, including the financial operations of water authorities. A significant report was prepared in regard to the financial policies of public utilities in Victoria with specific reference to the water industry.

Very late, but prior to the Public Bodies Review Committee completing its investigation into the industry, the Government has introduced legislative changes based on an Urban Water Services Financing Study. That study shows clearly and comprehensively that for too long the financial and economic management of that public utility has been in the hands of engineers masquerading as economists.

The Bill proposes two major changes. The first is the interest subsidy and the second is the more flexible use of depreciation funds. The Government overlooks that inadequate consideration has been given by the Urban Water Services Financing Study, the State Rivers and Water Supply Commission and by the Government itself to two major features of financial management. One is a proper pricing policy. For the first time, yesterday we had reaffirmation of the Labor Party's stand on this issue which has become a significant public debate. The Urban Water Services Financing Study does not address the question.

What the Cochrane report did yesterday and what the Sheehan report did for the Institute of Applied Economic and Social Research was to introduce for the first time the proper principles that should apply in respect of a pricing policy for public utilities. Every ratepayer who pays rates to any public body wants to know about that.

Paragraph 7.20 of the Cochrane report states:

> The State Electricity Commission has at last realized the conflicts between its policy objectives since, in the forecasts of revenue and expenditure provided to the inquiry, it has indicated an intention to raise 1982/83 electricity prices by 6 per cent more than the C.P.I.

That could be a real increase of more than 18 per cent. The significance of that, when applied to the water industry, is that those principles have been absent in the past. The Labor Party looks forward to recognition that the most important principle that ought to be applied to the water industry and to all public utilities, stemming from the Cochrane report and Sheehan report, is now clear.

Clearly, the Cochrane report endorsed the principles that should underlie the pricing policy of the water industry, the State Electricity Commission and all other public utilities, as indicated by Peter Sheehan, Professor Swan, Professor Porter and the shadow Treasurer, Robert Jolly, which is that the prices charged by public utilities should yield a target rate of return on assets employed after allowing for depreciation and replacement cost and excluding interest charges.

**The Hon. Glyn Jenkins**—Should they have a common rate?

**The Hon. D. R. WHITE**—In the application of the funds we are talking about two things. The first is the level of prices and the second is the structure of prices. There is one overriding principle in setting a pricing policy for any public utility, irrespective of the shade of political opinion one espouses and irrespective of whether one relies on Professor Porter, Peter Sheehan or Professor Swan.

**The Hon. Glyn Jenkins**—You would rely on Peter Sheehan, all right.

**The Hon. D. R. WHITE**—The conclusions are universal, right across the political spectrum, but this is the criterion. Professor Cochrane endorsed it yesterday for the State Electricity Commission and for all public utilities that the target rate of return is appropriate in the pricing policy for public utilities.

The Bill begins to address financial questions associated with the water industry, but reflects an absence of any consideration of a basic pricing policy which came out yesterday in the Cochrane report.

**The Hon. Glyn Jenkins**—What is your target rate of return?

**The Hon. D. R. WHITE**—The principle should be a target rate of return as a basis for a pricing policy.

**The Hon. Glyn Jenkins**—Do you mean in the water industry?

**The Hon. D. R. WHITE**—That is the basic principle. Having established the principle, one then negotiates what the specific target rate of return ought to be.

**The Hon. Glyn Jenkins**—What should it be?

**The Hon. D. R. WHITE**—That pricing policy ought to be universal. The one being suggested here is a 5 per cent real rate of return. That is what Professor Cochrane suggested.

**The Hon. Glyn Jenkins**—In the water industry?

**The Hon. D. R. WHITE**—I make it clear that what is needed is a universal pricing policy applied to all public utilities emanating from the Treasury so that there are some basic objective criteria for the allocation of capital works funding.

**The Hon. Glyn Jenkins**—Without regard to the level of services?

**The Hon. D. R. WHITE**—If one understands the principle, one understands how to apply the question the Minister is putting. The first matter is to have a common principle for pricing policy. After that, if some sections of the community require some form of subsidy, that is then taken into account after applying the objective criteria. There is no doubt that, when the discussion came up in respect of the State Electricity Commission, Alcoa of Australia Ltd, the commission belatedly and Cochrane came up with a common pricing policy.

Because this document is superficial and inadequate to deal with financial matters, it overlooks the considerations of pricing policy which Sheehan put in respect of both the water industry and all public utilities. For the benefit of the House, I will put on record those comments. On page 4 of his report, Mr Sheehan said:

> Apart from a few authorities, little information is available about the pricing policies which the major business authorities pursue. But what information is available indicates that authorities typically take a range of factors—the need to cover costs, the aim of achieving a target rate of return on funds employed, a target goal for the proportion of new investment funded by retained earnings and a desire to hold price increases below movements in the consumer price index—into account in settling prices. These various goals can and often do conflict with one another, and one or all of the targets may prove to be unachievable.

It is because they were mutually exclusive. Because of that conflict, the State Electricity Commission is now in the trouble that it is in. Unless the Government addresses the question of an objective pricing policy for the water industry, the same fate will befall it as has befallen the State Electricity Commission. The Urban Water Services Financing Study does not even begin to address that question.

It is not clear how authorities respond to situations of conflict and by what means priorities are established. One thing is clear. As the public utilities independently pursue their pricing policies, there is a lack of sense of direction from the State Treasury and from the front bench of the Government. There is no direction, recommendation or indication of what the objective criteria ought to be for pricing policies. That is why the State Electricity Commission is today on the verge of bankruptcy; it is because of the absence of a pricing policy applied by the Government and its grotesque financial mismanagement of the resources of this State. It is clear that when the collection of rabble in "has been's corner" got together to choose from among their number a representative for the front bench, they could not have chosen a more appropriate representative than the Minister of Water Supply, because he also has failed to address those questions.

Authorities receive little systematic guidance from the Victorian Government, and I make it clear that the Urban Water Services Financing Study does not address the question. It perpetuates a piecemeal approach to financial management. It is ridiculous that it was unable to do so, given that it had both the Sheehan document and the Cochrane document.

**The Hon. Glyn Jenkins**—Which Cochrane document?

**The Hon. D. R. WHITE**—It had the document on the State Electricity Commission.

**The Hon. GLYN JENKINS** (Minister of Water Supply)—On a point of order, Mr President, I ask Mr White to identify the specific document to which he refers and the date on which it was published.

**The Hon. D. R. WHITE** (Doutta Galla Province)—The Cochrane document to which I am referring is the document that was tabled in the television room by Neil Mooney yesterday. The paragraph to which I am referring relates to the principles that he applied. Cochrane's report has been available in Government circles for more than a month. It was appropriate that the Government should have considered that when determining the pricing policy, targets and an objective criteria for the water industry. I shall quote again from Dr Peter Sheehan.

**The Hon. GLYN JENKINS** (Minister of Water Supply)—On a point of order, I do nct wish to be pedantic, but Mr White is now proceeding with the argument that members of the Urban Water Services Financing Study should have taken note of a document from which he is quoting. The Cochrane report became available only yesterday and was not available to the members of the financing study at the time the report was produced in September.

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

**The Hon. D. R. WHITE** (Doutta Galla Province)—For the benefit of Mr Jenkins, all Professor Cochrane did in his report was to endorse the pricing principles that had been espoused publicly by Professor Swan, Professor Porter and Mr Rob Jolly, the honourable member for Dandenong in another place. Throughout the report, all that Professor Cochrane did was to say what had been said publicly by those people about pricing policies of public utilities and for the appropriate method to be used by the State Electricity Commission and all public utilities.

It is important to point out also that the Urban Water Services Financing Study had available to it at all times the Sheehan report and the Government has at all times taken issue with the principles espoused by Dr Sheehan, now endorsed by Professor

Cochrane and Professor Porter and, moreover, by Alcoa of Australia Ltd. There is the same objective criteria: That the State Electricity Commission should meet a target rate of return and there should be marginal costing applied. Alcoa of Australia Ltd agreed on those pricing principles—all that is in dispute is the calculation. The pricing principles are agreed universally by all economists. The only ones left in doubt and under some cloud—and Ernst and Whinney endorse these remarks—are of course, the front bench and the men who prepared the Urban Water Services Financing Study, who had available to them the pricing policies and principles advocated by Dr Sheehan.

Professor Cochrane was appointed by the Government and one could have predicted what he would say about pricing principles. For the benefit of the Minister of Water Supply, who is interjecting, Professor Cochrane is not associated with the Australian Labor Party, and nor is Professor Porter, who has been speaking publicly on the issue for many months. The application of those principles does not apply just to the State Elecricity Commission. Public utilities are in a shambles, the commission is on the verge on financial bankruptcy and the water industry is so fragmented and in a state of decline and disrepair as a result of Ministerial incompetence and the failure of the Government to recognize pricing policies that ought to apply and to recognize that the pricing policies used in the water industry are contradictory.

*Honourable members interjecting.*

**The Hon. D. R. WHITE**—The ratepayers of the Board of Works are left in a situation where the Government has addressed the question on one area of the water industry and not another. It is also clear that the change in policy on the interest subsidy, which is designed to ensure that water trusts and sewerage authorities now have to pay 4 per cent on funds loaned to them, will mean that the subsidy to the water industry will increase. That should not be forgotten. This year the subsidy to water trusts and sewerage authorities will increase. Last year they were raising funds at 12 per cent and had subsidies available to them of 3 per cent—the subsidy was 9 per cent; this year, the authorities have to pay 4 per cent and they are borrowing at 15 per cent—the subsidy is 11 per cent—and the burden on Treasury this year will increase. The subsidy will increase further on new funds. In analysing the effect of pricing policies actually implemented, Dr Sheehan stated:

> . . . it is clear that there are three types of business authority. One group, which includes the State Electricity Commission of Victoria, the Gas and Fuel Corporation and the Melbourne and Metropolitan Board of Works, have covered costs—after depreciation at replacement cost but before interest—and have earned a significant positive real rate of interest on total funds employed. Indeed, largely because of the negative real rate of interest at which they were borrowing funds over the 1970s, these authorities were highly profitable in terms of the real rate of return to the owners of the enterprise, and the equity of the public in these enterprises increased rapidly over this decade. The second group consisted of VicRail and the Melbourne and Metropolitan Tramways Board, and had a cost recovery rate of only about 50 per cent. While these authorities have not been investigated in detail in this Report, we would be concerned about any tendency to base pricing policy on the supposed inevitability of such a low cost recovery rate. The third group is a disparate one, and did not as a whole cover full economic costs after depreciation. The performance of this group highlights again the need to delineate more clearly those authorities or parts of authorities which are expected to operate as business authorities, and to specify the guidelines according to which such authorities should operate.

None of those questions has been addressed by the Urban Water Services Financing Study but those questions are being addressed by an all-party Parliamentary review committee which, of course, the Minister of Water Supply cannot wait to try to pre-empt. At page 5 of the report, Dr Sheehan continued with his remarks.

**The PRESIDENT (the Hon. F. S. Grimwade)**—Order! The honourable member is reading at some length. I suggest that he condense it to the parts to which he wishes to draw attention, rather than reading a lengthy report to the House.

**The Hon. D. R. WHITE**—I shall conclude reading the report with this quote:

> If consumers are required to provide for this capital maintenance component through prices, they are in fact financing the capital gain accruing to the enterprise. It seems that each of these factors are distorting business enterprise pricing in Victoria at the present time, as is indicated by the 54 per cent increase in electricity traiffs in less than two years and the large increases in many MMBW rates in recent years. In view of the complexity of these issues and their importance for Victoria, it is recommended that the Parliament of Victoria provide the Public Bodies Review Committee with a reference to examine the pricing policy of major public sector business authorities.

That is the most urgent job the Government is facing in the operation of public utilities. It is a pretence that this *ad hoc* measure before the House will begin to address the really significant questions. It is obvious, following the publication of the Cochrane report yesterday, that those questions are not beginning to be addressed. There is now unanimous support throughout the community following the release of the Cochrane report of what Professor Swan, Dr Sheehan and Mr Jolly in another place have been saying over the past two years about what should have been undertaken by the Government a long time ago.

It is about time that, throughout the Public Service, particularly Treasury and the Water Commission, the Government began to realize that the manner in which it is proceeding to make senior appointments is failing to ensure that the most capable economists in the community are being employed by the Public Service, and is bringing the State into financial ruin. The most capable economists ought to be properly represented in Treasury and they are not. The head of Treasury, Dr Ian Baker, is a product of the Water Commission and has been partly responsible for the predicament of public utilities. One need look no further than to the annual reports of the Water Commission, which do not include even a consolidated set of accounts. Some of those senior appointees of the Government would not be employed in similar positions in the private sector.

*Honourable members interjecting.*

**The PRESIDENT (the Hon. F. S. Grimwade)**—Order! The Minister of Water Supply should cease interjecting.

**The Hon. D. R. WHITE** (Doutta Galla Province)—With the exception of Peter Wade, the Deputy Director of Finance, it is clear that Mr Baker, the Director of Finance, and Mr Webster, Co-ordinator of Works, do not measure up to people of an equivalent stature in the Federal Treasury.

**The Hon. P. D. Block**—Do you have a hit list?

**The Hon. D. R. WHITE**—You are not on the hit list, Mr Block. I have often said that you are irrelevant. You should confine yourself to preparing for the "wets" night. It is clear that the Government in attempting to pre-empt the work of the Public Bodies Review Committee——

**The Hon. Glyn Jenkins**—Are you saying that the Government has to stop work because a Parliamentary Committee is doing its job?

**The Hon. D. R. WHITE**—The least the Government could do is to consider the work that has been done by the committee and acknowledge the material that is the basis of the Bill. All it has done is produce another group of people, the Urban Water Services Financing Study group, which has not begun to address the major issues. If proof is needed, I urge the Minister to examine the Cochrane report because it fully endorses the public debate which we have been endeavouring to mount, and certainly in a remedial form, for the benefit of the Government over a prolonged period.

The steps taken and proposed in the Bill do not go anywhere near correcting the financial changes that should occur in the water industry. Having been out in the field of water trusts and sewerage authorities much more frequently than the incumbent Minister, I am aware that these trusts and authorities are not only ready for change but are also seeking change. The trouble is that they cannot get an informed audience at the Water Commission; they cannot get an informed

audience at the Treasury; and they cannot get an informed audience at the Ministry.

I recommend to the honourable gentleman that he read the transcript of evidence of witnesses who have appeared before the Public Bodies Review Committee on behalf of water trusts and sewerage authorities. The Minister should pay attention to the evidence given by the secretaries of the water trusts and sewerage authorities from Warrnambool, Horsham and the Latrobe Valley and pay special attention to his domain, Geelong.

**The Hon. Glyn Jenkins**—I did not refuse to appear before the committee.

**The Hon. D. R. WHITE**—I did not say the Minister had refused, I said that he had not been out into the field and met with representatives of the water and sewerage authorities as often as members of the committee or me.

From the evidence that has been presented, it is clear that the trusts and authorities are seeking significant changes to the financial operations of the water industry so that they may participate more professionally. This situation does not exist at present at the State Treasury or at the State Rivers and Water Supply Commission in the area of financial management. Every member of the Government party, particularly members of the Cabinet, the Minister assisting the Treasurer and the Minister of Water Supply, should read the Cochrane report. Particular attention should be paid to the paragraphs that deal with pricing policy, because the Bill does not begin to address those matters although they have been canvassed publicly and rigorously and exhausted by all of the dissidents in the Alcoa debate and all of the dissidents in the major debates concerning the operations of the State Electricity Commission and the water industry generally.

It is about time the Minister examined the work of the Public Bodies Review Committee but, despite repeated invitations to do so, he has not seen fit to approach the committee; it will have to subpoena him.

**The PRESIDENT (the Hon. F. S. Grimwade)**—Order! Mr White is going too far, he should address his remarks to the Bill. He has had enough time to canvass all aspects of the Bill.

**The Hon. GLYN JENKINS** (Minister of Water Supply)—On a point of order, Mr White made an important statement. He said that the committee may subpoena me to appear before it and that I had refused to see it. I have not refused, and there is no need for the committee to subpoena me, because I have made an arrangement with the Chairman of the Public Bodies Review Committee to have an informal discussion with the committee. Mr White is misrepresenting the position.

**The PRESIDENT**—The Minister's explanation cleared the matter.

**The Hon. D. R. WHITE** (Doutta Galla Province)—The two main features of the Bill are interest subsidy and the more flexible use of depreciation funds. The Bill does nothing to improve the financial position of the State Treasury. The subsidy to be handed to waterworks trusts and sewerage authorities will increase. It is merely an *ad hoc* measure that the Government has taken; it is not part of an over-all improvement in the financial operations in the water industry.

The reports that are rapidly coming in before the committee, with the exception of this one, make it clear that, although a necessary part of determining the costs incurred in the operations of business enterprise is to make some allowance for depreciation, it is not necessary for public utilities to build up asset replacement resources, which are inappropriately known as depreciation funds in public utilities. It is true that depreciation funds should be repealed from all forms of legislation.

**The Hon. Glyn Jenkins**—Should they be completely repealed?

**The Hon. D. R. WHITE**—Completely. There should not be separate material in different Acts of Parliament covering accounting principles of public utilities. The accounting principles ought to

apply across the board for all public utilities and ought to be laid down in either the Audit Act or an Act dealing with accounting principles specifically, instead of a range of inconsistent accounting principles for similar public utilities, which ought to have similar accounting principles.

The recommendations of the Touche Ross report ought to apply to accounting principles. The proposed legislation, which is based on the Urban Water Services Financing Study, does not take into account the recommendations of the Touche Ross report, or the Public Bodies Review Committee report, on changes in accounting principles of public utilities. The Government has overlooked these recommendations. The documents have been published but no consideration has been given by the Government to making financial changes. There is no reason why the two publicly available documents should not have been addressed by the Urban Water Services Financing Study, which failed to address this. I know that Mr Baxter cannot interject on behalf of the Liberal Party and that he cannot wait to join the Government. That may be a small step for mankind but it is an even smaller step for Mr Baxter. He is the "McInnes" of the Upper House; he cannot wait to get a transfer fee. I assure Mr Baxter that the Minister of Water Supply can handle the Bill on behalf of the Government and remind him that he is still a member of the National Party.

**The Hon. W. R. BAXTER** (North Eastern Province)—On a point of order, Mr White should not make reference to what my intentions may be in the future. It is quite well known that I am a staunch supporter of the continuation of the third party.

**The PRESIDENT (the Hon. F. S. Grimwade)**—That is not a point of order. Mr White's comment was completely irrelevant. He has been requested to address his remarks to the Bill, and if he persists in commenting on matters that are entirely irrelevant to the Bill, I will call the next speaker.

**The Hon. D. R. WHITE** (Doutta Galla Province)—Because the Government has failed to address itself to the basic issues, I move the following reasoned amendment:

> 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 of a Central Financial Management and Borrowing Agency for local water and sewerage authorities to increase the efficiency with which the existing financial resources of the industry are utilized and to facilitate borrowing.

**The Hon. W. R. BAXTER** (North Eastern Province)—Again Mr White has exhibited to the House that great flow of Socialist dogma that one solution can be applied across the board and it fixes up all ills. Well, it does not take much intelligence, experience or practical work in the world to know that that sort of solution is completely inappropriate and unworkable.

Mr White spent a long time regaling the Minister of Water Supply and the House about the State Electricity Commission and by some means connected the two together and suggested that the pricing formulae applied by the State Electricity Commission should be applied to the water industry. I can detect no logical connection between the two. Electricity is supplied Statewide at a common standard, at a common voltage through a number of quite large power stations. It is an even commodity whereas water supply has a tremendous variability right throughout the State of Victoria. We have Melbourne supplied drought free with three years supply of high quality drinking water, but in other parts of the State water is supplied from brackish dams, polluted rivers and streams or other avenues of supply, many of which are unreliable and less than satisfactory. There is a complete variability in the quality of water, and it is totally unrealistic to suggest we ought to be charging a similar basis across the State.

Mr White made it clear again what was the policy of the Labor Party. No matter what the isolation, the social

consequences or the interest of the community in encouraging people to go to scattered parts of the State, who should be provided with a water supply?

Mr White will fix up the people in Melbourne in that we have Melbourne drought free. Mr White will put everything in Melbourne for the community but not do anything for people who live in the country, the people whom members of the National Party represent. He will bleed them dry and I have said it time and again that that is the reason why the Labor Party cannot win any seats in the country; country people are fully aware that that is the policy of the Socialist Labor Party in this country.

This measure dismantles the initiatives introduced by the late Sir Herbert Hyland in 1943 when he was a member of the then Country Party Government. It is quite distressing to me that a scheme that has worked well for almost 40 years is now in the process of being destroyed.

I believe some adjustment was necessary and some rationalization was in order. It is unrealistic in this day and age to be having loans subsidized down to 3 per cent. Presumably, when Sir Herbert introduced the legislation all those years ago, the interest rates were about 5 per cent or 6 per cent and they are now 12 per cent or more. Therefore, there should be some readjustment of the scheme and the interest subsidy should be adjusted down to a level more in keeping with current rates of interest.

However, that is no reason for demolishing the whole scheme. This is retrospective legislation and I am totally opposed to retrospective legislation. There are many water supply and sewerage authorities in this State which have budgeted carefully on the basis that their existing loans should continue at 3 per cent. The proposal means that the rate of interest subsidy will be increased to 4 per cent this year and over a period of years it will be adjusted further, although there is nothing in the Bill to indicate just over what period it will be adjusted. It is not known what the Minister of Water Supply will do next year or the year after and if the State was unfortunate enough to have Mr White as Minister of Water Supply, this provision could be completely wiped out overnight.

That is what I have been telling the Government ever since I have been in this Chamber. The Government is very adept at putting legislation on the statute-book which is all right whilst a conservative Government is in office and we have reasonable Ministers of the Crown, like the Minister of Water Supply, but it is playing completely into the hands of the Opposition if ever it makes the transition because if the Opposition was in Government, it could make radical, detrimental and expensive changes without introducing amendments into the Parliament and it could claim that it could not be accused of doing anyhing wrong as it was only implementing the legislation which the conservative Government had placed on the statute-book. I have been warning the Government for ten years now and today legislation is being enacted which a new Government next year could use and which would be completely against the interests of the population of Victoria, and particularly against the interests of persons living in country Victoria.

I come back to the retrospective provision of the Bill. This will completely undermine the careful budgeting of many country water supply and sewerage authorities. In other words, it is a breach of contract and not only will it affect the authorities, but also it will affect some businesses which have entered into contracts with authorities in good faith.

For example, there is a co-operative fruit cannery in the area I represent, which entered into a contract some years ago with the Mooroopna Sewerage Authority to underwrite works which would then enable that sewerage authority to treat the trade waste from the fruit co-operative. The project cost $1·7 million and the cost was underwritten by the co-operative on the basis that the interest rate subsidy would continue at 3 per cent. That has changed now

and the removal of the interest rate subsidy will increase the annual cost by $115 000 a year, and as the co-operative has stated to me, that will cause considerable hardship to an industry already facing a most troubled future. Honourable members are aware of the difficulty the canned fruit industry is facing at the moment.

There is an example of a breach of contract being foisted upon a co-operative and a sewerage authority because of the retrospective provision in the Bill. It is disgraceful that we, as members of Parliament, are party to enacting retrospective legislation of this nature.

I know that the Minister of Water Supply will get up and state that there are some people around the State who are paying very low water rates and they do not deserve to be getting subsidized money. I have already stated that the system needs a bit of fine tuning. The honourable gentleman may give some examples of where these people are who pay low water rates. I understand that perhaps the City of Ballarat, represented by Mr Bubb, has low water rates, but I cannot find very many in the area that I represent. I have checked with Wodonga, Nathalia and Mount Beauty, for example, and they are paying at or above the State average, so where are these areas where low rates are charged?

**The Hon. R. J. Long**—They must be new schemes.

**The Hon. W. R. BAXTER**—They are not recent schemes and the scheme in Nathalia was put in before I was a member of the council and that was many years ago, so it is certainly not a new scheme. Wodonga does not even have a filtration plant, so that is not a new scheme by any stretch of the imagination.

The Minister of Water Supply may enlighten honourable members and give some examples of the low water rates about which he speaks and if they are widespread, then perhaps something has to be done about them, but I do not believe we should penalize the majority to get at the minority as an answer to overcoming the problem. This smacks of what Mr White was speaking about a while ago. We need some fine tuning, but if one looks at the personnel who made up the Urban Water Resources Finance Study, no wonder they came up with this solution because not too many of them had any knowledge of country water supply authorities. On the study team there was the Director of Water Resources and a representative from Canberra and honourable members know what is the attitude of Canberra on helping people from the bush. Then we had Mr Don Dunbar, the Chairman of the Traralgon Waterworks Trust and the Traralgon Sewerage Authority. Presumably he was a voice crying in the wilderness for the people he represents on those authorities. Then we had the general finance officer of the Melbourne and Metropolitan Board of Works—a friend of Mr White's presumably! Really and truly, this Bill has nothing to do with the Melbourne and Metropolitan Board of Works. It is not part of the scheme so why should it have a representative?

There was Mr Gillard, the Director of Urban Water Services of the State Rivers and Water Supply Commission. He knows a fair bit about water but he is not practically engaged in running a water trust in the sticks. There was the Deputy Co-ordinator of Works in the State Treasury. Honourable members know that such people are paid to collect money not give it out. There was a fellow from the Latrobe Valley Water and Sewerage Board, again a large organization with not too much knowledge of running the Mount Beauty Waterworks Trust or the one at Walwa. There was a fellow from a private consulting firm. They are theorists and do not know much about practical application. It is no wonder that this type of proposal is put forward which, on the face of it, looks good and which I think the Minister has accepted. However, when one considers the practicalities of it, one finds that it is a different matter. The Minister says that the Government will do away with the subsidy over five years.

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

**The Hon. W. R. BAXTER**—The Minister said that it would be over a period of years. I am afraid of what will happen overnight if this provision is enacted. The Minister says that once the water rates reach 1·2 times the State average, the Government will phase in some revenue assistance and when it reaches 1·5 times the State average the Government will provide a subsidy above that. It sounds nice but what will happen to the State average as the interest subsidy is progressively removed? For example, in the Mount Beauty Waterworks Trust in 1982 under the existing subsidy arrangements the interest bill will be $30 000 or just over. By 1986, if there is an even removal of the subsidy, and without any new loans, it will have risen to $84 000. Honourable members can imagine that being repeated right across the State. What will it do to the State average? The State average will rise exactly as the Mount Beauty water rates have risen and it will be simply one following the other upwards. People may never reach a position of being entitled to revenue assistance but they will have lost the assistance of the interest subsidy and will be far worse off.

The trust secretary at Mount Beauty has estimated, working on a 10·5 per cent inflation rate, that the State average water trust bill for 1982 will be $114; the Mount Beauty rate will be $85; by 1987 the State bill will be $189; and the local bill will be $230. The trust secretary then says:

> however, it is extremely unlikely that the State Average Bill will only increase by the inflation rate of 10·5 per cent per annum (as projected by the Report) and it is most likely that the Mount Beauty Water Trust and Sewerage Authority would remain under the 'plus 20 per cent' level and receive no assistance by way of a Revenue Subsidy.

Under this proposal there will either be no assistance or a high rate paid through the nose. That is totally unfair and a denial of justice for country people who over the years have benefited from the scheme which was set up by a Country Party Government to even up conditions *vis a vis* country and city. It is extremely disappointing that the Minister is now attempting to dismantle it.

Yesterday, in some additional words to his second-reading notes, he said, that the average rate that will be paid on Government loans is 9 per cent. It may well be true but nowhere in the Bill does it say that it will be 9 per cent now or in the future. It is not good enough to put a piece of legislation on the statute-book which has holes in it through which one could drive a horse and cart. This Minister may not take advantage of the situation but his successors may do so to the detriment of the people I represent. Earlier in his remarks Mr White referred to the report of the Touche Ross Services Pty Ltd and the report of Dr Sheehan of the Melbourne University. This is a tarnished document. It has been put out by a person who has some connection with Mr White's party. The Public Bodies Review Committee has put the document out for public consumption without drawing any conclusions itself and has given the document its imprimatur. It is not the province of the committee to be doing that. This Parliament should not endorse what is in the report until the committee has given Parliament the benefit of its advice, and it has not done that.

I had intended to move a reasoned amendment but, as Mr White has already done so on behalf of the Labor Party, under the procedures of the House I am precluded from doing so. I shall indicate what were to be the terms of my reasoned amendment. I intended to seek the withdrawal of the Bill and its redrafting to provide that the existing subsidy arrangements be continued down to 3 per cent on existing loans until maturity because, as previously explained, if that is not done it is a vicious retrospective provision in breach of contracts and is totally inequitable. I believe this Parliament should not be a party to it.

The second part of the amendment is to make an adjustment as we have already conceded that some adjustment

is necessary with fresh loans to subsidize to a rate equal to not more than 50 per cent of the long term bond rate. Not for one moment is the National Party suggesting that new loans should automatically be at 50 per cent of the long term bond rate but at a figure moving up to that over a number of years.

It is unfortunate that I cannot move that amendment but in the Committee stage I shall persist in moving appropriate amendments regarding the interest rates on fresh loans.

It is difficult to contemplate how country members of the Government party can support this type of Bill. When Mr Reid faces the electors in three or four months' time in Bendigo, and Mr Taylor in Gippsland, for example, it will be difficult to explain how this type of legislation has been enacted. Those honourable members must be receiving similar correspondence to the type I am receiving from water trusts which are concerned about the implications to the rates. In some areas the rises will be intolerable. Some rates will double. Country newspapers such as the *Border Mail* of 8 December talk about the increases. The article in the *Border Mail* reads, *inter alia*:

> Mount Beauty ratepayers face rising rates in the next six years because of higher water costs.
>
> The Mount Beauty Waterworks Trust expects to raise its charges $85 to $230 next year.

**The Hon. Glyn Jenkins**—Those calculations are incorrect.

**The Hon. W. R. BAXTER**—There seems to be some journalistic licence there and I do not suggest that the figures are correct. There is unrest in the community now and the fear that people will be hit hard by a scheme which will not achieve its intended purposes. All honourable members are aware that there is a long waiting list for sewerage schemes and waterworks schemes around the State and that the Government proceeds with these works within financial stringencies. The Minister considers the Bill to be a means of providing extra capital to the water industry. I believe the Minister is being over-optimistic in thinking that way; the funds must be found from other sources. I understand that in 1981–82 only four additional towns will have sewerage schemes commenced because of lack of funds.

If the Bill goes through, some towns will never be able to afford to have sewerage connected unless they can obtain subsidized loans. Therefore I indicate that the National Party is unable to support the proposed amendment moved by Mr White. He did not explain it in his speech, anyway; he engaged in a whole heap of theory which lost at least me, and probably other honourable members.

I invite honourable members who cannot in conscience support the proposed legislation to support the amendment which I will move, because it will at least provide some assistance to the people that they claim to represent.

**The PRESIDENT (the Hon. F. S. Grimwade)**—Order! Before I call Mr Wright, I point out that Mr Baxter has foreshadowed a reasoned amendment, of which I do not have a copy. As I understand, the amendment would propose to add words after the word "That" in the motion, after having omitted certain words. In one sense this proposed amendment is not unlike that moved by Mr White, because both of them require words to be omitted with the view of inserting other words in the motion.

To the extent that the House deals with this matter, it deals initially with the question of whether the words should be deleted. If they are deleted, I propose to hear argument on both amendments with the view of the House then deciding which series of words would fill the vacancy that would be created.

I give notice to the House that that is how I propose to deal with the matter should the question "That the words proposed to be omitted stand part of the motion" be negatived.

**The Hon. K. I. M. WRIGHT** (North Western Province)—I support the remarks of my colleague, Mr Baxter, and share the extreme disapointment felt by waterworks trusts and sewerage

authorities in the province represented by Mr Dunn and me. Practically all the dozens of waterworks trusts and sewerage authorities in the electorate have expressed their keen disappointment to us, particularly over the rejection of the basic condition of borrowing that will take place. I shall refer to four submissions that I have received from waterworks trusts and sewerage authorities in the province.

The first is from the Donald Waterworks Trust. The secretary, Mr Tom Bowles, has informed me by letter that the trust could be facing an increase in rents and charges of up to 50 per cent for the coming year to cover its operating costs. The trust is at present constructing a new storage at an estimated cost of some $300 000. The project was commenced on the understanding that the interest rebate would be held at 3 per cent per annum, and the trust realizes that it would be necessary to increase rates and charges by some 18 per cent to cover the increased costs.

Another letter was received from the Mildura Sewerage Authority, which claims that the new measures will create a significant burden for many authorities whose current loan borrowings were based on the assumption that the subsidy would be available for the length of the loan.

The Swan Hill Waterworks Trust informs me that this will involve loan interest subsidies of $2900 this year into its depreciation reserve account, which will amount to $15 500 over five years. This will be 5 per cent of the rates levied. Previously $6000 a year was required for the depreciation reserve account, but a further $30 000, or an extra 10 per cent, will now be required. The trust representative stated that although this may not be a large increase, with inflation the increase next year would be in the vicinity of 25 per cent.

The Horsham Waterworks Trust has written to me advising——

**The DEPUTY PRESIDENT (the Hon. W. M. Campbell)**—I hope Mr Wright's speech is not going to be totally comprised of his reading letters. If Mr Wright has a number of letters to refer to, he should, as he has been previously adivsed not only by me but also by the President, give the House a summary of them, and not read out every conceivable letter that he has received from constituents, waterworks trusts or sewerage authorities, because that is not true to the form of debate that is conducted in this House.

Page 414 of *May* has been read out to Mr Wright on more than one occasion. I should like him to deal with the letters in a restricted form. Mr Wright has read four already, and I think he mentioned that he would read another one.

**The Hon. K. I. M. WRIGHT**—I said at the start that I have received dozens of letters, and that I would refer to four of them. This is the fourth letter, and I am going to tell the Horsham Waterworks Trust that you refused to allow me to discuss its letter, Mr Deputy President.

**The DEPUTY PRESIDENT**—I have not done that. I have told Mr Wright that it is quite wrong under the forms of the House—as Mr Wright knows quite well—for him to read extensively from letters during debates.

At page 414, *May* states:

> As the real purpose of the rule is to preserve the spirit of debate, it is not unreasonably relaxed in the case of opening speeches, whenever there is special reason for precision of statement, as in the case of important ministerial statements.
>
> . . . . .

It goes on:

> Even at a later stage of a debate prepared statements on such subjects are read without objection being taken, though they should not constitute an entire speech.
>
> . . . . .
>
> The reading of speeches is even more inappropriate in a committee than in the House itself.
>
> An attempt to influence the course of a debate by the reading of arguments or letters from persons of authority outside is repugnant to the spirit of debate.

That passage has been read to Mr Wright before, and I am not refusing to allow him to refer to the letters. What I am saying is that his speech should not consist completely of reading letters. I told Mr Wright that he

should summarize them and give the information to the House, but not allow his speech to consist entirely of the reading of letters from every waterworks trust in the electorate that he represents, as he has done today. Mr Wright's total contribution to the debate has consisted of reading letters, and that is not in keeping with the spirit of the debate, as Mr Wright well knows.

**The Hon. K. I. M. WRIGHT**—I could have spoken for an hour on the general principles involved in this matter. My Deputy Leader, Mr Baxter, has done that. When I rose I said that I would refer to four of the dozens of communications that I had reveived, and I could have been finished about 5 minutes ago.

In any case, I will leave it at that, and I will advise the Horsham Waterworks Trust of this matter.

**The Hon. D. M. EVANS** (North Eastern Province)—I support the comments made by my colleague, Mr Baxter. The issues which he referred to have been expressed to me both by the waterworks trusts in the electorate which I represent and by many constituents privately, especially those served by the Mount Beauty Waterworks Trust, which, as Mr Baxter explained, is facing a substantial rise in rates over the next five years. An important component of that increase is the escalation in interest charges that is proposed and is likely to occur under the change of policy enshrined in the Bill.

The people of Porepunkah are also facing a substantial rise in rates, despite the fact that a large proportion of the increased costs is due to the fact that they are required to provide for a significant tourist industry in their area. It is difficult to translate tourist dollars into rating revenue in a municipality.

In my view, the reason why the Bill has been introduced with what to members of the National Party is a repugnant provision stipulating that the rates of interest will be retrospective is that interest subsidies have not been reviewed for a long time, despite the fact that increasing concern has been expressed in this House, firstly, about the ability of the subsidized funds to meet the demands for additional works and services, particularly in country areas, and, secondly, the very obvious fact that interest rates have risen astronomically over the past five or six years, particularly, and certainly over the period prior to that.

It is reasonable to say that the 3 per cent interest rate was a very, very great concession. It was a concession when it was introduced in 1943 and it was a much greater concession from the 1960s and 1970s onwards. The fact that now the majority of the funds available are being used simply to subsidize the repayment of old loans is an indication that the proper review did not take place earlier.

However, that is beside the point. When the Government, the State Rivers and Water Supply Commission and the Ministry of Water Resources and Water Supply have entered into a firm arrangement with a community, a group of people or a trust, it is not unreasonable to expect the promise to be kept. There is no reason or justification for taking two bites at the cherry.

If any honourable member were to make an arrangement and place a price on goods, services, labour or anything else, he must expect to keep to the agreement. If the price for the goods sold increases, the person who has purchased them has had a good bargain. If the price falls, that person has had a bad bargain. That is the way in which the business world operates. This Bill negates that principle. It is that, more than anything else, that concerns the National Party.

The second point of concern is that the intention of the proposed legislation, as expressed in the Minister's second-reading speech, of a subsidy phasing in when the rates of the sewerage trust or water authority rise by 1·2 times the State average and coming in fully when they reach 1·5 times, in our view —and I am sure other speakers will say the same—simply means that

people in country areas will have to face difficulty, not only in organizing the additional provision of services, but also in consistently paying more than those in the major city areas, particularly the metropolitan area.

Melbourne has the advantage, as I have been told by Mr Croxford, the Chairman of the Melbourne and Metropolitan Board of Works, on a number of occasions, of having a river water supply because there is no logging in the catchment areas, whereas the rest of the State, in order to provide the raw materials the State as a whole requires, has to put up with, if Mr Croxford and his cohorts are correct, the effects of having additional activities in catchment areas so that their water supplies require additional treatment and there are problems, not only of pollution but also of turbidity and so on.

So, in two ways country areas will again be carrying the metropolitan area. I should also have thought that retrospectivity would be anathema to the Liberal Party. It certainly is to the National Party.

**The Hon. GLYN JENKINS** (Minister of Water Supply)—The Government cannot support the reasoned amendment moved by Mr White nor can it support the amendment foreshadowed by Mr Baxter.

Mr White devoted most of his remarks to quoting from a document prepared by Dr Peter Sheehan for the Public Bodies Review Committee. As I have said in this House before, that document has not yet been commented upon by the committee. It has the imprimatur of a Parliamentary document but it is not a Parliamentary document in the true sense. For Mr White to imply that it has been endorsed by the Public Bodies Review Committee, or might be, is not completely honest.

The other document to which he referred is the Touche Ross report on auditing in public bodies. Once again, although the document has been tabled in Parliament, the Public Bodies Review Committee has not yet commented upon it. He also made reference to the thrust of the Labor Party's economic policy, but he did so in a very odd way. He tried to suggest that the delivery of a megalitre of water could be equated exactly with the delivery of a kilowatt hour of electricity or a cubic metre of gas. It is almost impossible to deliver a megalitre of water of equal quality throughout the various urban water supplies.

One of the great advantages of the existing system is that the individual authorities and the people involved can choose the sorts of services their communities require. I shall give two examples: The City of Cobram is instituting a magnificent water purification plant with very little subsidy. The completion and operation of the plant will add significantly to the water bills of the people of the area, but in their judgment it is worth it, and they are prepared to pay for it. I pay tribute to the members of the authority and to the ratepayers of Cobram for that progressive view.

On the other side of the coin, the citizens of Kyabram were given the opportunity, on the recommendation of their authority, of putting in a water purification plant to treat the water obtained from the channel. The ratepayers of Kyabram rejected the proposal. They were happy to have water of a poorer quality on the basis that they would pay lower rates.

Somehow, Mr White believes water throughout the State is of a common quality, and that it does not matter where one lives. He says that no matter whether one lives in Yatpool, Yaapeen or Yinnar, the Labor Party will guarantee the delivery of a megalitre of water with an ECU reading of 400. That is simply not possible and it is not fair to the citizens of Victoria to suggest that the Labor Party could provide water of a common quality at a common price.

Mr Jolly, in another place, and Mr White, in this place, have not addressed themselves to the problems of country Victoria and have not addressed themselves to the way in which the public

authorities in this State have worked. All they are interested in are questions of reporting, accountability and what Mr White repeated *ad nauseam*, some form of common pricing policy.

It is great for the people to be able to opt for the sort of services they require. The Public Bodies Review Committee has now presented its sixth report to Parliament, and it is interesting that it has not gone anywhere near as far as Mr White contemplated in suggesting a common central management authority in Victoria for the whole of the water industry. They still opted for some sort of fragmented water authority, and that is a good move. The basis of Mr White's speech was hogwash and he did not address himself to the reasoned amendment.

Mr White spoke about the establishment of a central financial management scheme for water and sewerage authorities, but he did not mention the borrowing agency of the Labor Party policy. This highlights what the Australian Labor Party intends to do. I have said before, and no doubt will say many times before the next election, that the Australian Labor Party will extract the resources of the public authorities throughout Australia. This has been stated by the Australian Labor Party clearly and definitively. The Labor Party has specified the measure of resources involved and has pointed out that the resources will be placed in a central financial management and borrowing agency. This is mentioned in the reasoned amendment.

It does not matter to the Labor Party that those resources have been accumulated by ratepayers or by customers of other trusts and authorities. The resources will be extracted and expended in conformity with Labor's Socialist views. I caution the House and the people of Victoria about the way in which the Socialist Labor Party is moving. It knows that those who hold the money hold the power. The people who control the money control the economy and ultimately can gain control of the banking system. Not many steps are involved in arriving at that process.

The general thrust of the Bill is twofold. It abolishes the 1943 provision about interest subsidy. When it was introduced the general level of interest rates for semi-Government and Government authorities was 4·25 per cent. The authorities were subsidized to 3 per cent. The cost of the inauguration of water and sewerage schemes throughout the State was expensive, and the people in country and provincial Victoria would have been faced with bills twice the level of the rates paid in the Melbourne metropolitan area.

Over the years the interest rates have gone up by a factor of about four. The authorities are borrowing at approximately 16·9 per cent and the effective subsidy is not 1·25 per cent but more like 12·9 per cent or 13 per cent. It is futile for Mr Evans to talk about retrospectivity and some sort of breach of contract. How can one have a breach of contract when interest rates reach that level? In all fairness, does Mr Evans expect the Government to continue indefinitely subsidizing interest rates to that order? Everyone involved in the water industry knew something would happen about the interest rate subsidy. When I first met the executives of the sewerage and water associations together they commented that they wondered how long it would be before something happened. It is unfair to talk about retrospectivity and breach of contract.

Mr Evans said that in the business world if one enters a business arrangement one sticks to it. No borrower in the commercial or business area can borrow indefinitely at a given interest rate. Banks raise interest rates regularly as do all other borrowing sources. It is a distortion in terms to talk about the proposed legislation being retrospective. The provisions of the Bill will come into operation from the beginning of this financial year for every water and sewerage authority in Victoria.

The cost to the State of the current interest subsidy would have been in excess of $30 million. For the people of Victoria that is "water money". There is no way that that level of subsidy can continue. On the current basis the interest subsidy bill was growing by nearly $3 million a year. The allocation of funds to the 78 sewerage authorities seeking schemes could not catch up. It is not realistic to expect the current system to continue and still allocate the funds to 78 sewerage schemes so that they can improve the services provided.

As I indicated yesterday, no definite view has been reached by the Government about the Government loan. I indicate now—as I did then—that the average borrowing rate by the State Government is approximately 9 per cent. Loans made by the State Government to water authorities and sewerage authorities would be made at that rate. The calculations of the Mount Beauty authority should take into account the funds from the State Government. From memory, that authority calculated that total costs would rise to $86 000. The calculation undertaken by my office indicates that the figure would be $52 300. An authority cannot possibly calculate the extent of the rise without taking into account all factors. I realize the scheme will produce inequities, and there are inequities in the current system. In some authorities all development has been completed by grants or subsidized loans; in other authorities schemes are partly subsidized and some authorities are not subsidized. Many authorities are undertaking new works without subsidy.

A subdivider has to meet all the costs of providing the internal services of any subdivision. In many cases he has to pay a headworks charge as well, and the new rate commences from the day the scheme comes into operation. The owner of a block in the estate is not in the position of a person in an old subdivision who obtains water and sewerage much more cheaply.

I refer to the level of average household water supply bills. Mr Baxter asked for some examples. The current average subsidized household bill in Morwell is $46, Mildura $60 and in Westernport $40. The highest in country Victoria is $169 in Bright. The average household bill in the metropolitan area is $80.

The average subsidized household sewerage bill for Bacchus Marsh is $30, Bendigo $33, Ballarat $39 and Warrnambool $49. The highest country area is Kilmore with a bill of $166 compared with the bill in the metropolitan area of $120. This indicates that throughout Victoria there is no truth that the people who pay the actual cost of their scheme lose the interest subsidy. Mr White also indicated that the Government at some late stage initiated the urban water services financing study and pre-empted in some way the work of the Public Bodies Review Committee. I have made inquiries and discovered that the idea of establishing a committee to study the financing of water services was mooted early in 1980 before the Public Bodies Review Committee commenced its work. The terms of the study had been drawn up some time before that.

The resources study was a wide-ranging one. It has arrived at a workable scheme for future operation. The Government is to be commended for finally biting the bullet on interest subsidies and on freeing the depreciation serves. Both of those moves are progressive. In the long term, this will lead to a more realistic approach to the servicing of water and sewerage requirements throughout Victoria.

For too long, too many water and sewerage authorities have waited for some grant or interest subsidy to assist in their schemes. The freeing of the interest subsidies will mean that the Government will have greater resources to apply to the water and sewerage industry and there will be a progressive development and improvement in water and sewerage services throughout Victoria.

**The Hon. D. R. White**—Write yourself a letter.

**The DEPUTY PRESIDENT (the Hon. W. M. Campbell)**—Order! Every honourable member has the right to speak

and I will ensure that that right is maintained. Hence, the slight delay before Mr Dunn replies, which is much less than the delay that occurred during a debate in this House yesterday afternoon.

**The Hon. B. P. DUNN** (North Western Province)—I thank you, Mr Deputy President, for giving me the opportunity to make a number of comments. I wanted to clarify a point on the reasoned amendment foreshadowed by Mr Baxter. Under the forms of this House, the National Party will have to vote for Mr White's reasoned amendment so that the National Party will have the chance to move its reasoned amendment. The National Party does not support Mr White's reasoned amendment. However, as Mr Baxter explained, the National Party's foreshadowed reasoned amendment is an expression of the concern that has been voiced by water and sewerage authorities throughout Victoria.

Those authorities have expressed opposition to the Government's proposal. Those authorities consider the Bill to be a breach of faith, contract and undertaking that was given by the Government. Those authorities undertook loans at subsidized rates of interest on the assurance that those interest rates would apply into the future.

However, those authorities have discovered that the Minister of Water Supply will ensure that those interest subsidies will be completely phased out in a short period of time and that the water and sewerage authorities will be confronted with having to operate under commercial interest rates.

The foreshadowed reasoned amendment represents the concern of country water and sewerage authorities. The foreshadowed amendment, if adopted, would offer a reasonable way out for the Government. The amendment, if adopted, would allow the continuation of the present interest subsidy arrangements for loans at 3 per cent until the maturity of those loans. That would mean that the initial contracts would be maintained and that fresh loans would be subsidized to a rate equal to not more than 50 per cent of the long-term bond.

Mr Baxter is to be congratulated on the excellent contribution he made to the debate and the amount of work he put in to arriving at the foreshadowed reasoned amendment. However, it will be interesting to note how those Government back-bench members who represent country areas will vote. Those honourable members should not have the gall to vote for the Bill, especially when one considers the weight of opinion expressed by country water and sewerage authorities. I invite those honourable members to cross the floor and demonstrate their allegiances to the people they represent. Those honourable members should be prepared to stand up for what they believe in, even if that action goes against the solid weight and force of a Cabinet decision and the actions of the Minister of Water Supply, who is thrusting this measure upon the community.

The Bill will completely wipe the loan subsidies and that will mean huge increased costs for the user. I urge Government back-bench members to cross the floor and vote with the National Party on the foreshadowed reasoned amendment.

**The Hon. B. A. CHAMBERLAIN** (Western Province)—The House has heard platitudinous nonsense from the Leader of the National Party. Although I do not wish to go into detail on the matter, because some of the issues involved are being discussed by the Public Bodies Review Committee, I consider that I should answer Mr Dunn's criticisms. Indeed, it should be noted that the committee will provide more details on the financing of the water and sewerage industry at the appropriate stage.

As a member of that committee, I have spent the past eighteen months travelling around country Victoria and speaking to representatives of each of the hundreds of water and sewerage bodies. It has become evident, especially

at public hearings of the committee, that the water and sewerage industry has been expecting a change. Representatives of that industry have said that they realize that the level of subsidy is unrealistic and that in this day and age, with the commercial interest rate at 16 per cent, it is unrealistic to expect the taxpayer to subsidize loans of the authorities back to 3 per cent. The authorities also realize that there have to be changes phased in, but they do not want the subsidies removed overnight. The Bill will implement a phase in that process on the loans for water and sewerage authorities. I urge honourable members to read the study on urban water pricing on this issue.

The Bill will implement a trigger mechanism, which will constantly monitor the water and sewerage rates that are charged as against the average rate. That will be a reasonable approach. It is important to ensure that the moneys spent in this industry are spent wisely and equitably.

Mr Dunn questioned honourable members on this side of the House on this measure. It should be noted that, under the policies of this Government, small and large country towns have assured water supplies, which would not have been provided under any other Government.

**The Hon. R. A. Mackenzie**—What a joke!

**The Hon. B. A. CHAMBERLAIN**—Mr Mackenzie represents a party that has no knowledge of and no interest in country Victoria. I cite the example of the small settlement of Harrow—and Mr White would know the famous J. R. McClure there—as a small country town that is representative of those country towns that have an assured water supply due to a substantial input by the Government. Mr Dunn can name towns throughout the electorate that he represents that have sewerage systems, but if it were examined on the basis of economic decisions these towns would have no water supply and no sewerage system.

The State Rivers and Water Supply Commission, through the Ministry of Water Supply, has given priority to the provision of water over everything else —quantity first, quality second. A number of towns in the State do not have sewerage, because sewerage is a very expensive exercise, and the Government is waiting for technology to provide different approaches with different packaging systems. The community cannot afford current sewerage construction costs.

The township of Edenhope has received massive Government subsidies of about $1 million for sewerage, yet the people there are still paying high rates. The proposal of the Minister would allow a trigger mechanism so that there would be limitations on the increase in rates. If one were to examine economic impact statements, there would be no way in which small towns would obtain water and sewerage services.

This Government has no reason to be ashamed of its water and sewerage programmes. I could list dozens and dozens of towns where these services have been provided over recent years.

I have no trouble in supporting the Minister in his proposal. The honourable gentleman is concerned to ensure that the funds that are available are used effectively. It is all right for Mr Dunn to say that the Government should spend money, but as has been seen in this case, because of the ballooning of interest rates, the Government subsidy has also ballooned, and there must be some limitation. The Minister has to show that the taxpayers' money is used effectively and in a way that is fair to the people of Victoria.

I support the Minister's proposal wholeheartedly. This Bill is necessary. All honourable members would have liked subsidies to continue at their present level. This measure will enable subsidies to be spread over wider areas so that more towns will be able to participate in these schemes. I support the Minister in his objective. He has adopted a constructive attitude towards his portfolio since he took over his job.

The House divided on the question that the words proposed by Mr White to be omitted stand part of the motion (the Hon. F. S. Grimwade in the chair).

| | |
|---|---|
| Ayes .. .. .. | 21 |
| Noes .. .. .. | 15 |
| Majority against the amendment .. .. | 6 |

AYES

| | |
|---|---|
| Mrs Baylor | Mr Jenkins |
| Mr Block | Mr Knowles |
| Mr Bubb | Mr Lawson |
| Mr Campbell | Mr Reid |
| Mr Chamberlain | Mr Saltmarsh |
| Mr Granter | Mr Stacey |
| Mr Guest | Mr Taylor |
| Mr Hamilton | Mr Ward |
| Mr Hauser | *Tellers:* |
| Mr Hayward | Mr Long |
| Mr Hunt | Mr Radford |

NOES

| | |
|---|---|
| Mr Baxter | Mr Mackenzie |
| Mr Butler | Mr Sgro |
| Mrs Coxsedge | Mr Walker |
| Mr Dunn | Mr Walton |
| Mr Eddy | Mr Wright |
| Mr Kennedy | *Tellers:* |
| Mr Kent | Mr Evans |
| Mr Landeryou | Mr White |

PAIRS

| | |
|---|---|
| Mr Storey | Mr Thomas |
| Mr Houghton | Mr Trayling |

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

| | |
|---|---|
| Ayes .. .. .. | 32 |
| Noes .. .. .. | 4 |
| Majority for the motion | 28 |

AYES

| | |
|---|---|
| Mrs Baylor | Mr Landeryou |
| Mr Block | Mr Long |
| Mr Bubb | Mr Mackenzie |
| Mr Butler | Mr Radford |
| Mr Campbell | Mr Reid |
| Mr Chamberlain | Mr Saltmarsh |
| Mrs Coxsedge | Mr Sgro |
| Mr Eddy | Mr Stacey |
| Mr Granter | Mr Taylor |
| Mr Guest | Mr Walker |
| Mr Hamilton | Mr Walton |
| Mr Hauser | Mr Ward |
| Mr Hayward | Mr White |
| Mr Hunt | |
| Mr Jenkins | *Tellers:* |
| Mr Kennedy | Mr Knowles |
| Mr Kent | Mr Lawson |

NOES

| | |
|---|---|
| Mr Baxter | *Tellers:* |
| Mr Dunn | Mr Evans |
| | Mr Wright |

The Bill was read a second time and committed.

Clause 1 was agreed to.

Clause 2, relating to borrowing powers of the commission.

**The Hon. W. R. BAXTER** (North Eastern Province)—I move:

Clause 2, page 4, line 9, after "such percentage" insert "being not more than fifty per centum of the long term bond rate".

The amendment is an attempt to include in the Bill some firm instruction and indication of what the interest rate will be. As I remarked in my second-reading speech, the Bill contains no such indication nor any indication of the date when it will be brought into operation. All it requires to give effect to an interest change is the proclamation of the Governor in Council published in the *Government Gazette*. That can be done at any time and the rate can be fixed at any figure.

It would be unwise of Parliament to sanction this loose and sloopy kind of Bill, particularly in the current political climate when a change of Government is possible. It is all very well having the present Minister. He has made statements throughout Victoria as to how he will handle the matter and those proposals have been reasonably well accepted. However, there is no guarantee has the Minister will retain his portfolio, whoever is in Government after the election.

Some remarks were made by the Minister in his reply to my foreshadowed amendment and I want to thank Mr Dunn for his explanation to the House that, in voting for the omission of the words, the National Party was not supporting the reasoned amendment moved by the Labor Party but was attempting to create a situation in which to move its own reasoned amendment in order to retain continuity. Unfortunately, the House did not allow that opportunity and I am now trying to recover what I can by moving this amendment to clause 2.

The Minister says the people in water and sewerage authorities at the meetings he attended have expected for some years that the Government would take

action and he said that present arrangements were unrealistic. I do not argue with that. I have said that some adjustment is necessary and that a rate of 3 per cent on new loans is unrealistic. However, people in the industry were anticipating that, in substance, the soothing words of the Minister would be accompanied by something that was useful to them.

As I have already demonstrated, the proposed new scheme, superficially attractive though it is, will do little for the majority of water and sewerage authorities throughout Victoria. It will for some, but not for many. Consequently, I have moved the amendment in an attempt to insert into the Bill some measure to restrict the rate to which interest can rise because, not to do so, would be totally irresponsible and would be letting down the authorities which expected some assistance from the change of policy and which are now being left high and dry.

**The Hon. GLYN JENKINS** (Minister of Water Supply)—The Government is not prepared to accept the amendment for two reasons. Firstly, it completely upsets the principles put forward. If there is to be a realistic approach to the financing of the water and sewerage industry in this State, the Government must be given more flexibility in making the necessary financial arrangements. Mr Baxter has foreshadowed what may happen if some future Government takes some drastic step in regard to the funding of country and provincial water authorities. I make the general remark that any Government which took too large a step would do so at its own political peril.

Although the report refers to a phasing-in period of only five years, in making the announcement. I indicated that the rise in the interest rate would be 1 per cent for this year, but no definite statement was made as to the future. There are two reasons: Regard has to be given to the finances of the State and the policy to continue to support country water and sewerage authorities and also to the current rates of interest payable at that time. Over the past five years, there has been a rapid escalation of interest rates and I am not prepared to commit the Government to a definite policy when it is not known what the trend of interest rates will be over the next five years. Many of the grim forebodings foreshadowed by the National Party may not happen. The rate can be changed and there is no reason why it could not be increased, if necessary, in future years.

Another aspect completely overlooked is the other arm of the financial package, the subsidy, and I note that the National Party has played down that aspect. I am supporting the programme because I have looked objectively at it and believe it is a fair and equitable way of readjusting the present system of subsidy. The Government is still examining the way in which it has to be done in some detail and that report has been circulated to every water and sewerage authority in Victoria. Those authorities have been asked to give their comments and the Government will be conferring with the new Victorian Water and Sewerage Authorities Association on the way it is to be implemented.

The Government will also examine the way in which new propositions should be funded and some financial support given to them. If a new expensive scheme is to be started in country Victoria there will be an undue burden on ratepayers when the scheme gets going. I have examined a number of alternatives. Where a new scheme is inaugurated or a current scheme substantially expanded, there will be a financial grant or support at that time because otherwise there will be an undue burden. Under the subsidy proposals, the Government will pick up the tab at some future date.

It is a mixture of financing through an existing scheme and of working out a fair and equitable way of introducing an alternative while at the same time assisting those new or expanding water and sewerage authorities to get their schemes off the ground. As the amount of subsidy required reduces, it will be my aim to have those funds rediverted within the water and sewerage industry. I admit that it did not happen this year because of the failure of the Loan

Council and the Premiers Conference to fully implement the recommendation of the Grants Commission this year, but that will be the aim of the Government and I want to see that the water and sewerage industry in the State is put on a new basis, that it will be on a realistic basis and that those being served will have a proper appreciation and be able to support the introduction of these schemes.

**The Hon. D. R. WHITE** (Doutta Galla Province)—In his second-reading speech, Mr Baxter pointed out that Melbourne had a drought-proof water supply which many parts of rural Victoria do not have, and he is certainly correct in that contention. The water supply in rural areas is fragmented and is directly related to the existence of the subsidy scheme. Any water or sewerage authority trying to get subsidized funds knows that, under present arrangements, that is a slow process. It is so slow that the Geelong Waterworks and Sewerage Trust indicated that for its capital works it did not want a subsidy.

**The Hon. Glyn Jenkins**—It has never wanted a subsidy.

**The Hon. D. R. WHITE**—It has never sought it and other authorities in the State are adopting the same approach.

**The ACTING CHAIRMAN (the Hon. B. A. Chamberlain)**—Order! Is the honourable member in favour of or against the amendment?

**The Hon. D. R. WHITE**—I am against the amendment. In support of the emergence of a State Labor Party Government and how it will treat the measure, I remind honourable members of the electoral and political realities. The next election results will be based on the outer suburbs, many of which have water trusts and sewerage authorities, as have provincial cities. They are sensitive areas of the State. The Labor Party proposes providing direct grants to those authorities and trusts that become water boards and those that deserve financial assistance. If across-the-board financial assistance, as currently exists, is given some trusts or authorities that neither need nor deserve assistance will be getting it and those that need more assistance will not be getting it.

**The ACTING CHAIRMAN**—The honourable member is straying from the amendment to clause 2.

**The Hon. D. R. WHITE**—Because of the present financial arrangements that have produced a fragmented water industry, and because there needs to be rationalization, the Labor Party cannot accept the proposed amendment.

The Committee divided on Mr Baxter's amendment (the Hon. B. A. Chamberlain in the chair).

| | |
|---|---|
| Ayes .. .. .. | 4 |
| Noes .. .. .. | 30 |
| Majority against the amendment .. .. | 26 |

AYES

Mr Baxter
Mr Dunn

*Tellers:*
Mr Evans
Mr Wright

NOES

Mrs Baylor
Mr Bubb
Mr Butler
Mr Chamberlain
Mrs Coxsedge
Mr Eddy
Mr Granter
Mr Guest
Mr Hamilton
Mr Hauser
Mr Hayward
Mr Hunt
Mr Jenkins
Mr Kennedy
Mr Kent
Mr Knowles
Mr Landeryou
Mr Lawson
Mr Mackenzie
Mr Radford
Mr Reid
Mr Saltmarsh
Mr Sgro
Mr Stacey
Mr Taylor
Mr Walker
Mr Walton
Mr Ward

*Tellers:*
Mr Long
Mr White

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.

## INDUSTRIAL SAFETY, HEALTH AND WELFARE BILL

This Bill was received from the Assembly and, on the motion of the Hon. F. J. GRANTER (Minister for Police and Emergency Services), was read a first time.

## MOTOR CAR (DRIVERS' LICENCES) BILL

The debate (adjourned from the previous day) on the motion of the Hon. Glyn Jenkins (Minister of Water Supply) for the second reading of this Bill was resumed.

**The Hon. J. M. WALTON** (Melbourne North Province)—The Bill proposes to make some administrative changes in the issuing of motor car drivers' licences and the Labor Party agrees with most of the changes. Improvements could be made to the section that deals with the future issuing of plastic credit card type drivers' licences and the option to the person who secures a driver's licence of having his or her photograph included for a given fee.

It should be compulsory for the photograph to be included on the driver's licence. This proposition has been recommended by the Road Safety Committee on a number of occasions and although the committee has not reported to the Parliament on the matter, it has considered the advantages of photographs included on drivers' licences. There are many.

The inclusion of a photograph on the licence would prevent those people who at present use a friend's driver's licence from doing so. Often drivers use a friend's licence when they must present their licence at a police station, or they are able to imitate the friend's signature so that they do not have to obtain a driver's licence. The number of people driving without a driver's licence is extremely high. The inclusion of a photograph on a driver's licence is a means of identifying those people who are avoiding prosecution by using a friend's licence.

The Government has made the inclusion of a photograph on the licence an option and I cannot understand why it has done so. It will cost a person up to $5 to have the photograph included. Many people wish to have the photograph included as a means of identification, similar to that of certain credit cards, when paying by cheque. Banks often request some form of identification when cheques are being exchanged.

The Labor Party foreshadows moving an amendment that will make it compulsory for the inclusion of a photograph on the driver's licence and at the same time give the person the option of having his or her blood group included. The blood group may be included only if there is a photograph on the licence. This is a precautionary measure because it could be extremely dangerous if the person could not be identified as having that particular blood type. If there was a photograph on the driver's licence a person involved in an accident could be identified quickly as having a particular blood type and this could save his life if he is rapidly losing blood and a transfusion is necessary.

The amendment will eliminate a small part of clause 2 between lines 18 and 21, and will cover the matters that I have mentioned. The Opposition does not oppose the Bill.

**The Hon. D. M. EVANS** (North Eastern Province)—The National Party supports the Bill and agrees it is common sense to have a photograph included on a driver's licence. I agree totally with the comments made by Mr Walton that the photograph would completely and absolutely identify the holder of the licence. In the view of the National Party the possession of a driver's licence is not a right; it is a privilege that carries with it a certain number of responsibilities. It carries the responsibility of being a capable and reasonable driver and assumes that the driver will obey the road laws, at least within reasonable limits and be prepared to pay any penalties which may be imposed for breaches of the Motor Car Act while driving on the roads. The privilege of holding a driver's licence can be taken away.

Constantly, honourable members have expressed concern over the road toll. The possession of a driver's licence is a clear indication of the need for competence by those persons who possess

the privilege of driving a motor vehicle and therefore, I reiterate that it is a privilege to hold a driver's licence.

On looking through the second-reading speech of the Minister, I see that there are a number of points which are a little difficult to identify and reconcile with the clauses in the Bill but which, in my view, deserve some comment.

On page 2 of the printed notes of the second-reading speech of the Minister, it is indicated that the address will be deleted from the licence and this will remove problems associated with all the clerical work involved in changing addresses on 190 000 licences each year. I assume that there are 190 000 people holding drivers' licences who change their addresses, because there are more than 1 million licences issued in Victoria, so, as a percentage, between 10 and 15 per cent of drivers change their addresses each year.

I submit that it is essential that the address be included on the licence. It is part of the personal information which identifies the person and, together with the photograph, would provide a better identification. Therefore, the address of the holder of the driver's licence should be available.

The reason given in the second-reading speech does not hold water because a little further on it was indicated that it was intended to set up agencies—it has been suggested these could be in banks or similar institutions—where the licence fee could be paid.

It is clear that it would be a simple matter to provide some mechanism for changing the address on the driver's licence at the same agency established for the payment of the licence fee. It would be a simple matter to provide that the address on the licence could be indicated to the agency and then notification of that change of address could be forwarded to the Motor Registration Branch because otherwise when the driver's licence becomes due for renewal, the authorities would not know where to send the renewal notice.

Clearly a change of address must be registered at some stage or another with the authorities, otherwise the driver's licence renewal notification cannot go out.

I suggest a simple stick-on slip could be applied to the plastic driver's licence. This could be properly designed and could be issued by the agency, and that would do the job very nicely and further, it would mean that the address of the holder of the licence would be included on the licence. It could be in a particular form, but it would be identifiable and the cost of making the change could be met by imposing a fee of $1. If that could be done it would provide full and proper identification of the person who holds the driver's licence.

A little further on, the Minister stated:

> The banking system is ideal for people to make drivers' licence renewal payments in their local areas.

I note that the relevant clause provides:

> The board may with the approval of the Minister enter into agreements or arrangements on such terms and conditions (if any) as are prescribed with any person or persons for acting as agents of the Board in the collection of fees.

I have read the clause because it does not specify that it should be the banking system with which the arrangement is made. Of course, there was the inference in the second-reading speech of the Minister that the banking system could be the agency. It should be made clear that credit unions, for example, may be appropriate bodies for the payment of drivers' licence fees and I hope the Minister, when he deals with the Bill, will make that point clear; that credit unions can be authorized agents under the terms of clause 2.

I note that tractor drivers' licences are put in a different category and are issued for twelve months rather than three years. I understand that is because a general tractor driver's licence can be issued to persons under the age of eighteen years and therefore are not likely to be issued for the full three years.

I also notice that there is provision in the Bill for a different form for issuing various groups of licences. Instead of having an endorsement—I was rather interested in the spelling of "endorsement" incidentally, the Bill having an "i" instead of "e", but nevertheless that is a minor point—being embodied on the licence, a separate licence will have to be issued indicating the additional qualifications and the person will receive a new licence.

As I understand the position, it is optional for a photograph to be attached to the licence and if a photograph is so attached, a charge of $5 will be made. If a person holds an ordinary motor vehicle driver's licence and obtains a heavy vehicle or articulated vehicle endorsement, he is to receive a new licence. If his photograph is on the original licence, will that mean he will have to pay another $5 to have his photograph included on the new licence which will be issued? I submit that if a person has his photograph on a licence and a new licence is to be issued after obtaining an endorsement, the charge of $5 should not be made and that point needs clearing up.

Generally, the National Party believes this is a worth-while measure and I suggest that some of the suggestions I have made have considerable merit and I hope the Minister will take them into consideration. I indicate that the National Party generally supports the Bill and it is likely that it will support the amendment to be proposed by the Labor Party with regard to photographs on drivers' licences being compulsory rather than at the will of the person to whom the licence is issued.

**The Hon. B. A. CHAMBERLAIN** (Western Province)—I support the Bill. It is with some satisfaction that I speak on this measure because it is an issue in which I have been interested since 1975. In March of that year, in the Legislative Assembly I raised the issue of having photographs attached to drivers' licences. I also raised the issue in this House on 14 September 1976 and 20 June 1979. On those occasions I sought the introduction of a more acceptable form of licence as there were many complaints, particularly from women, who tend to have fairly small but cluttered purses, stating that the licences which were issued did not last over the three years and tended to fall apart.

Therefore, once the community became aware of the format of the plasticized Bankcard, obviously that was the type of thing that should be sought. It is also obvious from seeing the type of licence that is used in California and elsewhere, that this format has proved to be an acceptable form of drivers' licence.

The other reason why I favoured and still favour photographs on licences is that we went through a stage where there was a considerable racket occurring in the issuing of drivers' licences, particularly among the new Australian community, many of whom had difficulty with English. They would get people to apply for the driver's licence in their name and the licence would be issued and sent by post and at that stage they would sign the licence in the handwriting of the proper person. Of course, if a photograph is taken at the time the licence is applied for, that fraud would not be possible.

It is also an advantage and a help to identify road accident victims. If persons carry their drivers' licences and they are a hard, durable plastic licence or of similar material, that licence has a better chance of surviving the accident than if they had paper licences.

It could also be used as a voluntary identification card. In that regard I carry one issued by the Law Institute of Victoria which it issues to its members to assist in court security and entering other places. On occasions I have also been able to cash cheques by using it, but I am not suggesting that it should be used for that purpose. However, I agree it could be used on a voluntary basis.

**The Hon. W. R. Baxter**—Has that card your photograph?

**The Hon. B. A. CHAMBERLAIN**—Yes, it has my photograph on it. It is proposed that the driver's licence which will be available will be in a small form

and compact to fit into purses and wallets and that should remove many of the arguments against the proposal. I support all of that.

Mr Walton also dealt with the question of having a blood group stated on the card. That is something I have suggested in the past as part of the package, but I have been told by doctors that they would be unlikely to rely on that information. To obtain blood typing is a relatively simple procedure and, even if a person was brought in with that information on the card, it is likely that a quick test would be carried out before medical procedures were undertaken which required the blood group of the person concerned.

Mr Walton suggested that that provision should be voluntary anyway. The proposals before the House are good. I am disappointed that the requirement for a photograph is not mandatory. I understand that the reason for that is purely practical. I know that at the last opinion poll the community indicated about 80 per cent support for the concept of photographs on drivers' licences. Perhaps a minority was worried about the civil rights aspects of it but in view of the fact that there will be only one photograph which forms part of the card there is no question of duplicates being used.

The results of the opinion poll indicated that the community is not worried about that aspect. It looks at the positive advantages and supports it. The only reason why the requirement is not mandatory is that there are practical problems in implementation. I hope that after the first twelve months when the system has been phased in, there will be a move towards compulsory photographs and community support for them. I should not be surprised if a number of people volunteered to have their photographs inserted in their licences.

I should like to support Mr Walton, but the practical implementation must be taken into account. I look forward to the early implementation of the photographs. There will be a fair degree of acceptance of that concept.

Finally, I wholly support the concept of banks being the places at which licences can be renewed. Recently, problems have arisen regarding motor registration renewal. The quantity of mail received by the Motor Registration Branch each day has been enormous. I understand that the figure is about 30 000 articles. All honourable members have received complaints from people who have received renewal certificates, have returned them to the branch immediately, have been given two weeks' grace but still have not received the registration and third-party insurance papers for a long time. The concept of reregistering motor cars should be extended also to banks.

The Bill is a first step that has been long awaited. I raised this matter six and a half years ago, and others have been interested in the subject. I look forward to the early passage of the Bill.

**The Hon. G. A. SGRO** (Melbourne North Province)—I endorse the remarks of Mr Walton. The Labor Party supports the Bill but believes it should have gone further. As a migrant I have been humiliated on many occasions on going to banks and other places to cash a cheque. They have asked for identification documents, and when I have produced my driver's licence it has not been accepted. To many people that is not good enough.

I support the concept of compulsory photographs on licences, which would eliminate this humiliation for many people. I also think that a person's blood group should be on the licence. Only the other day an Italian woman from Thomastown came to see me. She had had a car accident and did not know her blood group. She was given a blood transfusion and almost died. A week later the doctor told her that she should wear a medallion which indicated her blood group. She bought an $85 gold necklet for this purpose. If the licence had carried that information it would not have been necessary for that expenditure and this lady's life would not have been in danger. Because of the number of people of differing origins living in this country and the problems of identification when

cashing cheques and so forth, drivers' licences should contain the photograph of the person concerned.

**The Hon. D. N. SALTMARSH** (Waverley Province)—I also support the Bill. It is good to see the changes that are being introduced through this process and, in particular, the easier access that will now be available for renewal of licences through banks. However, it is with some reluctance that I will not support the amendment moved by the Opposition. For some time in this House I have advocated the need for the inclusion of photographs on drivers' licences for a number of reasons, and in particular the ones that have already been canvassed in the House tonight.

The lack of identification is of prime importance and, in view of the type of society in which we live with many people coming from other countries and people moving from suburb to suburb and city to city around Australia, it is difficult for people to be known in the business community and be identified for the purposes of opening and paying accounts and cashing cheques. I have been sad to witness the hurt that migrants in particular have suffered when they have been denied normal business opportunities because nobody in the business community could identify them.

Years ago a driver's licence was taken on its face value as being a form of identification, but the banks have assured me that in many instances licences have been used fraudulently and the banks have had to carry extensive losses when people have been paid out wrongly as a result of licence swapping. That practice has developed and expanded. With the inclusion of photographs it will be overcome. Ideally every licence card should contain a photograph.

The argument of the civil libertarians holds no water because the method used now for the imprint of the photograph on the licence means that there are no negatives and there can be no further proliferation of that means of identification for other people. The only photograph is the one imprinted in the plastic material in the licence card. It seems highly desirable and necessary to have that means of identification within the actual licence.

I accept that there are difficulties in immediate implementation. There is no doubt that many honourable members who have been concerned about this matter will continue to press for the complete implementation of the requirement for all drivers. I support the Bill but indicate my disappointment at this stage that the practical means of implementation are not available to ensure that the Bill goes all the way to providing a much more effective means of security and recognition for all licence holders.

The motion was agreed to.

The Bill was read a second time and committed.

Clause 1 was agreed to.

Clause 2 (Licensing of drivers)

**The Hon. J. M. WALTON** (Melbourne North Province)—I move:

Clause 2, page 4, lines 18-21, omit all words and expressions on these lines and insert—

"( ) Each person—

(*a*) shall have a photograph of himself; and

(*b*) may have his blood grouping—incorporated in a licence under this Part."

From discussions that have taken place in the House today it appears that members of all parties would like to see this proposal introduced. It is a question of how it is to be done and when. I hope that even if the Government does not support this proposed amendment, it will soon introduce legislation providing for photographs to be incorporated on driver's licences. I do not forsee any of the difficulties that have been referred to by other speakers. If the photographs can be incorporated voluntarily, there is no reason why they should not be incorporated compulsorily. Obviously a person must have his photograph taken to enable him to supply it voluntarily.

**The Hon. D. N. Saltmarsh**—The person seeking the licence does not provide the photograph; it is part of the process.

**The Hon. J. M. WALTON**—If the person does not supply the photograph, that is all the better. I assume it would be done through a Polaroid process at the agency. There is no reason why it could not be done at the bank. A room could be set aside for that purpose. The photograph is a "once only"; no negative is made so it cannot be used by anybody else. The photograph is sent along with an application and comes back incorporated in the plastic card.

About twelve months ago honourable members received from an organization which is trying to have this idea implemented a sample card containing a photograph and relevant details, with the word "specimen" stamped across it to stop anybody else from using it. This seems to me to be a good idea.

The amendment is worth while and ought to be adopted. If it is not adopted, I hope the Government will introduce further amendments in the near future to compulsorily require a photograph to be included on a motor car driver's licence.

**The Hon. D. M. EVANS** (North Eastern Province)—The proposed amendment contains a good deal of sense. The National Party is concerned about one or two minor areas, including the cost of the provision of the photograph, to which I shall refer later. Older people, particularly those aged over 65 years, may consider it an imposition to be required to have their photograph taken for inclusion on the driving licence. That is not a major problem, as concessions are already provided for pensioner drivers. If the amendment is agreed to, perhaps pensioners should receive the concession of not being required to have their photographs on their driving licences.

**The Hon. J. M. Walton**—Once they reach a certain age, they could use the same photograph forever.

**The Hon. D. M. EVANS**—That is so. The technology to be used in this process is available and that option will be open. Private agencies which have the right to carry out licence renewal, would have the technology to incorporate the photographs.

I am also concerned that the option of including a photograph on the licence has been provided in a weak-kneed fashion. It is an option which only a few honest people may take up. Those people who are likely to indulge in licence swapping, which has been mentioned, will take good care not to include a photograph on their licences. To ensure that every possible disincentive to the scheme is applied, a charge will be made for including the photograph. Very few people will take up the option.

If the amendment proposed by Mr Walton were adopted, clearly the majority of licensees would use it. Members from all sides of the House and all parties have agreed this is an excellent idea. For goodness sake, let us not be mealy-mouthed about it. I trust that the Minister on behalf of the Government will accept the amendment proposed by the Labor Party with, perhaps, the one concession that I suggested, namely that pensioners not be required to have their photographs included on their licences.

Inherent in this amendment is a waiving of the charge suggested in the original Bill. Otherwise it would be better to leave the provision out. I am afraid that technology that is needed to bring about this option will be totally wasted.

**The Hon. GLYN JENKINS** (Minister of Water Supply)—The Government seriously considered the option referred to by Mr Walton in his proposed amendment and supported by Mr Evans. The Government considered three options; firstly, to leave the system virtually as it is without any provision being made for photographs; secondly, to provide that on request a photograph will be included in the licence, and thirdly, to make the inclusion of a photograph compulsory.

The Government decided that as a first step—and I assure the House it is a first step—it would give people the option of including a photograph in the licence if it is required. As Mr Chamberlain indicated when he spoke during the second-reading debate on the Bill, technical problems and the problems of

equipment would arise if the proposal were implemented too quickly. It was principally for this reason that the Government decided to give people the option of including a photograph at this stage.

I foresee that within a relatively short time this provision will be compulsory, and the benefits to be gained from the scheme, to which a number of honourable members have alluded, will become a reality.

The amendment was negatived.

**The Hon. GLYN JENKINS** (Minister of Water Supply)—Mr Evans referred to the need for maintaining an address on the licence. The Government considered that aspect carefully, and on balance, it was agreed that it was not necessary. In any case, Mr Evans appeared to be in favour of the option of some form of stick-on notification of change of address.

Today many people often change addresses two or three times in the one year, so there appeared to be little point in insisting that the address be stated on the licence. In the long term, the fact that a photograph will be included on the licence will be of far greater value.

The question was raised of where people would go to obtain these licences. The Government has indicated that the banking system would be one of the places to be used. As I understand it, the Bill provides a great deal of flexibility by allowing the Minister or the department to make arrangements for this to be carried out wherever it is most convenient, particularly for people in country areas.

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.

## PETROLEUM RETAIL SELLING SITES BILL

This Bill was received from the Assembly and, on the motion of the Hon. Glyn Jenkins (Minister of Water Supply), for the Hon. D. G. CROZIER (Minister for Minerals and Energy), was read a first time.

For the **Hon. D. G. CROZIER** (Minister for Minerals and Energy), the Hon. Glyn Jenkins (Minister of Water Supply)—I move:

That this Bill be now read a second time.

It is being introduced so that the interests of petrol resellers, who are tenants of landlord oil companies, will have their rights to procure fuel from other sources confirmed.

Although the Trade Practices Commission, TPC, guidelines for the operation of sites leased from oil companies give the right to lessees to buy up to 50 per cent of their supplies from alternative sources, there is as yet no legislation in any State enshrining this guideline in statute. Furthermore, although the various leases between landlord oil companies and their lessee retailers give this right, it has been felt by many resellers that there have been practical difficulties put in their way in actually achieving in a practical manner the rights the TPC guideline confers.

The Government is concerned to see that petrol reseller have the opportunity to buy in a fair market, exercising, and having the right to exercise, business judgments in the decision as to the source of supply for 50 per cent of their fuel purchases.

Clearly it is also in consumers' interests that petrol resellers buy from the most economic source. It is fairly clear that if buying prices are reduced, consumers also will benefit. This Bill thus seeks to provide benefits for both petrol resellers and consumers. Consequently, it sets out the basic rights of tenants and the conditions under which they may exercise their right to buy from alternative sources.

Section 3 states that a tenant of a site may use any underground storage or petrol pumping equipment at the site for fuel which he purchases from a source other than the landlord. Certain safeguards have been introduced so that as far as is practicable any storage tanks used by him for the "foreign" brand do not contain fuel

provided by the primary supplier, that is, the landlord oil company.

At all times, the tenant reseller is obliged to have motor fuel on hand which was also purchased from his primary supplier. In any month, he is required to sell at least as much motor fuel from his primary supplier as he does from other sources. Dispensing equipment used on the site to sell the foreign fuel must not display the name or brand of the primary supplier. Suitable records must be maintained by the tenant of the purchases and daily sales of motor fuel purchased from other sources.

Under clause 4, a tenant in exercising his right to buy from alternative sources may install additional underground storage, install additional equipment and connect any existing petrol pumps to any new underground storage that he had installed. He may also connect any new petrol pumps to existing underground storage tanks.

Where a tenant of a site intends to exercise these powers, he must give notice to the landlord or his primary supplier in writing together with details of the proposal. The landlord or primary supplier receiving such notice shall, within fourteen days, give permission to the tenant to exercise the power or refuse to give permission and state the grounds upon which the permission is refused. Any dispute arising in relation to this section shall be determined by an arbitrator appointed by the parties to the dispute, that is, the primary supplier and the tenant, or failing agreement between the parties, by an arbitrator appointed by the Director of Consumer Affairs.

Clause 5 provides that where a tenant exercises his right to use dispensing equipment provided by the landlord or primary supplier, he shall be liable to pay to the landlord a proportion of the cost incurred in the maintenance of the original dispensing equipment.

Clause 6 points out that there is a penalty of $10 000 for a landlord oil company which, when a tenant decides to exercise his rights, imposes any charge or removes or threatens to remove any benefit enjoyed by the tenant. However this penalty does not apply if the benefit removed was given primarily to promote the sale of motor fuel supplied by the primary supplier; if the benefit removed was given to a class or classes of tenants and was removed as a general variation of agreements with all members of that class or classes; or if the imposition of charges or removal of benefits is reasonable in all the circumstances of the case and was not intended to deter the tenant from exercising any right conferred by this measure.

Clause 7 provides that compensation is available where a person suffers loss or damage by reason of another person contravening or not complying with the provision of this measure or the regulations.

Further Offences: Except for the offence by the landlord oil company mentioned above, any person who fails to comply with the provisions of this measure and its regulations shall be liable to a penalty not exceeding $1000.

In conclusion, it hoped the Bill will help to normalize relationships between tenants and landlords in the petrol marketing industry and will give tenants the desirable opportunity to exercise rights which the Government believes should be available and should be recognized by the law. It believes the legislation will be in the interests of consumers and all tenant dealers of the oil companies. 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.

## INDUSTRIAL SAFETY, HEALTH AND WELFARE BILL

For the **Hon. F. J. GRANTER** (Minister for Police and Emergency Services), the Hon. D. G. CROZIER (Minister for Minerals and Energy)—I move:

That this Bill be now read a second time.

It fulfils a promise made by the Government before the last election to introduce sweeping new legislation in a drive to improve industrial safety.

At the time, the Minister of Labour and Industry said:

> An Industrial Safety, Health and Welfare Bill will be drawn up bringing together all existing safety legislation, with appropriate amendments to comply with modern day requirements in the face of changing technology".

I have much pleasure, on behalf of the Minister of Labour and Industry, in presenting the Bill, which is the most radical advance in industrial safety and occupational health in Victoria since the Factories and Shops Act replaced the Supervision of Workrooms and Factories Act in 1885.

It is particularly satisfying to be able to say that this Bill is based on the unanimous recommendations of the tripartite Committee for Review of the Labour and Industry Act. This committee spent three years examining all aspects of the Labour and Industry Act, and it is of great credit to the members of that committee—employers, trade unionists and departmental officers—that such a degree of unanimity was reached.

Mr President, the House will be aware that this Bill was introduced into another place in the last session of Parliament. On that occasion, the Minister of Labour and Industry said:

> It is my intention that this Bill should remain on the table of the House until the Spring Session of Parliament, to enable the widest possible discussion in the community. It is my hope and expectation that by the next session the Bill will have been examined in sufficient detail to enable its passage through both Houses with the full support of all parties, and with the good will, common sense and final unanimity which so characterized the deliberations of the committee of review, and is an essential element in the development of industrial safety in practice.

The Minister concluded his speech by encouraging interested parties and honourable members to make the closest examination of the provisions of the Bill. He indicated that he would welcome their comments.

It is indeed pleasing to report that the Bill has attracted widespread discussion and publicity in the community. It has been the subject of seminars and meetings. It has attracted the attention of the daily press, and has drawn widespread coverage in trade journals and specialist periodicals. It has led to numerous submissions and delegations to the Minister. Indeed, this Bill has captured the interest not only of all sections of industry, but of the community in general.

Organizations which have contributed to this Bill since it last appeared in the House include:

Victorian Chamber of Manufactures

Victorian Employers Federation

Metal Trades Industry Association

Victorian Trades Hall Council

Federated Clerks Union

Safety Institute of Australia (Victorian Division)

Industrial Safety Advisory Council

I am pleased to be able to inform the House that this Bill was greeted with widespread approval, and I believe I can say without contradiction that it has the general support of the Victorian community. For example, the Victorian Trades Hall Council advised that it "welcomes the Bill."

An employer organization said that it "applauds the initiative of the Government in developing legislation that is aimed at improving safety standards." An academic said that in his view the Bill was a "considerable improvement" in the never-ending task of reducing industrial accidents.

I would like to thank everyone who took time to consider the Bill, and especially I wish to thank those who offered me their views and constructive comments. At the risk of traversing ground covered before, I believe it would be in order for me to say a few words on the history of this legislation in order to explain why there is a need for change.

Legislation on industrial safety, health and welfare in Australia has, generally speaking, been modelled on British legislation, with variations to suit the local environment. In consequence, the Labour and Industry Act 1958 contains little of a general nature in ith safety provisions: most of the provisions are quite specific.

In considering new concepts for the attainment of a better standard of safety, health and welfare in the workforce, the committee for review had the advantage of being able to examine the work of the committee appointed in Britain, but also formed the basis of a Robens committee examined the general question of improving safety standards in an industrial society, and its recommendations not only led to legislation in Britain, but formed the basis of a model Bill for a safety, health and welfare Act adopted by State Ministers of labour.

The principal recommendations of the Robens report were—

1. the bringing together of the various safety and health agencies into one administrative organization;

2. the replacement of detailed legal prescriptions by a statute setting out general principles, supported by detailed voluntary codes of good practice; and

3. the replacement of detailed and regular inspections by government agencies by a system of self-regulation, complemented by occasional external monitoring by those agencies.

The committee for review agreed with the first of these recommendations. However, while the Government understands the reasons behind this recommendation, it does not intend to implement it entirely. The main reason for this is that the safety provisions of legislation under the control of the Minister for Minerals and Energy, for example, safety involving explosives and mining and electrical safety, and the Minister of Health—certain occupation-related diseases—are currently being competently administered. For example, the highest expertise in flammable fuels or explosive devices is available within the Department of Minerals and Energy, and there are medical specialists in occupational diseases attached to the Health Commission.

The main challenge is to ensure maximum co-operation and co-ordination between these and other departments. The Bill provides therefore that where two or more departments have similar responsibilities in any area of safety, health or welfare, the permanent heads of the departments are required to confer with one another to ensure that any regulations made are uniform and consistent.

The Department of Labour and Industry will be taking an active co-ordinating role in this regard, but it is not proposed to make further changes in the current allocation of responsibility for safety and health administration.

The second Robens recommendation, which proposed the replacement of legal prescriptions by a statute setting out general principles supported by detailed voluntary codes of good practice, was adopted, only in part, by the committee for review. Their recommendation is adopted in this Bill. Whilst agreeing that the Robens recommendation sounded good, the committee felt that further evidence of its practicability was needed before it could be recommended for adoption.

The committee's report went on to say: "There is evidence from Britain that it is not working out there, that the people involved want to retain detailed regulations: the employer wants to know precisely what his legal responsibilities are, the union representative wants to know the same, and also what his members' rights are, and the inspector wants to know exactly what he is supposed to do."

What we have in the Bill, therefore, is the adoption of the concept of broad statements of principle, together with a clear outline of the duties and responsibilities of both employers and employees. It introduces new concepts for the attainment of a better standard of safety, health and welfare in the work place. Emphasis is given to the necessity for consultation and co-operation between all parties in the work force, and the responsibility—indeed the duty—for the safety of work places is placed upon every person employed, employers and employees alike. The detailed guidance needed by industry is continued through the use of extensive regulation-making powers.

It is intended that these powers will be exercised in the closest co-operation with those involved in the industries concerned through the Industrial Safety Health and Welfare Advisory Council. The usefulness of such regulation-making techniques in the area of accident prevention has had a long history in Victoria, and it has worked well where the co-operation of the particular industry and the unions involved has first been obtained.

One good example of co-operation between employers, unions and the department was seen in the making of the Labour and Industry (Timber Industry Forest Operations) Regulations 1976, where the regulations were drafted by a representative committee and have been adopted and supported by workers and employers. Further work was undertaken by the industry committee to provide an illustrated code to support the regulations, explaining their purpose in simple terms including other safe working methods not covered by the regulations.

Regulations developed co-operatively in this way not only more accurately meet the needs of industry but are more readily and widely accepted by all people concerned. The role of the Government, I wish to emphasize, is one of guidance, with regulations being made only after the best advice of industry has been obtained. It is the Government's intention that this method of preparing regulations will be widely used.

As mentioned previously, the practical involvement of industry and unions will be achieved through the Industrial Safety, Health and Welfare Advisory Council, which will take over and extend the functions of the present Industrial Safety Advisory Council. The council will have the same broad representation as its predecessor with the significant addition of representatives of rural industry.

The council will have the key new function of recommending to the Minister the making or amending of regulations. In the extensive regulation-making powers, members will note that allowance is made for the incorporation of published standards of the Standards Association of Australia, the National Health and Medical Research Council and other national and international bodies.

Members will note that the specific type provisions now contained in the Labour and Industry Act have been repealed and only those sections which provide general guidance have been re-enacted.

The third recommendation of the Robens report proposes the replacement of detailed and regular inspections by government agencies with a system of self-regulation complemented by occasional external monitoring by those agencies. The committee for review agreed that self-regulation was the ideal situation, but it did not see any possibility of it being put into practice in full in Australia in the foreseeable future. The committee came to the conclusion that Victoria was not ready for instant self-regulation.

But this has not prevented the development of a Bill which successfully links some self-regulation with a continuation of the established system of inspection. With the cross fertilization of ideas by the Industrial Safety, Health and Welfare Advisory Council, the co-operation and close involvement of all sections of industry in the making of regulations, the preparation of safety and health policies by employers and the appointment of safety supervisors, election of safety representatives and establishment of safety committees for work places. self-regulation would appear to be more reality than perhaps realized.

Generally, the large number of comments about the Bill that I have received over the past few months have supported some form of government involvement and regulation of occupational safety. In this age of demand for deregulation it may surprise honourable members that some submissions actually sought more government intervention rather than less regulation.

Draft regulations, particularly those governing an established industry, will be circulated in order to obtain the

best advice at all stages leading to the final draft. These two aspects follow existing departmental practices.

A concept of great significance is contained in clauses 11 to 14.

These place specific duties with regard to safety on the occupiers of workplaces, manufacturers of articles or substances used at work, installers of equipment, sellers or hirers of machinery; they also set out the general responsibilities of employees at work. These requirements will set the climate for real participation in the business of preventing industrial accidents and injuries. Employers are to prepare and display a written statement of general policy on the safety and health at work of persons employed in the workplace. The Bill also provides for the appointment of safety representatives and safety committees. It is expected that this involvement of workers and employers in the maintenance of satisfactory standards in the workplace will be far more effective than the present system of visits by government inspectors. Real progress in accident prevention requires daily commitment to the task, not just a flurry of activity following the annual or regular visit by the factory inspector. Employers and employees will become more concerned with the real goal—that is, the prevention of accidents—rather than what is now the subsidiary goal of achieving the standards set in the Labour and Industry Act and regulations.

Honourable members are aware that the great bulk of accidents occurring at work are not those concerned with machinery or equipment or toxic substances or the host of things, which one imagines are the dangers of industry. Rather, the majority of accidents at work are those such as slips and falls, strains and sprains. Indeed these "minor" accidents constitute more than 50 per cent of the total, whereas machinery accidents are only about 5 per cent. By the practical involvement of people on the job, effective action to prevent these less spectacular accidents will be achieved.

*The Hon. D. G. Crozier*

Mr President, these are the essential elements of the Bill. As honourable members will be aware, the concepts and principles have not changed since the Bill was introduced in the autumn session. I would now like to deal with the changes, which have been made to the legislation as a result of submissions by various interested parties over the last four months.

The Bill has been extended to cover the self-employed, partnerships, contractors and sub-contractors. It is a most important addition. Honourable members will note that, excluding workplaces coming under the Construction Safety Act 1979, all workplaces—wherever they may be in the primary, manufacturing or service industries—are to be made subject to this Bill.

Not only will workplaces in buildings be subject to the Bill, but also workplaces that are situated at sites, places and in vehicles. Indeed with the exception of the building and construction industry, the whole of Victoria's workforce is brought under the protection of this Bill. The safety, health and welfare of the workforce will be administered at a uniform standard regardless of a person's particular workplace. The roles of safety supervisors, safety representatives and safety committees in the workplace has also been made clearer in the Bill.

The requirements for the appointment of safety supervisors, the election of safety representatives and the establishment of safety committees are an integral part of the Government's policy for the development of co-operative responsibility for safety, health and welfare.

Through this involvement of workers and employers, the maintenance of satisfactory standards in the workplace will be far more effective than the present systems of visits by Government inspectors.

In broad terms, safety supervisors will be appointed by management to assist in the implementation of the employers' safety, health and welfare policy and to improve the general safety of everyone employed in the workplace. This perhaps is not in itself

such a dramatic change. A number of large companies already have on their staff trained safety officers and other persons with responsibility for safety matters. The provision for the appointment of safety supervisors will encourage the extension of this practice.

Safety representatives will be elected by employees at a workplace from among their own numbers. They will be responsible for representing their fellow employees in consultations with employers on the safety, health and welfare of all employed at the workplace.

Where established, safety committees will keep under review the measures taken to ensure the safety, health and welfare of the persons employed and to further encourage the involvement of all concerned in the development of safe working practices.

It is expected that through these innovations, consultation, co-operation and the sharing of responsibility for the safety of workplaces will become commonplace, and the safety, health and welfare of all persons in workplaces will be enhanced.

The size of the Industrial Safety, Health and Welfare Advisory Council has been increased to include representatives of the Safety Institute of Australia and rural workers. A further addition to the Bill has been the inclusion of a provision guaranteeing the confidentiality of information received by inspectors and any other officers for the purposes of the Bill. This provision is important because of the number of industrial processes regarded as confidential, and because of the need to ensure that these secrets are not disclosed as a result of the enforcement of the Bill.

There is one exception to this preservation of confidentiality. The Bill allows the Minister to authorize the release of reports on accidents for the purposes of workers compensation claims and other relevant litigation. While the disclosure of trade secrets will not be authorized, I regard this exception to the confidentiality provisions as most important and in furtherance of Government policy. After all, there may well be circumstances where, in the interests of human safety and welfare, the provision of such material to the Workers Compensation Board or other court would be justified.

The Bill continues to place a specific onus for safety on occupiers of workplaces, manufacturers of articles and substances used in workplaces. installers of equipment, and sellers or hirers of machinery. General responsibilities of employees are also set out in the Bill. These requirements set the climate for real participation in the fight to prevent industrial accidents and injuries.

The Government firmly believes that this Bill will lead employers and employees to become more concerned with the real goal—that of accident prevention. The previous preoccupation with, and emphasis on, achieving the standards set by the Labour and Industry Act and regulations, rather than seeking to prevent accidents, will be replaced with this new positive concept.

Detailed notes on the clauses have been attached to the Bill and these will be of assistance to honourable members in their study of its provisions.

In conclusion, I wish to add that it is my hope that as the Bill has been examined in great detail over the past months, it may now pass through both Houses with the full support of all parties, and with the goodwill, commonsense and final unanimity which so characterized the deliberations of the committee for review from whose report this Bill arose. I commend the Bill to the House.

On the motion of the Hon. G. A. SGRO (Melbourne North Province), the debate was adjourned.

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

## ASSOCIATIONS INCORPORATION BILL

This Bill was returned from the Assembly with a message relating to amendments.

*Assembly's amendments—*

Clause 4, lines 34 and 35, omit "who is a member of the association and".

Clause 25, lines 4 and 5, omit "who is a member of the incorporated association".

Clause 27, sub-clause (2), paragraph (*b*), omit this paragraph.

Clause 30, sub-clause (4), page 24, line 6, omit "the public officer or".

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

That the amendments be agreed to.

The first amendment negates the necessity for a person to be a member of the association to apply for incorporation of the association. Obviously that person could be either a solicitor or a public accountant.

The second amendment omits the need for the public officer of the association to be a member of the incorporated association. Again, that person may be a professional person.

The third amendment omits the requirement to remove a public officer if that officer ceases to be a member of the incorporated association.

The fourth amendment is a little different. Clause 30 currently enables the incorporated association to present the annual statement of account to be signed by the public officer. It is thought possible that the public officer may be regarded as a person who has a personal interest rather than a person who simply attends the meeting. The alternative course of action has been taken. The amendments are reasonable and I invite the House to support them.

**The Hon. E. H. WALKER** (Melbourne Province)—I am not familiar with the Bill, but the comments of the Leader of the House indicate that the amendments are reasonable and the Labor Party offers no opposition.

The motion was agreed to.

## VICTORIAN ECONOMIC DEVELOPMENT CORPORATION (AMENDMENT) BILL

The debate (adjourned from earlier this day) on the motion of the Hon. D. G. Crozier (Minister for Minerals and Energy) for the second reading of this Bill was resumed.

**The Hon. W. R. BAXTER** (North Eastern Province)—On behalf of my colleague, Mr Wright, in whose name the debate was adjourned earlier this day, I indicate that the National Party supports the Bill and does not wish to add any further remarks at this stage.

The motion was agreed to.

The Bill was read a second time.

**The Hon. D. G. CROZIER** (Minister for Minerals and Energy)—By leave, I move:

That this Bill be now read a third time.

I thank the Labor Party and the National Party for their co-operation in expediting the passage of the Bill.

The motion was agreed to, and the Bill was read a third time.

## EDUCATIONAL GRANTS (CONTINUATION) BILL

The debate (adjourned from earlier this day) on the motion of the Hon. A. J. Hunt (Minister of Education) for the second reading of this Bill was resumed.

**The Hon. E. H. WALKER** (Melbourne Province)—This Bill is a hardy perennial. It amends the Educational Grants Act 1973, and I wish to indicate at the outset that I will move the same reasoned amendment that I moved last year and the year before. I believe one day, and perhaps sooner than the Labor Party had thought, we will get an opportunity of an amendment to this measure that my party has wanted to make for some time.

I do not wish to speak at great length, but back in 1974 this Government brought in a measure to fund independent schools in this State, and that was related to a percentage figure. At the beginning of the school year 1974, that figure was 20 per cent. There was to be a 20 per cent *per*

*capita* grant at both the primary and the secondary level to non-Government schools—20 per cent of an estimate of what was being spent at that time in primary and secondary Government schools.

At the beginning of the school year 1974 the figure amounted to $62 for a primary student, and $104 for a secondary student per annum. To say that the Bill is arbitrary is to put it at its best. The reality is that there is no reflection in this measure, year by year, of anything to do with school needs. It is a straight arbitrary measure in support of independent schools.

The 20 per cent figure was maintained until 1979. Prior to the election, the Government made a promise that if it were re-elected, for the years following the 1979 election there would be a 1 per cent increase a year until a figure of 25 per cent had been reached, and again that figure would be based on some manner of calculation of what it costs in the primary and secondary sectors to maintain a student at a Government school. The 1981 figure for the primary area, instead of $62 which applied the year before, was $269. The figure is now $302.75 for the year to come, 1982. That is amazing. At secondary level, instead of the $104 that it was in 1974, last year it had risen to $443, and this year it is $495.75, representing 23 per cent. As I said, it is an arbitrary figure, which in no way reflects the needs within those schools.

Let me say directly before there is any interjection that my party does not oppose a proper method of support for independent schools. I shall not make this a State-aid debate. In my view, all schools are Government schools, and without Government support most schools would not survive. Perhaps two or three, or half a dozen could do so. They would need to have major endowments these days to survive. If 50 of the 62 acres on which Scotch College is located were sold, that college would have sufficient money for some time to come. Some schools sit on land that is worth a fortune.

I mentioned Scotch College because it is the best endowed. I am not saying that Scotch College should not exist. Of course it should, but the difference between Scotch College and its endowment and capacity to exist, and the St Alipius Catholic Primary School at Ballarat East, for which I have done some work as an architect, is immensely different. The needs of the latter school are huge. The school struggles along trying to do as good a job as it can. It charges a minimum fee, possibly $60 to $100 a term, and it will receive the same amount under this measure as will Scotch College. That situation does not make sense. What does make sense is an approach to education that would reflect the needs of the schools concerned.

If honourable members do not address themselves to inequity in schooling in society, we will not address it properly anywhere else, because it is at the school level that there is the greatest advantage to be gained from trying to create an equitable society. Apart from what happens to children at the various schools, that inequity stamps them for life in a social and educational sense. It does not make sense in a society like ours, with a diverse educational system, to treat this matter in an arbitrary sense—unless one is committed to the maintenance of the existing differential. It may be that that is what this measure is all about—not just the maintenance of the differential, but a gradual increase in that differential.

With the percentage increase annually there is steady growth in the difference in terms of opportunities, in facilities and in the quality of teaching that the children in this State receive. It all depends where they were born, into which family they were born, and that is totally inequitable. If we had any sense of what is required in this State we would set up a body to make an assessment of need and then every school would be a school that anyone would be proud of. There are hundreds of schools in this State that

honourable members should be ashamed about, schools that are not being properly funded.

It behoves every member of Parliament, irrespective of the party to which he belongs, to be critical of the existing school system. We are all responsible for it. This measure indicates that we are responsible not only for the public sector but also for the private sector. We should take that responsibility seriously. This is no way to do it, through an arbitrary measure like this, and to hand out State funds to the private sector on a percentage basis which does not reflect need. This system puts educational funds into many areas where they are not needed, and takes them from areas where there is dire need. This has caused the growth of a plethora of new, so-called independent schools around the State, particularly in provincial areas. I appreciate that this is a Federal and a State matter, but once schools are registered they become part of the system and will receive *per capita* grants.

In this House recently a report was received from an independent tribunal, which indicated that a college outside Wangaratta should not be offered registration. I suspect that in time to come there will be many more of those, because this kind of funding is beginning to support schools that are of marginal value to the State. I do not want to be highly critical of persons who wish to set up schools for some particular purpose related to a religious group, but it will be necessary to be much more careful watchdogs of the system, because we are allowing on a free-for-all basis the creation of schools that may not be meeting the total spectrum of the needs of children at those schools, and of the parents.

**The Hon. J. V. C. Guest**—You should be asking for a change in the registration procedures.

**The Hon. E. H. WALKER**—The Council of Public Education has, over the years, taken responsibility for registration. In my view, it has a difficult job. Its successor will have an almost impossible circumstance, the way things are going. How can a proper assessment be made when things are developing as they are? I do not say that good initiatives should not be supported educationally, but I do say that all schools should be viewed as schools within the public responsibility. In this measure, public responsibility is being accepted for all schools. In that sense, all schools should be accountable and accepting of the kind of review this State should require of them. Some schools in Victoria refuse to make their books available to a public audit. Schools which receive funding of this size by way of capitation grants and capital funds from the Federal and State Governments should be made to be accountable for those funds and should show how those funds have been spent and how the other money raised comes to them, but some will not do that. Where schools are dependent on Government money, there should be a public audit of their books at least annually.

Further, there should be representation of the public on their boards of government. In the past school councils have been closed shops. If they accept public money, they should accept some public representation on their councils so that there can be accountability to the public for the way in which they spend money and for the education they offer. That would be a proper reflection of the fact that they spend public money.

The Bill represents a quiet revolution. Since 1974, independent schools have accepted that they are dependent almost totally on the State for their continuation. They still raise money but they cannot in any sense be self-supporting because they have become dependent on Federal and State grants.

A true private enterpriser, a true conservative or a true Liberal ought to be worried about that procedure because it is slowly coming to mean that that great goal of independence and private action for institutions such as the great public schools, so-called in this State, is being demolished. That is the very thing that conservatives do not

wish to happen in business or in the private sector. Yet it is happening generally in independent schools.

It is correct for the State to take responsibility for the education of all students within a variety of types of schools. I celebrate that there is a variety of types of schools, but I should like to see a wider variety in the public sector and I should like to see zoning removed so that in fact the special nature of schools could be developed and, within the metropolitan area, there may be a choice of two or three schools at primary level and two or three at secondary level for any one student. That system works elsewhere. The community needs a variety of schools. I should like independent schools to be seen to become part of that variety within the total spectrum of schools available.

In many instances, I should like to see it made possible for students who benefit from, say, a music education at the Presbyterian Ladies' College being supported to go to that school, even though their parents may not be able to afford to send them there. Why should they not have access to facilities which in any event are supported in the main by Government money?

As I speak with those at various schools, they do not tell me that they would reject that notion. The late Sir Brian Home was proud to boast that he had had at Melbourne Grammar the sons of wharfies. Why should they not be there? They were there on scholarships and I do not decry that situation. When the State is spending sums of this size, why should it not fit horses for courses and make available to students those schools and facilities which suit the needs of the student? It is a public system.

Importantly, we as members of Parliament should be ashamed of the decrepit and low state of many of the schools, not just in terms of facilities but also in terms of the staff. There are some schools in this State, both provincially and in the metropolitan area, of which we should be ashamed. If we were doing our jobs correctly with the limited State resources that are available, we would establish a body to assess needs and to provide capitation grants to a certain level and, in addition, grants would be made on the basis of need. Then we as Parliamentarians could hold up our heads and say that we were delivering a decent education system to all children in this State.

Society has created the system that now exists, but the inequities would be done away with if the job were done properly. Those who care about a decent and just society will attempt to rectify the situation and will take that sort of measure. The rest will be made easy. However, honourable members have before them an arbitrary measure which will increase the differential and is just asking for social problems, but nobody seems to care. The reality is that there is a huge amount of money wrapped up in private schools.

Mr Guest, who interjects, had an education of a most privileged kind and I have no doubt he is grateful for it.

**The Hon. J. V. C. Guest**—I was on a scholarship.

**The Hon. E. H. WALKER**—With that education, no doubt Mr Guest was able to assess community needs to such a degree that he felt that he would like to buy into the business of decision making and enter Parliament. I hope he entered Parliament on the basis that he could then contribute to others the kind of privilege with which he began, that he came here not to sustain that privilege for the few but to make it available to the many. I hope that is what Mr Guest came here to do. However, if he supports this type of arbitrary measure which hands out valuable State funds on a straight percentage basis, regardless of need, then the difference between his old school and St Alipius' school in East Ballarat will be widened. The only reason that that school in East Ballarat received a decent input of funds back in 1974 was that the Whitlam Government federally made moneys available. In fact, that has been the only time that decent capital input into the Catholic

parish school system has occurred, and the Catholic school system was thankful for it. Nevertheless, it took that school in East Ballarat some time to accept the funds because it was seen to be tainted money.

This State is not living up to its responsibility in regard to the funding of education. The State education system is on the skids and going downhill, and honourable members in this House do not care. We should distribute the moneys that are available on the basis of need. The Bill does not do that. It will simply fulfil a rash electoral promise and put money generally into the pockets of the people who support the Government on a basis that even this Government, in my view, if it thought about it, could not support.

With those remarks, I move the following reasoned amendment:

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 of a State Board of Education to examine and determine the needs of schools and students in Government and non-Government education and to recommend to the Government of Victoria on a continuous public basis the level of expenditure necessary to meet the requirements of Victoria's school children on the basis of needs and priorities, educational experimentation and regionalization".

I commend the amendment to the House.

**The Hon. B. P. DUNN** (North Western Province)—In my view, the Bill is something of a two-card trick by the Government. The Government talks about increasing the level of grants from 22 per cent to 23 per cent as part of the policy announced in 1979 to increase the level of subsidies from 20 per cent of the cost of educating a child in a Government school to 25 per cent of that cost. The increase from 22 per cent to 23 per cent will take effect as from the beginning of next year. The funding for this increase, as the Minister outlined, will come from funding for the 1982–83 financial year, so that non-government schools will not receive the benefit of the rise as from the beginning of the next calendar year.

**The Hon. A. J. Hunt**—They will receive it as from July, though.

**The Hon. B. P. DUNN**—They will receive it as from July next year.

**The Hon. B. A. Chamberlain**—But they will get some rise.

**The Hon. B. P. DUNN**—Only as a result of the relative increase in the cost of educating a child in a Government school. The Government has had the benefit of the publicity of a 23 per cent increase but it will not have to pay it for six months. That is what it amounts to.

The National Party believes that non-Government schools have an important role to play in the total education system of the State. It has supported the need for Government to provide ongoing funding to non-Government schools and believes that can be achieved while allowing those schools independence by way of the Government using a system of *per capita* grants, as is done in Victoria. If one enters the field Mr Walker talks about, one enters into the field of reducing the independence and autonomy of non-Government schools. Members of the National Party believe non-Government schools fulfil an important position and that their autonomy should be retained. Of course, Mr Walker presupposes that all of the problems of education will be solved by injecting more dollars. We do not believe that to be the case.

**The Hon. D. E. Kent**—You are misrepresenting him.

**The Hon. B. P. DUNN**—I am not, because Mr Walker was talking of funds for non-Government schools and more funds being injected into Government schools that are not being adequately treated at present.

**The Hon. P. D. Block**—It is not the solution to all problems.

**The Hon. B. P. DUNN**—It is not the solution of the National Party. Many non-Government schools are fulfilling an excellent role in providing top-class education with limited funds, funds far short of what is spent in the State school system and one should look at the amount of fat in that system

because it is clear in the past decade that dollars and cents do not mean improved education quality.

In the future, co-operation between Government and non-Government schools will develop. It is happening already. There will be a problem in some areas where a number of non-Government schools are establishing themselves and dividing communities in small towns but that is a matter for Federal Government funding largely for capital facilities although it does come under some control of the Council of Public Education, which has to examine the registration of the schools and courses those schools are using. The National Party supports the Bill and does not support Mr Walker's reasoned amendment.

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

The Bill was read a second time.

**The Hon. A. J. HUNT** (Minister of Education)—By leave, I move:

That this Bill be now read a third time.

I indicate that the Government regards funding for independent schools as basic funding. Commonwealth Government funding is topping-up funding and does take into account the different needs of schools. On the question of the present automatic tying of funding with registration, the schools commission is currently undertaking a review of methods of registration and funding and is producing recommendations on whether the functions of registration and funding ought to be separated as occurs at the tertiary level, which is indicated by the difference between recognition of the course academically and approval for funding as a separate issue.

Because I mentioned at a public gathering on one occasion that this review was taking place and would be put before the Australian Education Council, some groups assumed that the Government was for some reason opposed to the funding of non-Government schools. The Bill demonstrates that is not true and the Government stands forcefully behind the principle of freedom of choice although it certainly is prepared to examine any material the Australian Schools Commission produces if it will assist in determining future policy. The Bill gives effect to the electoral promise. It takes effect from the middle of next year and not from the beginning, for a very good reason.

**The Hon. B. P. Dunn**—It will save the Government money.

**The Hon. A. J. HUNT**—No. In the Federal Government Budget, funds available for non-Government schools were increased while funds available to Government schools were reduced, which was a politically disastrous course and ought not to have happened. The Federal Government can certainly adjust contributions as it chooses, but the State Government considered that it was wrong for one to go up and the other to go down with the impression being given that one was to be funded at the expense of the other. In redressing the balance, the Victorian Government has postponed this increase until after 30 June. I thank honourable members for the expeditious way in which they have treated the Bill.

**The Hon. J. V. C. GUEST** (Monash Province)—After the gratuitous references to myself by a person who has had a privileged education at public expense——

**The PRESIDENT (the Hon. F. S. Grimwade)**—Order! Mr Guest knows very well that he is speaking to the motion that the Bill be now read a third time. It is specific and I suggest he be specific.

**The Hon. J. V. C. GUEST**—In the absence of answers to my interjections calling for replies based on facts and logic, it might have been expected that I would speak at length on the second reading——

**The PRESIDENT**—Order! The honourable member is completely out of order and is not addressing the question.

The motion was agreed to, and the Bill was read a third time.

## ADJOURNMENT

### Day and Hour of meeting—Notification to relatives of death—Railway wheat freight increases—Council insurance scheme

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

That the Council, at its rising, adjourn until Tuesday, December 22, at two o'clock.

I think all honourable members have heard of the changes that have occurred in the plans of another place, without any consultation with the Leaders of the parties in this place and I am sure everyone in this House regrets those alterations. We have complained on occasions when that other place has risen while we still have business to do, thereby precluding us from considering amendments effectively, and it will be the last thought in my mind that we should adopt the same conduct. For that reason, they having made their decision even without that consultation, we will take it into account and meet Tuesday next instead of tomorrow. It is a matter of regret that the arrangements of honourable members should have to be changed in this way without notice. I cannot estimate what the result will be next Tuesday.

The motion was agreed to.

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

That the House do now adjourn.

**The Hon. R. J. EDDY** (Thomastown Province)—I refer to the Minister for Police and Emergency Services, in his absence through the Leader of the House, a matter concerning constituents in the Thomastown Province affected by the apprehension of certain persons, including a prison escapee, last week in Coburg. One of those persons was wounded and died as a result of a shooting by members of the Police Force. I urge the honourable gentleman to inform me of the reason for the delay in informing the relatives of the man who had been shot and who was in hospital and, why, after the man had been shot through the head and subsequently died, the relatives were denied the right of identifying the body for four days. The person died on the Friday morning and the relatives were asked to identify him at the City Morgue on Monday morning. The relatives are extremely concerned.

**The Hon. B. P. DUNN** (North Western Province)—I refer a matter to the Minister of Water Supply who is the representative in this place of the Minister of Transport. The matter concerns rail freight increases and the two-card trick the Government has played on wheatgrowers in Victoria.

The Minister of Transport did not announce the rise in rail freights in time for this harvest. He did not announce it until he was asked about it in another place. He then indicated that there would be a 14 per cent weighted increase, but what he did not say was that the increase would be 18·5 per cent for growers in distant places, like Murrayville in the far north-west, and that for growers situated less than 200 kilometres away from the seaboard the increase goes down to about 12 per cent or 12·5 per cent. There is a scale.

I strongly object to this weighting against the growers who live in distant areas. I should have thought the economics of the transportation of grain by rail would have meant that the longer the distance, the greater the economies. It is cheaper for the growers at Murrayville to have a truck pick up the wheat on the property, and take it direct to Adelaide by road at $20 a tonne than to deliver it to the silo themselves and pay VicRail $22 a tonne to carry it to the Victorian seaboard.

I strongly object to that. It puts the growers in distant areas at an even greater disadvantage than ever before. VicRail and the Government have been less than fair in the application of the increase and I ask the Minister to review it immediately.

**The Hon. C. J. KENNEDY** (Waverley Province)—I direct a matter to the attention of the Minister for Minerals and Energy, representing the Minister for

Local Government. I refer to a report in yesterday's *Herald*, which states, in part:

Essendon City Council is lobbying the State Government to give local councils the power to act as insurance brokers for ratepayers.

The Oakleigh City Council is also endeavouring to provide that sort of service for its ratepayers but it is unable to do so, apparently for legal reasons, although it may be Government policy. I should like to know what action the Government will take to enable these councils to institute this cost-saving service.

**The Hon. A. J. HUNT** (Minister of Education)—I am personally unaware of the answer to the question asked by Mr Eddy. I understand that he has already referred the matter to the Minister for Police and Emergency Services, who will no doubt investigate it. I will remind the Minister to give Mr Eddy an answer.

**The Hon. D. G. CROZIER** (Minister for Minerals and Energy)—I am not personally aware of the desire of the councils mentioned by Mr Kennedy to enter into the insurance field. I assume that what they propose doing is presently outside the ambit of the Local Government Act. I am not aware of any representations or discussions that may have been made or held within the context of the Municipal Association of Victoria. I suggest to Mr Kennedy and to the councils that, were a consensus reached by municipalities to enter into this field and were representations made to the Minister for Local Government accordingly, those representations would certainly be considered. I shall seek further clarification from the Minister, with a view to answering Mr Kennedy's question more fully.

**The Hon. GLYN JENKINS** (Minister of Water Supply)—It is well known around the political traps that the Government very seriously considered the wheat freights. The recommendations were for a higher rate, but for a number of reasons it was agreed that the weighted average would be approximately 14 per cent. I do not know why the rates for particular areas are as high as 18·5 per cent, but I should have thought it would be necessary to refer back to the rate with which they are being compared and the basis on which that rate was set. I will undertake to take up the matter with the Minister of Transport and give the honourable member an early reply.

The motion was agreed to.

*The House adjourned at* 6.45 *p.m. until Tuesday, December* 22.

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## *QUESTIONS ON NOTICE*

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### WORKERS COMPENSATION

(Question No. 141)

**The Hon. D. R. WHITE** (Doutta Galla Province) asked the Attorney-General, for the Minister of Labour and Industry:

Further to question No. 59, answered in this House on 23 September 1980:

(*a*) Is the Minister still conferring with the Trades Hall Council in relation to section 11 of the Workers Compensation Act 1958 (permanent disability payments)?

(*b*) Is the Minister aware that the present delay in compensation cases being heard at the Workers Compensation Board, where the issues are contested, is eighteen months and that practitioners predict that it will reach two years by mid-1982, and has the Minister considered appointing more judges to handle the backlog of cases?

(*c*) Would the Minister consider using the monies held in the Insurers Guarantee and Compensation Supplementation Fund towards appointing more judges and establishing a rehabilitation scheme?

(*d*) Is the Minister aware that many members of the profession who practise at the board believe that the board's proceedings will break down?

(*e*) What steps is the Minister taking to speed up the hearing of cases, and why is there such a delay in Victoria?

(*f*) Is the Minister aware that there are thousands of compensation claims for industrial deafness pending; if so, has he contemplated any legislative changes and, in that event, when will those proceed?

(*g*) Is the Minister aware of insurance companies, registered in Victoria, which make their payments from outside Victoria and thereby delay weekly payments to injured workers; if so, will he intervene so that this practice ceases or alternatively consider deregistering those companies?

(*h*) Has the Minister considered discussing with representatives of the Trades Hall Council and the Insurance Council of Australia Ltd whether it is necessary to continue appointing representatives to sit on the board?

(*i*) Has the Minister considered reducing the number of insurers registered in Victoria to write workers compensation policies?

(*j*) Is the Minister aware that damages actions settled in the Supreme Court are being referred back to the board by insurers and that they are reimbursed by the Insurance Indemnity Supplementation Fund up to 53 per cent of the amount of the settlements obtained in the Supreme Court; if so, will he consider stopping this practice?

(*k*) Has the Minister considered the establishment of a legal aid scheme so that workers can meet the costs of processing their claims; limiting such legal aid to disbursements, such as fees for medical reports, and so on?

**The Hon. HADDON STOREY** (Attorney-General)—The answer supplied by the Minister of Labour and Industry is:

(*a*) Yes.

(*b*) Yes. Consideration is being given to possible further ways of speeding up the finalization of cases coming before the Workers Compensation Board. The Workers Compensation (Amendment) Act 1981 recently passed by Parliament will simplify the finalization of loss of hearing claims.

(*c*) No.

(*d*) Concern at delays has been expressed from time to time but see (*b*) above.

(*e*) See answer (*b*).

(*f*) Yes. See answer (*b*).

(*g*) No. I have had inquiries made but have been unable to find examples to support the contention that such delays are occurring. I will examine any specific allegations brought to my notice.

(*h*) I will raise this matter with the Workers Compensation Consultative Council, a body on which the Victorian Trades Hall Council and the Insurance Council of Australia are represented.

(*i*) The number of registered insurers has been reduced.

(*j*) The practice described would relate to the Workers Supplementation Fund and will cease, in part, from 1 July 1982 by virtue of the Workers Compensation (Amendment) Act 1981 recently passed by Parilament, which will relieve the fund of payments to employers and insurers in respect to the cost of future indexing of benefits for accidents after that date.

(*k*) Solicitor-client costs, which include disbursements, for workers compensation claims before the board, are subject to an order made by the board. In the vast majority of cases workers do not have costs awarded against them and therefore such a scheme would appear unnecessary.

(Question No. 201)

**The Hon. K. I. M. WRIGHT** (North Western Province) asked the Attorney-General, for the Minister of Labour and Industry:

(*a*) Does the Minister of Labour and Industry intend to request the Treasurer to use surpluses in the Insurers Guarantee and Compensation Supplementation Fund (not exceeding in total $35 million) to appoint an additional workers compensation board to effect a reduction in the waiting time for the hearing of cases?

(*b*) Will the Minister ensure that any surplus moneys allocated are used to improve the workers compensation system, be it the appointment of additional boards, establishing a rehabilitation scheme, providing full-time interpreters to be employed by the board, additional workers or staff to reduce the workload of the board?

**The Hon. HADDON STOREY** (Attorney-General)—The answer supplied by the Minister of Labour and Industry is:

(*a*) No. The costs of administering the Workers Compensation Act including the salaries of members of the board are a charge on the Workers Compensation Board Fund as provided in section 82 of the Workers Compensation Act 1958.

(*b*) No. See answer (*a*) above. The Workers Compensation Board Fund would be used for any of the proposals suggested. However the proposals will be examined along with other changes at present being considered.

## VICTORIAN GOVERNMENT TRAVEL AUTHORITY

(Question No. 147)

**The Hon. K. I. M. WRIGHT** (North Western Province) asked the Minister for Minerals and Energy, for the Minister for Tourism:

(*a*) Is the Victorian Government Travel Authority Office in Mildura to close on 7 November 1981; if so—(i) what arrangements have been made to re-locate staff; (ii) will some other organization in the area continue to promote tourism; and (iii) will a subsidy, of approximately $50 000, continue to be paid to enable Mildura to continue to promote tourism?

(*b*) What is the current position regarding the offices of the authority at Bendigo, Ballarat and Geelong, respectively?

**The Hon. D. G. CROZIER** (Minister for Minerals and Energy)—The answer supplied by the Minister for Tourism is:

(*a*) Yes.

(i) Two of the four staff members have been relocated within the Victorian Government Travel Authority staff establishment. One member of staff has elected to take three months leave without pay with a further three months option. The fourth staff member has been seconded to the North West Regional Tourist Authority until February 1982.

(ii) The North West Regional Tourist Authority will continue to promote tourism in Mildura and the whole north west region as it has in the past.

(iii) Subsidies up to a maximum of $40 000 will continue to be paid to the North West Regional Tourist Authority on the same basis as in the past to enable it to promote tourism in the region.

(*b*) Ballarat and Bendigo offices are to close on 7 November 1981. Bendigo and Ballarat have been privately sold and the majority of staff have been found alternative employment either within the Victorian Government Travel Authority or the Victorian Public Service. The Geelong office will close on 24 October as only one staff member is now available to administer this office. The staff member is currently negotiating with the Victorian Public Service regarding alternative employment. In the interim he will be brought to Melbourne to work temporarily on the Victorian Government Travel Authority staff.

## SMORGON CONSOLIDATED INDUSTRIES PTY LTD

(Question No. 170)

**The Hon. JOAN COXSEDGE** (Melbourne West Province) asked the Attorney-General, for the Minister of Labour and Industry:

(*a*) How many fatal accidents have occurred at Smorgon Consolidated Industries Pty Ltd in the past ten years?

(*b*) How does this accident rate (fatal and other) compare with the average rate in the industry?

(*c*) How often has the company been visited by inspectors of factories and shops in the past five years?

(*d*) What compensation payments were made to those killed in accidents, how were these settlements arrived at, and were migrant workers advised of their rights and assisted with their claims?

(*e*) How many officers of the Department of Labour and Industry have been involved in inspection and supervision of work programmes at the company in the past five years, on what dates and for what period of time?

**The Hon. HADDON STOREY** (Attorney-General)—The answer supplied by the Minister of Labour and Industry is:

(*a*) From 1 January 1975 to the present, two fatal accidents have occurred at Smorgon Consolidated Industries Pty Ltd. Complete information in respect to earlier years is not available.

(*b*) Data is not maintained within the department which would allow the calculation of an accident rate comparable with an average rate for the industry.

(*c*) Inspectors of factories and shops have visited the company on 67 separate occasions from February 1978 up to 24 November 1981. Earlier data is not readily available.

(*d*) The Workers Compensation Board does not maintain data at the level of individual employers and therefore the amount of payments made and the manner in which settlements are arrived at, is not available.

Workers are advised of their rights on workers compensation by their legal representatives, however, workers compensation enquiries are answered each day by the Board's personnel who, when the occasion requires, utilises the interpreting services of the State's Community Services Centre.

(*e*) Information for each of the past 5 years is not readily available, however, records maintained by Inspectors indicate that:

(1) Within the Division of Inspection Services, six inspectors have been involved in visitations to the premises in question, on the following dates:

1978—6, 9, 17 February; 10 March; 11, 24 April; 15 May; 2, 15 August; 8 December.

1979—25 January; 3, 4 April; 19 June; 24 July; 21 August; 17 September; 25 October; 5, 12, 19, 22 November; 4, 18 December.

1980—7, 21, 29 January; 25 February; 3, 11, 17, 24 March; 28 April; 6, 30 June; 4, 7, 14, 21, 28 July; 4, 11, 15, 18 August; 1, 8, 12, 15, 16 September; 27 October; 24 November; 15, 22 December.

1981—28 January; 15, 19 June; 27 July; 3, 24 August; 4, 14, 21, 22 September; 12 October; 4, 23 November.

However, the length of time involved for all the abovementioned inspections is not readily available although over the last fourteen months, inspections have involved 166 man hours.

(2) In respect to the Division of Technical Services, four inspectors have been involved in visitations on the following dates involving a total of 32 man hours:

1977—15 April; 13 December.

1979—18 May; 25 June.

1980—15 September; 24 October.

1981—22 September.

## KINGSBURY TRAINING CENTRE

(Question No. 189)

**The Hon. R. J. EDDY** (Thomastown Province) asked the Minister for Conservation, for the Minister of Health:

How much of the social security and pension payments received by residents at Kingsbury Training Centre is held in trust by the manager at the centre, and how much interest has accrued?

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

The amount held in trust by the manager of the Kingsbury Training Centre as at 30 November 1981 is $57 722.

The following chart details the interest that accrued for the last three years.

| | |
|---|---|
| 1979 | $3 320.82 |
| 1980 | $5 597.25 |
| 1981 | $6 237.20 |

All interest is credited to the Patients Amenities Fund and it is used for the benefit of the residents.

## MINERS' PHTHISIS

(Question No. 204)

**The Hon. D. R. WHITE** (Doutta Galla Province) asked the Attorney-General, for the Minister of Labour and Industry:

From the inception of the workers compensation scheme, how many claims have been made to the Workers Compensation Board in respect of Miners' Phthisis, how many were accepted, and what was their total value?

**The Hon. HADDON STOREY** (Attorney-General)—The answer supplied by the Minister of Labour and Industry is:

The statistics kept by the Workers Compensation Board are not kept in sufficient detail to provide the information required. A detailed examination of all board files since the inception of the scheme to obtain the information is a task of such magnitude as to be beyond the resources of my department.

# Legislative Assembly

**Thursday, 17 December 1981**

**The SPEAKER (the Hon. S. J. Plowman)** took the chair at 10.8 a.m. and read the prayer.

## DRESS OF MEMBERS

**The SPEAKER (the Hon. S. J. Plowman)**—Order! Some little time ago I made it clear that the dress requirements of the Legislative Assembly were a coat and tie or a safari jacket. Last summer we had a particularly hot period and I broke with tradition and asked honourable members if they would care to take their coats off. I have made no such suggestion this summer. I now suggest that the honourable members for Dandenong and Melbourne put on their coats.

## *QUESTIONS WITHOUT NOTICE*

## ENERGY PRICING REVIEW COMMITTEE

**Mr CAIN** (Leader of the Opposition)—In view of the widespread interest and public concern over the issue, will the Premier now announce to the House the names of the members of the Energy Pricing Review Committee, its terms of reference and the date on which the committee is expected to complete its review of electricity operations?

**Mr THOMPSON** (Premier and Treasurer)—The terms of reference will be completed within the next two or three days. The person appointed to head the review panel has already accepted the position, but made a request that his name not be published for the next couple of days to allow him time in which to inform his board, so I expect to make an announcement on that at the week-end. The original intention was to make the announcement at this time but, as he made that special request, which I considered reasonable, it will be announced in a few days.

I reiterate to the Leader of the Opposition, who is interjecting, that the person concerned has agreed to do the job. He made that request and I agreed with him. There would be no purpose gained in announcing it today, against his wishes.

## SUPPLY OF ELECTRICITY TO NEW SOUTH WALES

**Mr ROSS-EDWARDS** (Leader of the National Party)—I refer the Premier to the statement by Senator Carrick expressing a warning that the excessive use of Snowy River water to generate electricity at present because of industrial problems in New South Wales will waste water and cause problems next winter. Considering that Victoria has satisfactory reserves of electricity at present, will the Premier initiate discussions with the Premier of New South Wales with a view to sending electricity to New South Wales through conventional means because it has been drawing on the Snowy River scheme? This sensible solution to the problem could save New South Wales from a serious crisis next winter.

**Mr THOMPSON** (Premier and Treasurer)—I have already had discussions with the general manager of the State Electricity Commission on the action Victoria proposes to take to assist New South Wales in its present diabolical plight involving a shortage of electricity. We are prepared to do what we can as a State and the State Electricity Commission as an authority during the mid-summer period when demand on electricity is low to help our sister State out of the extraordinary circumstances in which it finds itself. Further discussions will take place to ascertain what can be done to help New South Wales out of the hole.

## GEELONG RAIL SERVICE

**Mr AUREL SMITH** (South Barwon)—I direct my question to the Minister of Transport. Now that the railways have extended off-peak travel concessions to the 8.30 morning train from Geelong to Melbourne, will it be possible to commence the train from South Geelong so that intending travellers, more particularly those from the coastal areas

of South Barwon, can park their cars at the South Geelong railway station where adequate car-parking facilities exist, instead of having to drive to the Geelong city station where the car park is overcrowded and less convenient?

**Mr MACLELLAN** (Minister of Transport)—I will ask for the examination of the matter to ascertain whether it is possible on the timetable to extend that train further to South Geelong. I understand the point made about the car-parking facilities at South Geelong and it is perhaps difficult to expect those people to drive into Geelong and overcrowd the Geelong railway station car park. I will obtain a report and advise the honourable minister.

## STATE ELECTRICITY COMMISSION TARIFFS

**Mr JOLLY** (Dandenong)—Has the Premier reconciled his statement of 15 December that electricity prices would be frozen until after the Energy Pricing Review Committee produces its report with the findings of the Cochrane inquiry that the State Electricity Commission plans to increase real tariffs next financial year? Has the Government investigated the implications on the finances of the State Electricity Commission of freezing electricity prices and also the energy electricity supply implications of such a freeze?

**Mr THOMPSON** (Premier and Treasurer)—The view of the Government was that the ordinary consumer, whether it be a domestic consumer, a commercial consumer or an industrial consumer, should be treated in exactly the same way as Alcoa of Australia Ltd in so far as the right to have an independent inquiry was concerned. We appointed the independent inquiry to examine the Alcoa tariff and we withheld their tariff increase until that inquiry was completed. We intend to apply exactly the same approach for members of the general public and I believe that approach would have the strong support of all honourable members. The increase to which the honourable member for Dandenong refers is something that will occur in the next financial year.

## COCHRANE INQUIRY

**Mr WHITING** (Mildura)—Can the Premier and Treasurer inform the House on the cost of the Cochrane inquiry into the project of Alcoa of Australia Ltd and also the cost to the State of the Ernst and Whinney inquiry? Can the honourable gentleman indicate whether any estimate of costs has been arrived at on the latest independent inquiry into the State Electricity Commission announced yesterday?

**Mr THOMPSON** (Premier and Treasurer)—The final details of the cost have not been provided, but by comparison with the costs associated with the Housing Commission inquiry, they are virtually peanuts. However, I am quite prepared to make the details of those costs available to the honourable member for Mildura as soon as those costs have been finalized. The detailed costing of the proposed inquiry will depend upon the degree of assistance required by the chairman of the panel, and that is currently being analyzed and it will not be finalized until the appointment has been made.

## AWARD WAGES FOR PRISONERS

**Mrs SIBREE** (Kew)—In the absence of the honourable member for Greensborough, I address my question to the Minister for Community Welfare Services. Further to the Minister's answer to a question asked last week on the Australian Labor Party policy to pay all Victorian prisoners in gaol award wages, which would cost approximately $18 million, can the Minister indicate to the House if he has had any representations or has he in mind any other policies along these lines to benefit Victorian prisoners, and if so, at what cost?

**Mr JONA** (Minister for Community Welfare Services)—I appreciate the question asked by the honourable member for Kew because I have been feeling most deserted this week in the House. I have been made aware of the Australian Labor Party proposals, which would constitute a substantial benefit to prisoners at substantial, additional financial cost to the Government. In answer specifically to the honourable

member's question, these proposals comprise, first of all, a plan that would provide for compensation for all remand prisoners who are subsequently acquitted.

**Mr FORDHAM** (Footscray)—On a point of order, Mr Speaker, you have consistently ruled at question time over the past few weeks that it is not the function of Ministers to articulate the policies of other political parties or to comment on those policies in the way that the Minister for Community Welfare Services is now pursuing.

**The SPEAKER (the Hon. S. J. Plowman)**—Order! The Minister for Community Welfare Services was asked whether he has received any other proposal from the community on this question. Unless the honourable gentleman links his answer to further proposals, he is simply talking about the Australian Labor Party policy and I would uphold the point of order.

**Mr JONA** (Minister for Community Welfare Services)—The honourable member for Kew asked whether I have had any proposals put to me and the answer is, "Yes". These proposals have been put forward by the Australian Labor Party, and a few people in the community who have been misled by those proposals have submitted them to the Government. I am giving the Government's response to these proposals. The proposals include, first of all, a plan which would provide compensation, for all remand prisoners who have been subsequently acquitted, for deprivation of freedom, loss of earnings and future employment prospects. Secondly, the Government is not considering adopting a proposal which would provide for future day long, weekly visits to all prisoners without supervision and with provision for conjugal rights. The Government is not considering that proposal, and finally, the Government is not considering free travel for all prisoners in Victoria for the first two months after their release from prison. It is also not considering unrestricted——

*Honourable members interjecting.*

**The SPEAKER (the Hon. S. J. Plowman)**—Order! In relation to my previous ruling, it is desirable that the Minister for Community Welfare Services identify the proposals which have been made to him and whence they came, or whether they are in fact simply hearsay of Australian Labor Party policies.

**Mr B. J. EVANS** (Gippsland East)—On a point of order, I submit that the Minister for Community Welfare Services has repeatedly stated that the Government is not considering certain proposals. Mr Speaker, I ask you to rule that he cannot answer a question in those terms.

**The SPEAKER**—Order! The inference in the answer given by the Minister was that he was not considering implementing the proposals; that is the way I took the answer.

**Mr JONA** (Minister for Community Welfare Services)—The prisoners have been informed that certain political options will be available to them and it is important for them to know where the Government stands and what it will cost the taxpayers of Victoria.

*Honourable members interjecting.*

**Mr Fordham**—You are a liar!

**The SPEAKER**—Order! I ask the Deputy Leader of the Opposition to withdraw his statement, that the Minister is a liar.

**Mr FORDHAM** (Footscray)—Mr Speaker, the Minister is deliberately lying. The Minister has repeatedly and deliberately lied about the Australian Labor Party policies.

*Honourable members interjecting.*

**The SPEAKER**—Order! Both sides of the House will come to order. The Deputy Leader of the Opposition is a senior member of this place and has regard for its general traditions and decorum.

**Mr FORDHAM**—I have indeed.

*Honourable members interjecting.*

**The SPEAKER**—Order! The honourable member for Oakleigh will remain silent. If the honourable member for Oakleigh does not remain silent I shall name him forthwith for defying the

Chair. I request the Deputy Leader of the Opposition to withdraw the remark, "You are a liar".

**Mr FORDHAM**—Mr Speaker, I certainly do uphold the traditions of the House and I indicate that, in deference to your request, I withdraw the statement that the Minister is deliberately lying, but honourable members can make their own judgment.

*Honourable members interjecting.*

**The SPEAKER**—Order! Honourable members will remain silent.

**Mr JONA** (Minister for Community Welfare Services)—In conclusion, the cost of these proposals which are set out in black and white and have been circulated by the Labor Party, would cost $25 million and that would be an additional cost to the prison system.

**The SPEAKER**—Order! I have requested the Minister for Community Welfare Services to identify whence he has had these proposals put to him or whether it is simply hearsay of Australian Labor Party policy. If it is simply what the honourable gentleman believes to be Australain Labor Party policy, I shall hear his answer no further.

**Mr JONA**—The proposals have been put forward as being Australian Labor Party policy. I did not accept them as such because I could not believe them so I sought a copy of the policy and I have a copy of that policy in my possession and I am happy to table it.

*Honourable member interjecting.*

**The SPEAKER**—Order! I request that further questions and answers not simply dwell on Australian Labor Party policies. I have requested the Minister to indicate whence these requests or statements have come or whether they are simply Australian Labor Party policy received from prisoners or others. I was not given a satisfactory answer to that question. I therefore suggest to the Minister that if he has a further question of this kind he does not simply use such questions to discuss Australian Labor Party policy. I call the next question.

**Mr A. T. EVANS** (Ballarat North)—On a point of order. Will the Minister for Community Welfare Services lay those documents on the table?

**The SPEAKER**—There is no point of order. If the Minister wishes to make documents available to the House he may do so.

## STATE ELECTRICITY COMMISSION PRICING POLICIES

**Mr GINIFER** (Keilor)—I ask the Premier whether the Government supports Professor Cochrane's findings that the State Electricity Commission pricing policies should aim to achieve a real rate of return on the written down replacement value of capital of at least 5 per cent, and is this policy guideline part of the terms of reference of the Energy Pricing Review Committee in relation to State Electricity Commission tariffs?

**Mr THOMPSON** (Premier and Treasurer)—The Government will be waiting for the report of the review panel appointed yesterday before making any decision on that matter. If we did, we would be pre-empting the work of the committee, but might I say that the basic problem in trying to arrive at an appropriate method of tariff fixation for the State Electricity Commission is the extraordinary rise in the cost of building power stations over the past five years. For example, Yallourn W1 and W2, which were completed in 1974–75, cost $200 a megawatt. The cost of completing Yallourn W3 and W4 this year was not $200 a megawatt but $665 a megawatt. Honourable members say this is a result of inflation. The consumer price index increased by only 8·4 per cent over that period, whereas the cost of producing a megawatt of power increased more than three-and-a-half times. The major reason for that was the industrial disputes and chaos engineered by unions behind the Opposition that we are looking at today.

## SCHOOL TO WORK TRANSITION PROGRAMME

**Mr CRELLIN** (Sandringham)—Is the Minister for Employment and Training aware of a report in today's issue of

the *Age* newspaper concerning the school to work transition programme conducted by the Burwood Technical School? Can the Minister advise the House of the actual situation in relation to this very valuable programme?

**Mr DIXON** (Minister for Employment and Training)—I thank the honourable member for his question. The Industrial Training Commission received an evaluation of this programme and it believed that, in the way in which the programme had been undertaken this year it ought not to proceed. My belief is that the programme has been a very valuable addition to flexibility in training for work programmes. I want the Burwood Technical School, the Industrial Training Commission and my own department to have further discussions to find a way in which this programme can in its essence continue. It may be necessary to seek amendments to the Work Experience Act and, if so, I will take up that matter with the Minister of Education. The honourable member informs me that the position is the same at Moorabbin Technical School. If that is the case, I will take it up with the Minister to ensure that the necessary amendments are brought about.

This Government does not want these valuable programmes discontinued simply because it appears that there is some particular regulation which stands in their way. All honourable members will support the fact that where youngsters have problems getting into the work force, we must seek ways and means of ensuring that they do. It will be done in this case. I have informed Mr Reid at the Burwood Technical School that that is what will take place.

## ALCOA ELECTRICITY TARIFF

**Mr CRABB** (Knox)—In view of the findings of the Ernst and Whinney report that Alcoa's tariff is effectively subsidized by 0.61 cents a kilowatt hour due to other consumers having to pay the cost of the transmission line from Moorabool to Portland, can the Premier advise whether the Government will now approach Alcoa in relation to Alcoa's offer to obtain loan funds to finance the construction of this transmission line?

**Mr THOMPSON** (Premier and Treasurer)—The question indicates that there is some specific offer. It was mentioned in the House in 1980, as I recall, in a question from the honourable member for Dandenong to the Premier. A careful search of the records of the State Electricity Commission and Treasury has not indicated that any firm offer of that type was made.

## SALINITY LOANS

**Mr HANN** (Rodney)—Can the Premier and Treasurer advise whether the $750 000 recently announced by the Minister of Agriculture and the Premier for salinity loans is to come out of the rural finance zone allocation and the only additional money provided by Treasury is for the interest subsidy? If so, does the Premier recognize that he has broken a 1979 election promise to provide additional sums of money each year from the Treasury sources for salinity loans?

**Mr THOMPSON** (Premier and Treasurer)—As I recall it, the former Premier, Mr Hamer, gave an undertaking in a policy speech that some $15 million would be spent over the next few years—they were the words actually mentioned—in providing money for research relating to salinity control irrigation techniques and for loans to farmers. Money is coming from three different sources—through the Department of Agriculture, the Ministry of Water Supply and the Rural Finance Corporation. The Minister of Agriculture and I are in the process of working out with Treasury money, allocations through those three departments that will ensure that over approximately a four-year period that $15 million will be made available.

## COMPUTER FACILITIES FOR PUBLIC SECTOR

**Mr MACKINNON** (Box Hill)—I refer to the attention of the Premier the recently tabled report of the Public Accounts and Expenditure Review Committee into the use of Electronic

Data Processing facilities by the public sector in Victoria. Is the Premier aware of the undertaking given by the Prime Minister to the Commonwealth Parliament that a formal response would be made by either himself or his Ministers as a statement in Parliament after an adequate period of time had been given to consider the report? Is the programme to follow a similar course in Victoria and is the Premier in a position to give any preliminary comments about the report?

**Mr THOMPSON** (Premier and Treasurer)—I thank the honourable member for Box Hill and the other members of his committee, regardless of the political party to which they belong, for a valuable report on computer installation and development in the State service.

The report is constructive and we will give a detailed response to it. The early reactions are that we agree with the need for additional staff and more extensive training of staff who are operating there, as well as the need for greater responsibility being thrown upon the heads of the departments in supervising computer installation work. The other detailed recommendations of the report will go to the specialized committee, the Electronic Data Processing committee, which has representatives from Treasury, the Public Service Board and the Premier's Department.

There is no question that computerization will play an increasing role in the work of Government departments and statutory authorities. We believe, generally speaking, this report will provide a valuable blueprint for future action in this important field.

## ANSWERS TO QUESTIONS ON NOTICE

**Mr MATHEWS** (Oakleigh)—I refer the Premier and Treasurer to the large number of questions on notice which have remained unanswered, in many instances for periods of up to eighteen months. Will the Premier draw the attention of his Ministers to the practice, which he followed as Minister of Education, of answering questions by letter when the House is not in session? Will he endeavour to see that all the unanswered questions that are currently on the Notice Paper are cleared up no later than the end of February?

**Mr THOMPSON** (Premier and Treasurer)—I will endeavour to see that as many questions as possible are answered in that way.

## BUILDERS LABOURERS FEDERATION

**Mr WILLIAMS** (Doncaster)—I direct a question without notice to the Minister representing the Attorney-General. In view of the High Court decision that the Royal Commission into the Builders Labourers Federation should have been conducted in an open forum, will the Minister now take steps to see that the details of those proceeding are tabled in the Parliamentary Library?

**Mr MACLELLAN** (Minister of Transport)—I assume the honourable member is referring to the transcript of the Royal Commission hearing, in which he would have more interest than he would have in the transcript of the High Court proceedings. I shall endeavour to arrange for that transcript to be available in the Library for honourable members.

## ORGANIZED CRIME IN VICTORIA

**Mr EDMUNDS** (Ascot Vale)—I direct a question without notice to the Minister representing the Minister for Police and Emergency Services. The Minister will have noted the statement by the Chief Commissioner of Police that, in view of the rising crime rate in Victoria—which on his figures is running at 4 per cent, although on everybody else's figures it is running at 10 per cent—he recommended that there be a Royal Commission into organized crime in Victoria. Can the Minister advise the House whether the Government intends to act on the recommendations of the chief commissioner in respect of that matter?

**Mr MACLELLAN** (Minister of Transport)—The Government is giving consideration to the recommendations

made in the report of the Chief Commissioner of Police. No decision has yet been reached. However, it is confidently expected that various groups associated with the ALP will try to prevent any such Royal Commission from hearing evidence in public.

## FLOOD DAMAGE TO ROADS

**Mr McGRATH** (Lowan)—Has the Minister of Transport approved allocations of grants to municipalities which made submissions to the Country Roads Board as a result of flood damage to roads in those municipalities? If so, can he inform the House of the details of those allocations?

**Mr MACLELLAN** (Minister of Transport)—I am not able to give the details at this stage. However, I will seek the advice for the honourable member.

## BACCHUS MARSH PRIMARY SCHOOL

**Mr REYNOLDS** (Gisborne)—The Minister of Educational Services will recall having received a deputation from the Bacchus Marsh Primary School recently seeking a commitment to redevelop the school while preserving the original 116-year-old building. Following the deputation at which the Minister gave certain undertakings, there has been conjecture regarding the possibility and method of funding of the redevelopment. Can the Minister elucidate for the House the policy and the method that he may be able to undertake next year regarding the redevelopment of this primary school?

**Mr LACY** (Minister of Educational Services)—I received a deputation led by the honourable member for Gisborne on this matter, and at that deputation had with me the regional director of the Ballarat region, who advised me that the regional priority review committee believed this project could be recommended in the next school building programme.

Consequently, a proposal was worked out which involved putting on site in a courtyard setting five relocatable buildings to replace the old rural buildings and other dilapidated buildings that needed to be removed, and, as a second stage, redeveloping the historic regional school building as a staff administration centre and for other purposes.

I anticipate, on the advice of the region, that it will be possible to do that, perhaps in one stage, in 1982–83, provided that the cost does not exceed $250 000. If it exceeds that amount, it will be done in two stages, and the first stage will be the courtyard setting which will be included in the next school building programme.

## PETITIONS

**The Clerk**—I have received the following petitions for presentation to Parliament:

### Trading regulations

TO THE HONOURABLE THE SPEAKER AND MEMBERS OF THE LEGISLATIVE ASSEMBLY IN PARLIAMENT ASSEMBLED.

The humble petition of the undersigned citizens of Victoria relates to the existing Retail Trading Hour Act.

Your petitioners therefore pray that the House take action to ensure that there be no further extension of those trading regulations already provided relative to week-end trading and your petitioners as in duty bound will ever pray.

by **Mr Jasper** (631 signatures)

### Inquiry into State Electricity Commission

TO THE HONOURABLE THE SPEAKER AND MEMBERS OF THE LEGISLATIVE ASSEMBLY IN PARLIAMENT ASSEMBLED.

The humble petition of the undersigned showeth that your petitioners are gravely concerned at the threat to the living standards of working people by increases in the price of electricity, and call on the Government of Victoria to:

Conduct a public inquiry into the affairs of the State Electricity Commission.

Revoke the latest price rise and supply charge.

Take control of all Victoria's energy resources—gas, coal and oil.

And your petitioners as in duty bound will ever pray.

by **Mr Kirkwood** (21 signatures)

It was ordered that the petitions 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:

Friendly Societies and Benefit Associations—Report of the Government Statist for the year 1979–80—Ordered to be printed.

Geelong Performing Arts Centre Trust—Report for the period ended 30 June, 1981.

Housing Commission—Report for the year 1980–81—Ordered to be printed.

State Superannuation Board—Report for the year 1980–81—Ordered to be printed.

## EDUCATIONAL GRANTS (CONTINUATION) BILL

The debate (adjourned from the previous day) was resumed on the motion of Mr Lacy (Minister of Educational Services).

That this Bill be now read a second time.

and on Mr Fordham's amendment:

That all the words after "That" be omitted with the view of inserting in place thereof the words "this Bill be withdrawn and redrafted to provide for the establishment of a State Board of Education to examine and determine the needs of schools and students in Government and non-Government education and to recommend to the Government of Victoria on a continuous public basis the level of expenditure necessary to meet the requirements of Victoria's school children on the basis of needs and priorities, educational experimentation and regionalization."

**Mr TREWIN** (Benalla)—We are now heading towards what could almost be termed the final stages of the functioning of the scheme of providing educational grants to Victorian schools.

The National Party has considered the amendment moved by the Deputy Leader of the Opposition, and the honourable member for Lowan has indicated the feelings of a number of people on this matter.

Government grants to both private and State schools have been of extreme significance. I well recall 21 years ago, when electioneering to become a member of the House, sitting in a chair at the barbers when to my embarrassment the local Monsignor came into the shop and espoused the need for Government support for Roman Catholic schools. His remarks were of great interest to me because I had been brought up in the State system and had been very much involved in activities of school committees and therefore had a deep knowledge of the State system, but no members of my family had had the opportunity of attending a private school. I say that without embarrassment because we lived in a rural area where there was no opportunity of attending daily a private school and there was not the family financial means. However, I have always appreciated the system of private schools being available for those who desire private education.

Over the past hundred years, religious orders have been working to provide the opportunity of private school education for children and have developed excellent facilities in rural areas. These schools have been developed through sacrifices made over many years by parents, school staff and friends of the schools giving generously of their support. I have always admired the great sacrifices made by those persons contributing of their time and effort without financial consideration over many years. As a result, these schools have made an important impact in the areas they serve. In the Wimmera area represented by the honourable member for Lowan, a great many schools have been established by the Lutheran denomination. These religious groups have cared and dared to look after their own children and they have done a magnificent job by providing their children with the opportunity of basic education and a religious upbringing. I commend those institutions. The State education system has rambled on for more than 100 years. On many occasions it has continued in difficulties and for many decades problems have been besetting the system that have not always been easy to define or to deal with. I recall that my late mother was a primary school teacher who started her teaching career at one of the northern metropolitan schools at either Brunswick or Coburg. She was virtually only sixteen years of age with the responsibility of about 30 or 40 urchins at grade 2 level. She received a mere pittance of a few shillings a week and attended

night school to improve her ability to assist in the education system. She then went to a small rural school where she taught about 30 students in eight classes. She had to deal with those students by herself and used her own ability to command those boys and girls.

Those small country schools are now almost a thing of the past. They have collectively been embraced into larger rural schools where a better education is able to be provided with more teachers in one school. I am pleased that in the past few years there has been a lowering in the ratio of students to teachers. About 47 or 48 students now require three members of staff. That is excellent and it is one of the significant improvements that have been made in the system. I shall now deal with the proposed legislation before the House. One finds that support for all the schools has been accepted and arrived at on the basis of needs.

One matter that has always interested me is the cost of bricks and mortar in education. One finds that the cost in the State school system is extremely high. I am of the opinion—this has never been rejected but the Minister may reject it if he likes—that the Education Department is one of the sponsors of the Public Works Department because the charge by the Public Works Department is loaded against the cost of what it has to provide for the State system. I consider that this is taken into the cost of the development of education in State schools whereas private schools do not involve such a high cost. I am well aware of this fact after observing some of the buildings constructed in private schools. They are constructed at much less cost.

I agree that the two systems still have to be managed. The Minister is well aware of the interesting school, Canaan College. That school would have been created had grants not been made avaiable, but it was established with Commonwealth grants and contributions by friends of the school and parents of students. It is now being conducted in an excellent manner and is producing results. Since that school became involved with Accelerated Christian Education, which is an important system, re-registration has not been available to that school. I am referring to reregistration on an annual basis. The school is on the edge of the precipice; it does not know whether it will be able to continue.

When this nation, this State and this Parliament decided to provide support for private schools, in my view we opened the door for every denomination, large or small, to build its own school or schools. Because of that, we are now finding that students from one community are going to schools in another. This sort of thing is occurring in the electorate I represent. Because a grammar school is being built in Shepparton, the Benalla area is being canvassed for students to attend that school. Some students from the Benalla area will be attending the school because that is what their families want.

Unfortunately, the end result could well be that our little three-room school at Devenish may end up with only half its normal enrolment—although that has not happened as yet—and then it would have only two teachers and would provide far fewer opportunities for the children who have to stay at that school. When the idea of assistance for private schools was first being developed, I foresaw this sort of end result. I only hope steps can be taken to ensure that the situation does not worsen and that the little schools in country communities that are now prosperous are not disposed of in favour of the newer system.

It is not possible, through the State school system, to provide significant religious education, but it seems to me that many people are now seeking that type of school with religious instruction. I do not believe schools should necessarily be involved in the religious lives of all individuals. I looked after the religious lives of my children, and my children are looking after the religious lives of my grandchildren. It is not necessary to send children to schools to ensure that they receive

religious instruction. However, schools providing religious instruction are now available if people believe they want them.

The Government is providing support for those schools. Where will it end? As I said earlier, when I was first standing for Parliament, the local Monsignor gave me the message. After he left the barber's shop, the barber, who was a very good Roman Catholic, said to me, "My word, Tom, he certainly gave you the message", and I said, "I understand that and I know it is a decision that will be taken politically in the future".

I support what is being done, but I also believe we should be careful to ensure that the State school system is not restricted and prevented from developing as the citizens of Victoria would like it to be developed. I have great faith in the State system. I also have great faith in the private school system and I acknowledge and appreciate what this system is doing, but we must ensure that we do not discard the State system.

It appears that that could happen, because of the lack of support and the criticism State schools are receiving from the community in general. Of course, in many instances, that criticism is brought about by the internal functioning of the system. I will not stipulate whether the problems arise at the top or the bottom of the system, from the highest administration or the most junior teachers, but there is no doubt that in between the two extremes there are areas that should be tidied up. It is my view that many teachers within the State school system should be transferred after a five-year period, so that there would be a movement of teachers from one school to another.

Some teachers become a little too firmly entrenched in a certain outlook. It may be a little harsh to make such movements compulsory. However, this possibility must be available. The system works with bank managers and in other areas of private industry. When I first came to this place the National Party rejected the concept of support for private schools; now the National Party accepts that concept and will continue to support it.

**Mr RICHARDSON** (Forest Hill)—The Bill keeps a promise to provide *per capita* grants to every child attending a non-Government school. This is a promise which was made several years ago by the Government and has been kept each year as the Government has honoured its undertaking to move progressively towards a ceiling of *per capita* grants comprising 25 per cent of the cost of educating a child at a Government school.

It is based on the proposition that every child is entitled to a fair go and that every child is entitled to an equal opportunity. The Labor Party has never accepted that proposition. The Labor Party launches into an annual attack on the equality of opportunity of children attending Victorian schools. The Labor Party firmly believes that some children should be disadvantaged to the advantage of others. Each year the Deputy Leader of the Opposition moves a similar amendment which carries with it all the ingredients of discrimination, a clear indication of the Labor Party's desire to destroy private schools in Victoria, a clear indication of the intention of the Labor Party to discriminate against some children to the advantage of others and an indication of the intention of the Labor Party to remove from families the freedom of choice in education for their children.

The Labor Party always goes quiet on this proposition when it is confronted with it publicly. However, in this Parliament each year the Deputy Leader of the Opposition is bound by the conventions and the fundamental beliefs of his party. He has moved the same amendment again this year. The reason given for the amendment is that the Deputy Leader of the Opposition says he holds the fear that if the duality of educational opportunity within the State provided by the State education system and the private school system were to continue it would reawaken all the old antagonism between State and non-Government schools.

I listened carefully to the remarks of the Deputy Leader of the Opposition. I have heard those statements year after year. I even heard him make the same comment one evening at a meeting to which we were both invited by the Catholic Secondary Teachers Association. That statement sounded just as ridiculous then as it did last night. The statement was ridiculed then just as I ridicule it now.

The antagonisms to which the Deputy Leader of the Opposition refers are ones which the Labor Party deliberately tries to create. Last night honourable members listened to a speech made by the honourable member for Richmond which was clearly designed to be divisive and to set sections of the Victorian community against other sections of the Victorian community. One could never have heard a more divisive speech than the one delivered last night by the honourable member for Richmond in support of the Deputy Leader of the Opposition.

That is the sort of proposition upon which the Australian Labor Party policy is based. The Australian Labor Party believes that private school families are rich and élitist. The Labor Party believes that private schools are privileged and élitist and every year the Deputy Leader of the Opposition makes the same remarks. Every year the Deputy Leader of the Opposition launches into his annual attack on the parish schools and the church schools of this State.

**Mr FORDHAM** (Footscray)—On a point of order, the honourable member is purporting to put the Australian Labor Party position on this matter. It is not true. I did not attack the parish or the church schools in any way whatsoever.

**The SPEAKER (the Hon. S. J. Plowman)**—Order! There is no point of order.

**Mr RICHARDSON** (Forest Hill)—Every year the Deputy Leader of the Opposition mounts his annual attack on the private school system stating that private schools are élitist and the families of children who attend private schools are privileged. Again and again he states the Socialist philosophy of the Australian Labor Party which is to drag everyone down to the lowest common denominator. The Australian Labor Party philosophy is, "When you get them that way, you have got them forever."

That is the basis of the Australian Labor Party proposition. The Australian Labor Party resents private schools because it resents individualism. The Australian Labor Party believes private school families which receive a *per capita* grant from the Government for their children are obtaining something for nothing. However, they are not obtaining something for nothing. Families of children who attend private schools go to enormous trouble to meet the fees required to be paid at private schools.

**Mr Cathie**—They are buying privilege.

**Mr RICHARDSON**—That statement by the honourable member for Carrum has confirmed everything that I have said. The Australian Labor Party believes that families of private school children are receiving something for nothing. That is not the case. They are receiving 23 per cent of the cost of educating their own children at a State school and the Government has a commitment to increase that *per capita* grant to 25 per cent.

The Opposition bitterly opposes it every year. Each year the Opposition moves a similar amendment.

**Mr Cathie**—What is wrong with the amendment?

**Mr RICHARDSON**—The amendment states that:

"this Bill be withdrawn and redrafted to provide for the establishment of a State Board of Education to examine and determine the needs of schools and students in Government and non-Government education and to recommend to the Government of Victoria on a continuous public basis the level of expenditure necessary to meet the requirements of Victoria's school children on the basis of needs and priorities, educational experimentation and regionalization."

The Labor Party envisages the establishment of a vast bureaucratic structure that would examine and determine the needs of schools and students.

A Labor Government would establish a vast bureaucracy that would examine the private affairs of families. That bureaucratic organization structure would make a judgment on which child would be entitled to a specified type of education. The proposition on which the amendment and the Labor Party's philosophy are based is one of discrimination against different students in different areas of the State. Under a Labor Government a State Board of Education would decide which children should be advantaged and which children should be disadvantaged. That action would represent a massive invasion of privacy, whereby that organization would pry into the private financial affairs of families. The bureaucratic structure would use that invasion of privacy to decide which child would receive its fair share of education and which child would not.

The bureaucratic structure would decide which region of Victoria would be educationally disadvantaged so that another region could be educationally advantaged. The Labor Party has clearly specified what its views are on the regionalization of education. The Labor Party has publicly stated that a Labor Government would penalize the country areas of Victoria and the eastern metropolitan areas of Melbourne to subsidize other areas of Melbourne that are Labor strongholds.

This so-called Board of Education would be used to determine the needs of schools and students not only in the private school sector but also in the State school sector. However, the Labor Party has not indicated which people would be appointed to the powerful positions on the proposed State Board of Education. The Labor Party has made no statement on who the appointees would be.

The discrimination would thus not only exist in the private school area but it would also exist in the Government schools area. The proposed board would decide which children who attend Government schools would be discriminated against in favour of other children in Government schools who would be advantaged.



One must ask what criteria this proposed board would use to determine educational needs and priorities. Under a Labor Government, those priorities and needs would be determined by a Socialist philosophy rather than the proposition that every child is entitled to an equal opportunity. That is why year after year the Labor Party moves amendments to education Bills on the basis that children are not entitled to an equal opportunity. Year after year the Labor Party opposes the Government's education programme, which is based on the proposition that children should not be discriminated against. Year after year the Labor Party says that children should be discriminated against in the provision of grants for education and that big Government ought to decide which group of children are entitled to a good education and which group of children are not so entitled. The Government has always rejected that proposition.

The Government has always worked on the basis that every child is entitled to an equal opportunity. That is why the Government will continue with *per capita* grants that do not discriminate between children. The difficulties of those small Catholic parish schools and the smaller independent schools that are attached to churches of other denominations and those private schools that are non-denominational would be increased by the implementation of the even more sinister proposition that lurks hidden in the policies of the Labor Party.

Many parents experience enormous difficulties in meeting the fees that are payable for private school tuition, which they have decided upon for their children. These are not privileged or wealthy families, but ordinary families in the community. Yet the Labor Party attacks those people for being rich and privileged.

**Mr Cathie**—No, we never have.

**Mr RICHARDSON**—The honourable member for Carrum confirmed that point by an earlier interjection. The people of whom I am talking are not rich and privileged. Those people have decided upon a certain type of educa-

tion for their children. It is the belief of this Government that those people are entitled to pursue that course of action they have decided upon for their children.

A Labor Government would deny those families the right to choose what type of education they want for their children. A Labor Government would make that decision almost financially impossible, especially in those cases where the mother takes a job so that the school fees can be met. A Labor Government would make it almost impossible for private schools to meet the high cost of providing an independent education. The Labor Party would implement its sinister local government policy.

At its March 1981 conference, the Labor Party received a policy document from its local government committee. That policy is that all properties shall be subject to rating.

**Mr FORDHAM** (Footscray)—On a point of order, Mr Speaker, the honourourable member for Forest Hill is now attempting to put forward what he purports to be the policy of the Labor Party. At a public forum, I explained to that honourable member that what he is saying is not true. Yet that honourable member has continued to peddle these lies in the community. It is disgraceful that the honourable member should continue to peddle those lies in the Parliament today.

**The SPEAKER (the Hon. S. J. Plowman)**—Order! There is no point of order. The honourable member can bring forward information in debate, provided that it is relevant to the matter before the chair.

**Mr RICHARDSON** (Forest Hill)—At the State Conference of the Australian Labor Party in March 1981, this document was adopted—local government policy committee report.

**Mr CATHIE** (Carrum)—On a point of order, the Bill before the House is to amend the Educational Grants Act, which refers to the subsidy which is given to pupils attending private schools. I suggest that it is outside the ambit of the Bill to be discussing what purports to be a policy relating to local government. It has nothing to do with schools or educational institutions.

**The SPEAKER**—If the policy document to which the honourable member for Forest Hill is referring does relate to local government, then it would be out of order. I remind the honourable member for Forest Hill of relevancy. The honourable member is well aware of relevancy and I request him to indicate to the House how this document is relevant and how it relates to the Bill and the amendment before the chair.

**Mr RICHARDSON** (Forest Hill)—It is directly relevant and that is why the Labor Party is so sensitive on the matter, because what members of the Opposition have been trying to prevent me from reading from this document is on page 5, item D, which states, "All property shall be subject to rating". If all properties are to be subject to rating, that means every church and every church school will be subject to rating, and my point is that if the Labor Party comes to power and implements this proposition, a rate bill will be imposed on every church school.

**Mr Fordham**—You are a liar.

**The SPEAKER**—Order! The Deputy Leader of the Opposition was asked to withdraw a similar statement this morning and I ask him to do so again.

**Mr FORDHAM** (Footscray)—I am sick of this Parliament being used as a forum by Liberal politicians in the last dying weeks of the session, and I expect your support, Mr Speaker.

**The SPEAKER**—I ask the Deputy Leader of the Opposition to withdraw the statement without debating the matter.

**Mr FORDHAM**—In deference to your request, Mr Speaker, I withdraw the statement, but the honourable member is not telling the truth and, worst of all, he knows it.

**The SPEAKER**—I did not ask the Deputy Leader of the Opposition to debate the question. If the honourable

member feels he wants to rebut the argument, there will be opportunity for him to do so during the debate.

**Mr FORDHAM**—Then I will seek leave.

**Mr RICHARDSON** (Forest Hill)—The Labor Party is wriggling over this particular document because it knows I speak the truth. It knows that the document that I have in my hand is a transcript of the proceedings of that conference.

**The SPEAKER**—Order! I ask the honourable member to relate that document directly to the Bill or the amendment before the chair.

**Mr RICHARDSON**—That is what I have been attempting to do, but I have been interrupted consistently by members of the Opposition. The point is that every private school, every parish school, every small independent non-church school and every large church school is going to be rated, and there will be a massive increase in the costs of every private school and that will necessarily be transferred to the parents who have to pay the fees to maintain that school. That is why this Bill is so terribly important. That is why the Labor Party consistently wishes to amend this Bill when it comes up every year; because it wants to destroy private schools, it wants to take away the capacity of the Government to provide an equal opportunity for every child attending a private school.

The Labor Party wants to destroy private schools because it believes them to be privileged and elitist, despite the fact that so many members of the Labor Party in this House send their own children to private schools. The Labor Party wants to destroy private schools and private school education as an institution, not only by taking away the equality of opportunity in *per capita* grants, but also by mounting yet another attack on private schools and the freedom of choice of individual families in the community, by imposing rates on those schools where they are not presently imposed.

**Mr Fordham**—That is not true.

**Mr RICHARDSON**—If it is not true, why do I have here a document that states Australian Labor Party—Victorian Branch — State Conference, March 28 and 29, 1981? That document exists and that is why members of the Opposition are wriggling; they know it exists. I have the document in my hand and I am perfectly happy to make it available to the House, if it so requires. In fact, every honourable member can go into the Parliamentary Library and obtain a copy of it. It is a public document and it exists and that is why members of the Opposition are so agitated. The Labor Party has tried to hide this sinister proposition and keep it under wraps and every time I have raised it, the Deputy Leader of the Opposition has gone into orbit, and so he should, because this document is what will prevent the Labor Party from gaining support from parents of children who attend Catholic parish schools; from the parents of children who attend the small private schools everywhere in the State, and from the parents of children who have sought to establish and recognize the great public schools by dent of the parents extending themselves to pay the fees, because that is what they have chosen for their children.

The Labor Party want to take away the rights of individual families to choose what sort of education they want for their children. Every year the Opposition attacks this Bill when it is introduced, and every year it moves the same amendment, because every year it is locked into its own class conscious, discriminatory, Socialistic philosophy.

The House should reject the proposition put forward by the Opposition just as the community has consistently rejected the Labor Party, and after this, when the community knows what the Labor Party intends, it will reject the Labor Party again and again and again.

**Mr MATHEWS** (Oakleigh)—Honourable members have just heard an unusually gross and ugly example of the

sort of performance that is bringing Parliamentary democracy into disrepute all around the world.

What honourable members heard from the honourable member for Forest Hill was a speech which was unredeemed by any shred of sincerity. The honourable member knew that what he was saying was not true. He stood up with his tongue in his cheek and unblinkingly uttered lies. As the Deputy Leader of the Opposition interjects, the honourable member knew what he was saying was untrue, and that is why I indicate that it was a performance unredeemed by any shred of sincerity whatsoever.

Let me refer to one of his lies by way of example. The honourable member for Forest Hill flourished a document which he stated was the policy of the Australian Labor Party in relation to local government. The honourable member knew that that was not the truth, because this particular lie has been given wide currency, not only by himself personally, but by other members of the Parliamentary Liberal Party and Liberal Party candidates and wherever it has been stated, wherever it has appeared in print, it has been nailed on the spot, either orally or in print.

**Mr Brown**—What is that document?

**Mr MATHEWS**—The honourable member for Westernport asks what is the document? He should know the answer because it has been provided so very frequently. The document was a submission put forward to a Labor Party conference by a policy committee of the party, and it was rejected by the conference. The honourable member for Forest Hill knows that that is the case. He has been told often enough, as the honourable member for Carrum interjects.

There is no excuse for the repetition of that lie any more than there is for the repetition of the rest of the pack of lies with which the honourable member has regaled the House this morning. The honourable member has lived up to his reputation for a peculiarly, vicious and mechanical sort of mendacity. In any debate, wind him up and he lies his head off about everything in sight.

**The SPEAKER (the Hon. S. J. Plowman)**—Order! Will the honourable member withdraw that remark?

**Mr MATHEWS**—It would be your observation, Mr Speaker. I have just demonstrated it.

**The SPEAKER**—The honourable member cannot say that another honourable member lies his head off in every debate. I ask him to withdraw that remark without qualification.

**Mr MATHEWS**—In deference to your wishes, Mr Speaker, I withdraw. It may well be that a point has been reached where the House must despair of the honourable member for Forest Hill. It may be that no amount of rational explanation, no exposition of the facts as they appear on the public record will dissuade the honourable member for Forest Hill from the path of misrepresentation on which he set himself many years ago. But for the benefit of other Government members who may be less malevolent than the honourable member for Forest Hill in their approach to these matters, let me in the dying hours of this Parliament make one more attempt to bring home what it is that members of the Labor Party are on about in education.

Quite simply, it is the fundamental and unshakeable belief of members of the Labor Party that every Australian child should have an equal opportunity of developing the capacities with which he is endowed, irrespective of who he is or where he is born, the religious faith he professes, or the income his parents receive. The Labor Party believes that children have that absolute and inalienable right to an equal start in life so far as education is concerned, and it follows fundamentally, inescapably from that axiom that the quality of education a child receives should not depend upon the accident of his being born to parents who are either wealthy or self-sacrificial enough to pay for it.

I shall emphasize this proposition for the honourable member for Forest Hill, if he is not beyond redemption, and for the Minister of Educational Services,

who sometimes shows a sincere desire to understand. The quality of education that a child receives should not depend upon the accident of his being born with parents who are wealthy enough or self-sacrificial enough to pay for it. The opposite is the tragic situation in which this State currently finds itself caught up, and that is why the Labor Party has moved the amendment that is currently before the House.

I shall illustrate this point once again, not by surmise, not by assertion but by reference to hard and categorical fact from the public record. According to the most recent statistics available, schools across Australia conducted by the Anglican Church are able to spend on an average per pupil at the primary level $1004 a year, and at the secondary level $1625 a year. But in Catholic parish schools and in Catholic community schools, the comparable figures a year are $489 at the primary level and $809 at the secondary level. In other words, the child whose parents are neither wealthy enough nor self-sacrificial enough to send him to one of the schools conducted by the Anglican Church, will have on average only half as much spent on his education, both at the primary and at the secondary level.

The Labor Party says that that is in absolute contradiction to the whole idea of equality of opportunity, to which the honourable member for Forest Hill said he was committed; to the principle of members of the Labor Party, that every Australian child should have an equal opportunity of developing the capacities with which he is endowed; and to the principle that the quality of education a child receives should not depend upon the accident of his being born to parents wealthy enough or self-sacrificial enough to pay for it.

I hope that that position, that fundamental concern on the part of members of the Labor Party is now clear to the Minister of Educational Services, so that even if he feels he cannot agree with it, at least he will be spared the danger of misrepresenting it, as he has so often done before.

The honourable member for Forest Hill has demonstrated his sincerity by leaving the Chamber. He has a closed mind on these matters. He does not want to hear the truth, so that he can persist with the sort of misrepresentations in which he has been caught out this morning. I hope the Minister of Educational Services, who is at the table, and who has heard this morning what the facts are, will in future refrain from misrepresenting them, as he has in previous debates on this legislation in this House.

As I said earlier, there is a tragic situation in this State because of the discrepancy in educational resources devoted to children at various categories of schools. I go further than that and say that it is a grotesque situation, because it is precisely in those schools where the educational needs are greatest that the resources made available by this Government and from other sources are least adequate. Precisely those schools carry the greatest burden in providing an education for children from homes in which the English language is not spoken at all or is spoken as a second language; for children from homes where books are unknown and reading is a custom to be ridiculed rather than rewarded; for children from homes where there is no tradition of study and no value placed on education; for children from homes where there is no money available to buy additional educational stimulus. It is precisely in the schools where these children are to be found that the resources are least adequate.

Yet, under this Bill, the Government is pouring additional money not into the schools where desperation and deprivation exist, and have been documented in a way that cannot be ignored or misunderstood, but to schools which are already operating at twice their resource level. The Government is pouring this money into schools which pride themselves on being educationally privileged in the best sense of the word, inasmuch as they have superb teaching staffs, magnificent libraries, well-endowed science laboratories, ample playing fields, and every educational advantage that can be envisaged—and

good luck to them for having them—which, in addition to having these educational advantages, supplement them in the social sense inasmuch as they make available scholarships which cream off the academically most promising products, not only of Government schools but of the Catholic school system, and whose school populations are made up by definition of children from homes in which education is a highly-valued and richly-rewarded activity.

It is to these schools that the Government is directing additional resources while the other schools, the Catholic parish schools but not them alone, are crippled by deprivation. The most conspicuous levels of deprivation in the non-Government school sector are found not in the Catholic parish schools but in those conducted by other and smaller denominations; that was in the Karmel report as long ago as 1973. The Government is directing such additional resources as it has available across the board in a way which gives equally to those who already have an abundance and to those who are disadvantaged and deprived.

Members of the Government party come into this House regularly and say that resources are scarce and that there is not enough money available to do all the things that are socially desirable. Honourable members on this side agree with the Government that that is so, but it follows that priorities must be observed. First things must be done first. Our first responsibility is to ensure that the schools which are underendowed, the children on whose eduation too little is spent, and children whose needs at present are not being met, should be looked after first.

I do not believe members of the Opposition would, under ideal circumstances, have any objection to a principle of equal contribution from Government for the cost of education of all children—in a situation where all children were being given equal opportunities, where the quality of education the children received no longer depended on the accident of their having parents weathy enough or self-sacrificing enough to pay for their education, where the needs of children from non-English speaking homes were met, where the linguistic disadvantages of children from disadvantaged and socially disadvantaged households were recognized and catered for, or where mentally-handicapped children in the State were receiving the education guaranteed to them under the Education (Handicapped Children) Act of 1973.

When all those first things had been looked after, when priorities had been observed and when the equality of opportunity, to which the honourable member for Forest Hill addressed himself at the outset of his remarks, was a reality and not something to which mere lip service was given, I believe the position that the Government expresses in this Bill would be defensible and would be one to which consent might be given and on which there might be social consensus in this State.

However, while deprivation in educational terms persists in its present massive, heart-breaking and deplorable scale, I do not understand how members of the Government party can defend the situation where there is simply an across-the-board allocation of funds without recognition of priorities, without recognition of need in a manner which can have no other outcome than to perpetuate the vicious inequality of opportunity which underlies most of the tensions in our society.

**Mr LACY** (Minister of Educational Services)—This Bill is tangible evidence of the Government's commitment to its policy of funding equally all children in non-Government schools. It is a simple Bill which indicates that the Government's policy is to fund all children in non-Government schools on a *per capita* basis and, for 1982, to increase that funding to $302.75 a primary school pupil and $497.75 a post-primary pupil.

The amendment moved by the Deputy Leader of the Opposition is the same amendment that he moves every year. The Government has outlined its policy in the form of the Bill and has

made the appropriate adjustment in line with its objective of funding to 25 per cent of the cost of educating a child in a Government school. The amendment by the Opposition seeks to have the Bill withdrawn so that it can be redrafted to provide for a State board of education to examine and determine the needs of schools and students in Government and non-Government schools.

The rest of the amendment is about as much as it is possible to obtain from the Opposition on the record—apart from its comments in support of its policy on the funding of non-Government schools—without resorting to the Labor Party's policy documents. I confess that the policy documents are not easy to come by because I have asked for them from time to time and have been unable to obtain them. However, I do have a document, headed "Education", that has been given to me, which purports to be the Australian Labor Party policy document, or a section of the total document.

**Mr Mathews**—What is it?

**Mr LACY**—That is what it says.

**Mr Mathews**—So? It is not the truth.

**Mr LACY**—If the honourable member for Oakleigh was prepared to produce another document, I should be happy to address my comments to any document the honourable member is able to make available to me. However, in the absence of that document, I can only rely on the document I have, which is the Labor Party policy document.

The honourable member for Oakleigh, who is interjecting, has not even seen the document and yet he wishes to rave and rant about it. The document available to me purports to be the Australian Labor Party policy document on education. That is what it says.

**Mr FORDHAM** (Footscray)—On a point of order, this matter was raised during the debate on the Bill last year. When the Minister attempted to quote from what he said was the Labor Party's policy on this aspect of education—I refer to page 3247 of *Hansard* of 20 November 1980—you, Mr Speaker, ruled that it is not appropriate for the Minister to be stating what the policy of the Australian Labor Party is. You indicated that the Minister was able to state what is the interpretation of the policy of the Australian Labor Party or any other party, but that it is not the function of a Minister of the Crown to quote what he believes the party policy ought to be. That is a ruling with which the Labor Party thoroughly concurs. The Minister is incorrect in stating that that is the current policy of the Australian Labor Party and that ought to be made clear. If the Minister wishes to interpret it to his heart's content, that is his prerogative. However, the Minister is obviously quoting from a document that is out of date. It is up to the Labor Party to state its policy on education, it is not up to the Minister.

**Mr LACY** (Minister of Educational Services)—On the point of order, your ruling, Mr Speaker, appears on the record of the debate during the Committee stage.

**The SPEAKER (the Hon. S. J. Plowman)**—It could not have been during the Committee stage because the Chairman of Committees would have been in the chair.

**Mr LACY**—The ruling made in 1980 states:

> The question of interpretation in debate as to what the Opposition policy may be should properly have been raised during the second-reading stage.

I am now raising it in the second reading debate and I am raising it in response to the amendment moved by the Opposition and supported in argument by both the honourable member for Oakleigh and the Deputy Leader of the Opposition. The amendment was supported by the argument, which sought to outline Labor Party policy.

**Mr Fordham**—It did not.

**Mr LACY**—The document is Australian Labor Party policy and the amendment reflects that party's policy.

**Mr Fordham**—It does not.

**Mr LACY**—Well, does the amendment reflect Australian Labor Party policy or not?

**Mr Fordham**—It is not question time.

**Mr LACY**—On the point of order, I am simply presenting an argument to that put by the Deputy Leader of the Opposition in respect to what the Australian Labor Party policy is. I can understand that the Opposition would wish to hide it, but I believe the people of Victoria and the Parliament are entitled to know exactly what the policy is.

**The SPEAKER**—I shall read out in full the ruling I made on 20 November 1980, which is recorded at page 3247 of *Hansard*. It states:

> I do not think it is appropriate for the Opposition policy to be spelled out at this point. The Minister is entitled to interpret the thoughts of the Opposition on the State Board of education as he sees fit, but I would ask him to confine his remarks to what is a reasonable interpretation, and that is difficult for the Chair to determine. I also point out to the Minister that there is a time limitation on his reply and he now has 2 minutes left, so he had better return to the point.

The Minister stated—if I remember rightly—that I said he should have done this during the second-reading debate. I cannot find any reference to that in the ruling. It is quite reasonable for the Minister to relate to what he believes is the alternative proposition being put in this question; that is what debates should be about. If the Minister were endeavouring to raise this matter in the Committee stage or on the third reading, which is not the case in this instance, or on the Bill as reported by the Committee, that would be out of order. The Minister may, however, refer to an alternative proposition as being proposed in the reasoned amendment or alternative propositions that he considers to be alternative. The Minister is now speaking to the second-reading motion and the reasoned amendment.

**Mr LACY**—The only document I have available contains statements such as, "A Labor Government will establish a State Board of Education". That is a surprise—that is precisely what the amendment says.

**Mr Edmunds**—When was that?

**Mr LACY**—It has a number of dates on it because from time to time, it is amended, but the most recent amendment is made in June 1981. It contains all amendments up until the Australian Labor Party Conference in June 1981. Paragraph 16 and 22A are the only paragraphs which relate to non-Government schools—I notice that the honourable member for Oakleigh no longer denies that this is the policy document of the Labor Party so I shall quote from it.

**Mr FORDHAM** (Footscray)—On a point of order, the Minister indicated that he will quote from what he purports is the policy document of the Australian Labor Party—which it is not. You, Mr Speaker, have sustained the ruling you made twelve months ago, that the Minister is able to interpret as he sees fit. It is not the prerogative of the Minister to suggest that he is quoting from and putting forward the policy of the Labor Party or any other party, which is not his own. I reiterate: The Minister is not correct in stating that the document he has is the full complement of the Labor Party's policy on aid to non-Government schools.

**Mr Lacy**—It is.

**Mr FORDHAM**—The Minister says it is. He is just not correct. The Minister is trying to tell the House what the Australian Labor Party's policy is, yet he has trouble determining his own.

**Mr Lacy**—Well the Labor Party will not tell the House what its policy is. It has consistently refused to tell the public of its policy.

**The SPEAKER (the Hon S. J. Plowman)**—Order! I ask the Minister to resume his seat. The Minister is speaking for the first time in this debate; he is not closing the debate. There is still opportunity for other honourable members to speak if they wish to refute the argument of the Minister, to

state whether the argument used by the Minister is Australian Labor Party policy.

**Mr LACY** (Minister of Educational Services)—I seek leave to incorporate the document in *Hansard.*

**The SPEAKER**—Leave is not granted because the document has not been presented to the Chair.

**Mr LACY**—Paragraph 16 of the Australian Labor Party Policy Statement—headed "Australian Labor Party policy on Aid to non-Government School"—current until June 1981, states:

The Australian Labor Party looks forward to the time when the educational needs of all children can be adequately met by the State education system. It believes that this situation can only be achieved by so developing and improving the State system that it becomes overwhelmingly attractive, and by building sufficient flexibility into the State system to meet the requirements of conscience of parents and students.

It believes that such a system would help greatly to end the social inequality which exists within the present dual State-private system, and to enhance understanding between people of different faiths.

The Party seeks to engage in widespread discussion with all interested groups and institutions to seek agreement on this goal and on the conditions under which it might be fulfilled.

Paragraph 22A states:

Immediately, the Australian Labor Party is acutely aware of the disadvantage which many children of working class and new Australian parents suffer in particular sections of the non-government school system. A Labor Government would, through a State Board of Education, and a Schools Commission at the Federal level, redirect financial assistance to non-government schools which most need it, and would continue to act against the present social injustices in education, provided that these schools accept Government standards regarding level of staffing, qualifications of staff, curricula, and are willing to accept all students regardless of race, colour, ethnic origin, religion or social class.

In particular, a Labor Government will abolish the current *per capita* grants to non-Government schools and ask all such schools to opt for either:

(*a*) non supported, or

(*b*) supported

status.

All schools which opt for supported status must accept the following conditions:

(*a*) As of the date the school accepts supported status, the school will be open to all those seeking to enrol within conditions approved by the State Board of Education.

(*b*) The school will be permitted to make compulsory levies on students and parents to a maximum determined by the State Board of Education.

(*c*) The school will conform to statutory requirements and other requirements of the State Government.

The requirement that the school will conform to the statutory requirements supports the comments made by the honourable member for Forest Hill when he spoke about the rating of properties. The policy document continues:

(*d*) The governing body of the school (i.e. the authority to whom funds are paid), will have a minority of public nominees on it, as well as representatives of parents and teachers.

(*e*) The school will be required to publish audited annual accounts.

(*f*) An agreed enrolment figure will be the basis upon which grants will be calculated.

(*g*) Block grants will be paid to system on request—provided that distribution is on a needs basis, and after consultation with and investigation by the State Board of Education.

(*h*) The school will conform to requirements of government schools in relation to community use of its facilities.

The level of State Government funding would be determined by the State Board of Education.

The State Board of Education would consider levels of recurrent and capital funding.

I do not wish to be contentious. I am simply seeking information and I believe I am entitled to have it. All honourable members are entitled to know whether that is the ALP's policy for non-Government schools, as it purports to be, as current to June 1981.

I challenge the honourable member for Oakleigh to either deny that that is the policy or indicate precisely where the policy has been amended since June 1981. If he cannot do that, or if he refuses to do it, he has embarked upon a cynical exercise in which the Deputy Leader of the Opposition has called me and the honourable member for Forest Hill liars and he refuses to provide the evidence to substantiate his claim. He refuses to tell the thousands of parents of children in non-Government schools what his party's policy is. He wants to hide that policy and pretend it does not

exist. He refuses to bring it out in the open, and to stand up and be counted on the issue.

The Government insists that the Opposition should declare its hand and should make it abundantly clear to the parents of children in non-Government schools where they stand. Until the ALP denies that that is its policy or indicates precisely the amendments that have been made to that document since June 1981, that document stands as the ALP's policy for non-Government schools.

**The SPEAKER (the Hon. S. J. Plowman)**—Order! A point of order was raised regarding a matter relating to page 3247 of *Hansard* of 20 November 1980. My attention was drawn to the top of the page. In fact, the point of order should have related to the ruling I gave at the bottom of that page on that date. The point of order then raised by the honourable member for Brunswick related to the Minister expanding the debate and introducing new material in his summing up. At that time, the Minister had already spoken for the first time on the second-reading motion. In his second contribution he was summing up and closing the debate. At that time, I ruled:

> I uphold the point of order raised by the honourable member for Brunswick and I ask the Minister to continue his remarks but to confine them directly to replying to the matters raised. The question of interpretation in debate as to what the Opposition policy may be should properly have been raised during the second-reading stage.

When the point of order was raised today by the Deputy Leader of the Opposition the Minister was speaking on the second reading and the reasoned amendment. At this stage he was in order debating new material. If the Minister were summing up the debate he would be out of order.

**Mr CATHIE** (Carrum)—The Opposition has heard a succession of speakers from the Government side. Those speakers have been looking more to the coming State election and have decided that they can gain some narrow political advantage by seeking deliberately to distort the policies of the Australian Labor Party.

**Mr Williams**—Tell us your policy, then!

**Mr CATHIE**—If the honourable member for Doncaster continues in that vein, he will not assist the discussion in the community about establishing essential educational goals and developing policies on behalf of the people in this State.

The Minister referred to some documents which he claimed were documents concerning education. On his own admission, those documents are outdated. They have subsequently been amended in a number of important ways. Even in his reading of a section of the out-dated documents that he had, the Minister was prepared to admit that a Labor Government in this State would assist private schools in Victoria.

**Mr Lacy**—Name the amendments.

**Mr CATHIE**—The Minister is anxious to know the precise terms of the ALP's policy.

**Mr Lacy**—There have been no amendments, and you know it.

**Mr CATHIE**—Those amendments and the timing of the release of the educational policy of the ALP, the incoming Labor Government in this State, are matters of the Labor Party's own choosing. It is not for the Minister or any other Government member to tell the Labor Party that it will state its policy now because the Government says so. The Labor Party will decide its own timing. If it is of any assistance to the Minister of Educational Services, the time will probably be in February next year.

These announcements will clearly indicate the specific policy to which the ALP is committed as a Government in the State of Victoria. I suggest that the proper time to debate the ALP's policy in relation to the matters currently before the House and the allegations made by various members on the Government side of the House will be when those members have in front of them an accurate version of the policies of the Opposition.

The honourable member for Forest Hill spent a good deal of his time in saying that every child in this community is entitled to equality of opportunity. In his usual rhetoric fashion, he said that the Labor Party dismisses that view. Nothing could be further from the truth. That statement completely twists the recent amendment that has been moved by the Deputy Leader of the Opposition which states:

> 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 the establishment of a State Board of Education to examine and determine the needs of schools and students in Government and non-Government education and to recommend to the Government of Victoria on a continuous public basis the level of expenditure necessary to meet the requirements of Victoria's school children on the basis of needs and priorities, educational experimentation and regionalization."

The whole framing of the amendment is related to needs and priorities. At a time when funding is limited and when the Government itself has reduced the flow of funds to schools and educational institutions in this State, it means that somebody is making decisions on priorities.

Honourable members should examine the basis of the priority that lies behind the Government's thinking and, in particular, behind the thinking of the honourable member for Forest Hill. It must be understood that the honourable member for Forest Hill believes that equality of opportunity means giving the same amount to the child from a disadvantaged family as to the child that comes from a family that is well educated, that has a good income, that can afford to buy expensive educational tools and books at an early age for the child, and can later afford to place that child in a wealthy private school, such as Melbourne Grammar School.

Is the honourable member for Forest Hill saying that a child will go through his whole schooling and find that he has a privileged right of entry to the universities of this State, and, through the universities to the professions, whether engineering, architecture, medicine or law?

*Mr Cathie*

Entry into these professions is still to a large extent dominated by the opportunities that come the way of children early in their lives throughout their education.

Is the honourable member for Forest Hill saying that a child with that type of background has equal opportunities to those of a child who is born in Fitzroy or a child from a migrant family that is still struggling to understand the English language; perhaps a large family with one income, which simply cannot afford to give the same opportunities to the children that can be afforded by the parents of the first type of child that I described? What honourable member for Forest Hill is concerned about is that some people ought to be more equal than others. That is his view of what equality means.

What we are saying is that as a priority it is necessary to examine the needs of all pupils in the State and to allocate funds particularly when they are in scarce supply, according to the clear priorities that are established.

The honourable member for Forest Hill completely ignores the fact that Australia already has the Australian Schools Commission. The commission has already determined a policy to assist the disadvantaged schools of this country. He is one who would say, "I do not accept that the disadvantaged schools of this country ought to be given positive discrimination, that additional resources ought to be made available to those schools to make up for the lack of opportunity and wealth in that area, and that those families should be helped because they are only average or below the statistical average of wage and salary-earners in the community".

It is easy for honourable members on the Government side of the House to set up a straw man and knock him down, but the honourable member for Forest Hill, in a lie that was repeated by the Minister, suggested that the Labor Party was going to impose local government rates on private schools. Some document was again referred to.

**The SPEAKER (the Hon. S. J. Plowman)**—Order! I remind honourable members that moderation of language is

part of the tradition of Parliamentary democracy. The honourable member for Carrum is again referring to lies. He can much more readily contribute to the debate without using that word and without offending the Chair.

**Mr CATHIE**—Thank you Sir, I will certainly accept that point, and say that it is an untruth to suggest that an Australian Labor Party Government in this State is going to impose a rating system on the private schools. That view was specifically rejected by the conference of the Australian Labor Party. We have told that to honourable members on the Government side of the House time and again. It is completely dishonest to twist the view of the Labor Party, established in motions passed by an Australian Labor Party conference, and to refer to a report which may have been before the conference, even though it was defeated, and then claim that that is what the Labor Party stands for.

You are quite right, Mr Speaker; there are standards of debate in the Westminster system, and an informed debate would assist the House. We have not had an informed debate today, and I simply support the reasoned amendment ably moved by the Deputy Leader of the Opposition.

**The SPEAKER (the Hon. S. J. Plowman)**—Order! The Minister of Educational Services may speak only by leave, as the second reading motion was introduced on his behalf by the Minister of Transport.

**Mr LACY** (Minister of Educational Services)—I shall be happy to speak again by leave.

**Mr FORDHAM** (Footscray)—Leave is refused.

The House divided on the question that the words proposed by Mr Fordham to be omitted stand part of the motion (the Hon. S. J. Plowman in the chair).

| | |
|---|---|
| Ayes .. .. .. | 45 |
| Noes .. .. .. | 30 |
| Majority against the amendment .. .. | 15 |

AYES

| | |
|---|---|
| Mr Austin | Mr Mackinnon |
| Mr Balfour | Mr Maclellan |
| Mr Birrell | Mrs Patrick |
| Mr Borthwick | Mr Ramsay |
| Mr Brown | Mr Reynolds |
| Mr Burgin | Mr Richardson |
| Mrs Chambers | Mr Ross-Edwards |
| Mr Collins | Mrs Sibree |
| Mr Cox | Mr Skeggs |
| Mr Crellin | Mr Smith (*South Barwon*) |
| Mr Dunstan | Mr Smith (*Warrnambool*) |
| Mr Ebery | Mr Tanner |
| Mr Evans (*Ballarat North*) | Mr Templeton |
| Mr Hann | Mr Thompson |
| Mr Hayes | Mr Trewin |
| Mr Jasper | Mr Weideman |
| Mr Jona | Mr Whiting |
| Mr Kennett | Mr Williams |
| Mr Lacy | Mr Wood |
| Mr Lieberman | |
| Mr McCance | |
| Mr McClure | *Tellers:* |
| Mr McGrath | Mr Coleman |
| Mr McKellar | Mr McArthur |

NOES

| | |
|---|---|
| Mr Cain | Mr Miller |
| Mr Cathie | Mr Remington |
| Dr Coghill | Mr Rowe |
| Mr Crabb | Mr Sidiropoulos |
| Mr Culpin | Mr Simmonds |
| Mr Edmunds | Mr Simpson |
| Mr Ernst | Mr Stirling |
| Mr Fogarty | Mr Trezise |
| Mr Fordham | Dr Vaughan |
| Mr Gavin | Mr Walsh |
| Mr Ginifer | Mr Wilkes |
| Mr Hockley | Mr Wilton |
| Mr Jolly | |
| Mr King | *Tellers:* |
| Mr Kirkwood | Miss Callister |
| Mr Mathews | Mr Spyker |

PAIRS

| | |
|---|---|
| Mr McInnes | Mr Roper |
| Mr McInnes | Mrs Toner |

The motion was agreed to.

The Bill was read a second time and committed.

Clauses 1 to 3 were agreed to.

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

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

## VICTORIAN ECONOMIC DEVELOPMENT CORPORATION (AMENDMENT) BILL

The debate (adjourned from December 11) on the motion of Mr Ramsay (Minister for Economic Development) for the second reading of this Bill was resumed.

**Mr MATHEWS** (Oakleigh)—The so-called "New Directions" package, of which the Bill in its original form was a part, was put through the House in the last session. It is a measure of the haste and inadequacy of preparation which went into the package that already there is before the House what I predict will be the first of a stream of amending legislation. The Government notoriously gets itself into trouble when it embarks on innovative policy-making for public relations purposes rather than on the basis of solid preparation, and this measure is an excellent example.

Honourable members are becoming aware increasingly of the shortcomings of the economic development package that the Government has foisted on a trusting community. They are becoming aware that the measures unveiled with so great a fanfare by the former Premier—which so conspicuously failed to save the skin of the honourable gentleman when the time came—are long on rhetoric and short on substance.

In a number of areas there is real concern about the way in which these mechanisms are failing to meet a clear-cut need in the State to bring about economic development and recreate prosperity of which Victorians have had the advantage in years now long past to attract new investment in the State and to bring about the creation of the additional jobs for which the community is crying out. In the absence of a more genuine and thoroughly thought out mechanism for economic development, in important respects, Victoria is slipping back rather than going forward.

I will refer to a couple of examples of the greatest areas of failure in the economic development package. The development mechanism is absolutely incapable of responding quickly when economic emergencies arise. Earlier this year, the Kay-Cee Manufacturing Co. Pty Ltd factory at Maldon was obliged to close down as a result in part of decisions taken by the Government's fellow Liberal Party members in Canberra on the recommendation of the Industries Assistance Commission.

If the economic development package passed last session had been adequate, had been thought through and had properly recognized the likely economic eventualities in the State, it would have been possible for the Government to properly and effectively mount a salvage operation for that factory. That did not happen. A single week's warning was given to the Maldon community that the factory would be closed down. On the particular Friday in July, the 48 workers at the factory were told that on the following Friday no jobs would be available for them and that the factory was being closed down without provisions being made for the future of people in the Maldon community.

I went to Maldon in the week before the closure and discussed the situation in detail with the people there. On the basis of that discussion I presented a detailed appeal to the Premier by letter on 28 July. It is a matter of record and a measure of the inadequacy of the economic development arrangements that this House and the community have had foisted on them that I received no reply to that letter from the Premier until 2 November.

The Leader of the National Party is interjecting and saying, "Why don't you do something about it?" I am constantly writing to Ministers reminding them of the delay in replies to correspondence. The Leader of the National Party also does not receive replies to his correspondence within reasonable times. It is a matter of notoriety that Government Ministers are utterly recalcitrant in their response to correspondence. It is well known on both sides of the House that one is lucky to receive a reply from the Minister of Health within four months of sending a letter. The Minister for Economic

Development is understandably eager to draw a veil over the inadequacies of his Ministerial colleague. I will not persist with that point.

**The ACTING SPEAKER (Mr Richardson)**—I make the point that if the Minister raises a point of order, I would uphold it.

**Mr MATHEWS**—There is no need for that because I do not intend to persist with the point about the Minister of Health. However, I press the point with the Premier because those 48 employees at Maldon, who were involved in the only industry in Maldon, were allowed to lose their jobs when the industry went out of existence, without a whimper from the economic development mechanism of this State.

The Premier, in his letter of 2 November, said that "the Government is currently taking steps to attract industry to the town to use the facilities catered for by Kay-Cee Manufacturing Co. Pty Ltd". In the intervening three months, the factory has been stripped of all its machinery. It has no facilities of which any incoming investor or employer could take advantage. The horse has bolted. The economic development mechanism in the State is such that it was not until November or December that a solution to the situation that arose in July was considered. I have discussed this matter with the Minister for Economic Development. Rather than reading in full the correspondence I have received and taking up the time of the House, I ask permission of the Chair to have the two letters incorporated in *Hansard*.

**The ACTING SPEAKER (Mr Richardson)**—Order! I am unaware of whether the documents have been submitted to the Speaker. Can the honourable member for Oakleigh inform me whether he has presented them for approval?

**Mr MATHEWS**—No, I raised this matter with the Minister for Economic Development prior to the debate. The doucments are now before the Chair.

**The ACTING SPEAKER**—Order! I acknowledg the point that the letters have been presented to the Chair at this time. However, I point out to the honourable member for Oakleigh, to the Minister, and to the House that the Speaker follows the custom of requiring documents to be presented to him prior to them being brought into the House. As Acting Speaker, I should follow the procedures that are adopted by the Speaker. Therefore, I will not allow the documents to be incorporated in *Hansard*.

**Mr MATHEWS**—I have raised the situation at Maldon because it foreshadows another grave situation in which the capacity of the economic development mechanism for rapid response in the face of an emergency will be exposed. I refer to the situation that has developed in Geelong.

It is well known that many hundreds of households in the Geelong area are currently concerned about the future plans of International Harvester Australia Ltd in that city. It is well known that if the worst case were to emerge and International Harvester were to withdraw its operations from Geelong in their entirety, the total job loss in Geelong would be virtually equal to the additional job opportunities that have been created in Geelong in the past six years as a result of the activities of the Geelong Regional Commission. It would be a major economic disaster if that eventuality were to occur. There are good reasons why these concerns are held in the Geelong community. After all, the short and medium term debt of the multinational group, of which International Harvester is only one part, is in excess of $2·5 billion, and the applicable interest rates have escalated over a relatively short period from 15 per cent and 16 per cent to 20 per cent. The company is trying to continue with an enormous debt load at a time when its reported results indicated a loss of $267·7 million.

In this grave sitiuation of a multinational parent organization, it is only natural that people whose jobs and lives and well being depend on the Geelong plant of International Harvester should be asking themselves what the future holds for them. I take

this opportunity of putting to the Minister the proposition that as a matter of greatest urgency a task force should be established within the Ministry for Economic Development to stand ready, either to work with International Harvester and ensure that the Geelong operation is maintained, or in the event of the worst coming to the worst and the operation being closed down or cut back to simply holding stock in the Geelong area, which would represent a reduction in the work force of 80 per cent, to pick up the pieces and take urgent action to ensure that alternative job opportunites are made available to the people concerned to maintain the cash flow that is injected into the Geelong economy week by week as a result of International Harvester operations.

These are grave matters. A cloud is hanging over the Geelong community at the moment. If the Government does not act on a prompt basis and make the greatest possible use of such lead time as may be available, it can be said with some confidence that in the event of International Harvester being obliged to withdraw from the Geelong area a mess of mammoth proportions will be created. I make these comments within the context of the Minister's remarks in his second-reading speech, to demonstrate the extent that the need for changes to the economic development package introduced by his predecessor has already emerged.

The Bill puts forward three useful but minor alterations in that respect, but it fails to come to grips with the real inadequacies of the economic development package as they have already been observed. I can see that the honourable member for Geelong West has a sombre expression on his face. That is no doubt because he appreciates what these short comings may mean to the well-being of the people he represents. He, I believe, would be among the first to support the proposition that the need for a task force to be ready for any economic eventuality in the Geelong area is very pressing indeed. He would know that the establishment of such a task force would be welcomed by the Geelong community, if the Minister for Economic Development, who is also the Minister of Labour and Industry, could shake himself free from his preoccupation with industrial relations and get over to the economic development side of his responsibilities for a change.

It has been a tragedy for Geelong that the Minister has been so preoccupied with an unfortunate stunt—to use the word of his Leader—earlier this week, when his attention could so much better have been directed to the looming disaster—I can put it no less strongly than that—that may emerge from difficulties being faced by the International Harvester group.

The matters with which the Minister asks us to concern ourselves today are more mundane; they are matters that it might have been expected would have been picked up by the Liberal Party's Bill committee when it was going over the Victorian Development Corporation Bill in its initial form, but for one reason or another the oversights have emerged and it is now up to the House to pick up the pieces and make the corrections. That is what we are on about today.

Because of an oversight, it was not appreciated that the old Victorian Development Corporation had only a single fund for the purposes of lending, a General Fund. Under the new measure there are three separate funds, a general fund, a decentralization fund, and a preferred industries fund. Under the existing legislation, money coming back into the coffers of the Victorian Economic Development Corporation—the new title of the body—as a result of loans advanced from the general fund must go back into that fund, and they are therefore not available for the decentralization fund, which is of at least equal importance.

Members of the Opposition, strongly committed as we are to the interests of decentralization and regional development, whole-heartedly support the amendment in the Bill, as it will have

the effect of making more money available to provide an economic stimulus to decentralized industry.

Secondly, the original legislation incorporated a praiseworthy arrangement, under which there was to be a division between the three funds to which I have referred of the administrative costs incurred in the lending function of the corporation. In the interests of accountability and the capacity to undertake financial analysis, I believe the arrangement was well intentioned. It would have been excellent if it had worked out, but it is clear from the Minister's remarks and from the Bill that it has not worked out. It has turned out to be so administratively clumsy that it has been impossible to carry out the assignment of administrative costs between the three funds. The Opposition accepts the Minister's advice on the matter and supports the amendment embodied in the Bill.

The final area of amendment to the existing legislation is merely the tidying up of the wording concerning leases and, likewise, the Opposition accepts that proposition from the Minister.

Members of the Opposition place the greatest possible emphasis on the need and the potential for economic development in this State. We believe it is of absolutely fundamental importance that this House should get the economic development package right. We believe, after the passing of these minor amendments today, there will still be enormous scope to get that legislation right. There are whole areas of economic development for which, as yet, the legislation and administrative structure established under it make no proper or adequate provision. For the time being, in these dying hours of the sessional period, and with the probability that in the not-too-distant future new minds will be addressing themselves to these problems, new vigour will be infused into the economic development of this State as a whole, and there will be a whole new approach to supplant these tired, old "New Directions". We support the Bill.

**Mr TREWIN** (Benalla)—The National Party supports the proposed legislation. It represents a progressive movement in dealing with the existing legislation covering economic development in Victoria. It will assist in the development of industries throughout the State, metropolitan and rural, but with particular emphasis on rural industry.

It is twelve or fifteen years since, in my personal policy speech, I asked that a fund be set up to assist industries to go to the country. I do not say that that speech was the generator of the power, but members of the National Party had the desire and foresight, even in those days, to encourage industry to move into rural areas. We saw the young people growing up in rural communities being lost to those communities because they had to go to Melbourne or large provincial cities to gain employment. That was the impetus for our great interest in decentralization.

Going back further still, it was the late Sir John McEwan who was responsible, Federally, for having so many industries move into rural Australian towns and cities. Classic examples are the Bruck Australia Ltd mill at Wangaratta and the Reynolds chain company in Benalla. The Reynolds chain group has now moved back to the metropolitan area, although the Bruck mill is still located in Wangaratta and contributes considerably to the wealth of that city.

It was understood when the Government originally introduced the Victorian Development Corporation Act that amendments might be necessary at a later stage. With the effluxion of time, amendments must be made to the principal Act. Further amendments will probably be necessary in the future.

The Bill is significant because decentralized industries play an important role in providing stability for many country towns. This is evident in the towns of Benalla and Seymour. An industrial site in Seymour has been

taken over by local and city industrialists, and the development of the area will provide a better way of life for the employees and the town in general. The provisions of the Bill will ensure a tighter grip on industry, and I hope industrialists will not be deterred by the upheavals in Victorian industrial relations from time to time.

I hope the Bill will serve the Minister in his efforts to continue with the economic development of Victoria and bring his objectives to fruition. I trust also that it will provide stability for those industries which are already established and wish to continue operations. The National Party supports the Bill.

**Mr RAMSAY** (Minister for Economic Development)—I am grateful for the support from all sides of the House. The Bill represents a minor amendment to the Victorian Economic Development Corporation Act and undoubtedly will make it considerably better. I advise the honourable member for Oakleigh that the Ministry is well aware of the Geelong situation. There is no need to set up a task force because action is being taken to do everything possible to help the company. If International Harvester Australia Ltd is not in a position to continue operations, the adjustment that inevitably would come to Geelong as a result of the negative impact of such a decision will be minimized.

The Ministry has worked closely with International Harvester Australia Ltd and other people connected with the situation in Geelong. It is wrong to suggest that as Minister I have been preoccupied with other important aspects of my responsibility and have neglected this area. That is not so. The Ministry for Economic Development has a major charter to encourage the economic development of the State and to ensure that when changes come from time to time the best possible result is obtained from each situation.

The motion was agreed to.

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

## CO-OPERATION BILL

The message from the Council relating to the amendments in this Bill was taken into consideration.

*Council's amendments—*

Clause 17, line 23, omit "(*g*)" and insert "(*h*)".

Clause 19, page 15, sub-clause (6), paragraph (*c*), line 13 omit "it considers" and insert "may be".

Clause 29, page 25, sub-clause (4), lines 8 and 9, omit "$2 000 000 or such other amount as is prescribed (whichever is the least)" and insert "such other amount as is prescribed (whichever is the less)".

Clause 54, sub-clause (1), paragraph (*a*), line 18, omit "similar meaning, form part: or".

Clause 58, page 43, sub-clause (7), paragraph (*c*), line 12, after "giving" insert "of".

Clause 60, page 47, sub-clause (9), line 20, omit "(11)" and insert "(10)".

Clause 148, page 123, sub-clause (3), line 5, after "just" insert "but if an administrator or like officer is appointed to carry out a compromise or arrangement between a society and its creditors or any class of them any approval granted by the court shall be subject to the following conditions, namely:

(*a*) The members of the society shall have an opportunity within two months after the approval to elect a new board of directors;

(*b*) The registrar shall advise the directors in a summary way of their rights as against the administrator or like officer;

(*c*) That the administrator or like officer shall report fully to the directors at intervals of not more than three months on the affairs of the society;

(*d*) That notwithstanding anything to the contrary in any such compromise or arrangement the directors have power to apply to the court for the dismissal of the administrator or officer if they are of the opinion that the administrator or officer is acting in a manner prejudicial to the interests of the society or its members;

(*e*) An administrator or officer who has a pecuniary interest, whether directly or indirectly, in a proposed compromise or arrangement with the society shall declare the nature of his interest to the board in accordance with the procedure set forth in section 106 in all respects as if any reference therein to a director were a reference to the administrator or officer.".

Clause 196, page 155, line 32, omit "(2)" and insert "(3)".

Clause 196, page 156, line 7, omit "(3)" and insert "(4)".

Clause 196, page 156, line 7, omit "(2)" and insert "(3)".

Clause 224, line 7, after "224" insert "(1)".

**Mr KENNETT** (Minister of Housing)—I have spoken to the honourable members for Carrum and Rodney, and basically the amendments were agreed to. During the debate I agreed that I would consider the matters between this House and another place. The amendments made by the Council incorporate the principles put forward at that time and tighten up the Bill. I move:

That the amendments be agreed to.

**Mr EDMUNDS** (Ascot Vale)—The honourable member for Carrum has advised that the amendments are acceptable. It is pleasing that the Minister has accepted the amendments. It illustrates that Parliament can work well if the Government is willing to listen to what members of the Opposition and the National Party say.

The motion was agreed to.

*The sitting was suspended at* 12.58 *p.m. until* 2.4 *p.m.*

## INDUSTRIAL SAFETY, HEALTH AND WELFARE BILL

The debate (adjourned from the previous day) was resumed on the motion of Mr Ramsay (Minister of Labour and Industry)—

That this Bill be now read a second time.

and on Mr Simmonds's amendment:

That all the words after "That" be omitted with the view of inserting in place thereof the words "this Bill be withdrawn and redrafted to establish an Occupational Health and Safety Commission comprising a Chairman appointed by the Minister and representatives of the Victorian Trades Hall Council, various employer councils and persons with an interest and expertise in occupational health and safety, to—(*a*) monitor the health and safety of people at work; (*b*) make recommendations to the Minister as to standards to be met by employers and regulations and codes of practice for specific industries; and (*c*) formulate a licensing scheme for safety in work places and the substances to be used therein, such Commission to be remunerated for its services."

**Mr GINIFER** (Keilor)—The Bill deals with industrial safety and the problems associated with industrial accidents. I shall address my remarks to the special needs and responsibilities of the large working community.

Approximately 50 per cent of manual workers are immigrants, whose first language is one other than English. The Bill does not address itself to the language problems associated with that portion of the work force. It is that ethnic segment of the work force that is engaged in the more menial tasks and repetitive occupations because of the workers' limited knowledge of the English language and lack of formal education.

The estimated cost to industry of industrial accidents a year has been put in excess of $2000 million. That represents a greater financial loss to industry than any financial loss incurred through industrial disputation.

**Mr Ramsay**—So what?

**Mr GINIFER**—That interjection typifies the Government's attitude to the problems of industrial safety, health and welfare. The number of industrial accidents is high due to the lack of incentives, education and training facilities that are available to the ethnic section of the work force. Those workers are engaged in the menial and sole destroying occupations. Their ignorance of the English language often contributes to industrial accidents. It is to be hoped that the Minister of Labour and Industry will address himself to the problem.

The Minister is agitated. It is obvious that the honourable gentleman has many matters on his mind. However, I urge the Minister to address himself to the problems of the ethnic work force. Although some work has been done in this regard, the Minister must not regard that as being the end of the matter.

**Mr Ramsay**—It is only the beginning.

**Mr GINIFER**—That is correct. The Minister should note that there is nothing in the provisions of the Bill on the problems I have cited. It should be noted that the prime function of many welfare agencies is directed to the needs of the ethnic communities. However, the Government has not consulted with those agencies and, therefore, there has not been the necessary input to the Bill.

The people involved in industries who are the most harmed and the most injured and, therefore, represent the major cost to the State in lost production in the manufacturing and processing industries are the types of people that I described earlier.

The Minister should consider the problem that, annually, 500 000 Australian workers are injured in various industries. If the Minister has taken note of this fact, I am delighted. I draw to his attention that, on a percentage basis, far more non-English speaking workers are injured in industry. That problem should also be addressed. Although the Minister has stated that a start has been made in this direction—and we appreciate that —the Opposition believes other agencies could have assisted in the drafting of the Bill.

Finally, having recognized the problems and having recognized what has been done in this area, I refer to an advertisement which recently appeared in the *Herald*. I am not sure of the date on which it was published but it is an advertisement that supports what the proposed legislation could and should be about. It states:

> Consider this: Every work day more than 2000 Australian workers are injured on the job. Our nation loses $4½ billion annually because of these injuries. Workers compensation claims are running at about $3 million daily. Let's at least reduce this horrifying wastage!

The Opposition addresses these matters on the basis that 50 per cent or more of the people who contribute to this loss come from a background that is greatly disadvantaged by the English language and by the system. The advertisement continues:

> The Herald proudly sponsors the National Safety Council's Safe Work Day.
>
> We invite everybody who works to take care on the job NOW to ensure that Australia is as close as possible to accident free on SAFE WORK DAY. If your factory is accident free on October 1, we will send you an attractive Certificate of Achievement.

The *Herald* has made a good start in the area of industrial safety and its intentions are good but even the advertisement does nothing to attract the 50 per cent of the people in the workforce who contribute to this cost. The cost is borne out by the great language barrier confronted by those workers from non-English speaking backgrounds. This point has agitated the Minister but I am pleased that he has taken note of what I have said and is prepared to build on it. I believe, therefore, that my contribution has been worthwhile.

**Mr RAMSAY** (Minister of Labour and Industry)—I thank honourable members for their contributions. I am encouraged by the universal concern felt in this Chamber for the issues of industrial safety. I am disappointed only by the abysmal level of understanding on the part of the Opposition.

I should like to table in the House a range of publications produced by the Department of Labour and Industry and the Ethnic Liaison Group, Victorian Industrial Safety Convention, which sets out a range of safety procedures and safety information in languages such as Croatian, Italian, Maltese, Arabic, Greek, Spanish, Turkish.

**The SPEAKER (the Hon. S. J. Plowman)**—Order! The Minister may only make the documents available to the House; he may not table them.

**Mr RAMSAY**—Thank you, Mr Speaker, I shall make the documents available to honourable members. The documents will help the honourable member for Keilor to understand the tremendous work that has been carried out in this area, and I am encouraged by the fact that he wishes to help the Government to do a better job.

In the debate, my main concern was the contribution made by the honourable member for Reservoir who, at my request, tabled a document from which he was reading extensively—the ACTU-VTHC's Occupational Health and Safety Bulletin, which includes the Victorian ALP's industrial health and safety policy.

The Bill will enable the total work force—employers, employees and all interested parties—to get together in

a co-operative effort to improve the safety record of industry throughout Victoria. Without maximum co-operation from all sections of the work force, efforts to impose conditions of safety by one party on another are doomed to failure. Therefore, the Government has moved to give the Industrial Safety, Health and Welfare Advisory Council the important role of bringing together the various sections of industry whch are in a position to advise the Minister, to draft regulations, to assist generally the universal acceptance of the need to adopt safety practices and to guard occupational health in every possible way.

The House should recognize that, as the honourable member for Reservoir has pointed out, the ALP is attempting to turn the trade union movement into the policeman of industry in respect of safety. The ALP proposes that the trade union movement will have the right to appoint health and safety representatives who will have the right to inspect all or part of the work place at any time. These trade union people will have the right to issue provisional improvement or prohibition notices at any time, and they are to be empowered to obtain, with the formal consent of their union, authorization to initiate prosecutions for breaches of the Act.

I repeat, the ALP is out to turn the trade union movement into the policeman of industrial safety. It will not work. If industrial safety is to be improved, that must be done by co-operation, by the election of safety representatives in the work place, by employees in the work place from among employees in the work place. Obligations will be placed on employers and occupiers and on every person employed. Unless this is done by developing and encouraging a co-operative effort, it is doomed to failure, and the House would be wise to note what the propositions of the Labour Party really amount to.

The Opposition is not looking for co-operation; the Opposition is flying in the face of co-operation and saying that it will police and enforce its ideas in the work place, whatever other people do. The Opposition is not seeking to do that as a co-operative endeavour, and it is a crying shame that that should be so. I ask the Opposition to think again about its industrial safety, health and welfare policy and to accept the broad principles of co-operation and consultation that are inherent in the Bill.

The Government does not accept the amendment proposed by the honourable member for Reservoir. In effect, it restates in other words what is contained in the Bill. The Bill makes provision for an Industrial Safety, Health and Welfare Advisory Council, and the Opposition wants to call that council a safety commission. The advisory council will have responsibilities, and through the other clauses of the Bill it will have power to propose regulations, as set out in clause 33 which gives adequate coverage of all areas that need to be covered. Simply to change the wording of the Bill is pointless and unnecessary.

The Government believes the Bill represents a major step forward for industrial safety, health and welfare in the State of Victoria, and I look forward to it being passed through this House and proclaimed, as set out in the Bill, so that through the Industrial Safety, Health and Welfare Advisory Council the various safety requirements may be implemented at the earliest possible date.

The House divided on the question that the words proposed by Mr Simmonds to be omitted stand part of the motion (the Hon. S. J. Plowman in the chair).

| | |
|---|---|
| Ayes .. .. .. | 41 |
| Noes .. .. .. | 29 |
| Majority against the amendment .. .. | 12 |

AYES

Mr Balfour
Mr Birrell
Mr Borthwick
Mr Brown
Mr Burgin
Mr Coleman
Mr Collins
Mr Cox
Mr Crellin
Mr Dunstan
Mr Ebery
Mr Evans (*Ballarat North*)
Mr Hann
Mr Jasper
Mr Jona
Mr Kennett
Mr Lacy
Mr Lieberman
Mr McArthur
Mr McCance
Mr McClure
Mr McKellar
Mr Mackinnon
Mr Maclellan
Mrs Patrick
Mr Ramsay
Mr Richardson
Mr Ross-Edwards
Mrs Sibree
Mr Skeggs
Mr Smith (*South Barwon*)
Mr Smith (*Warrnambool*)
Mr Tanner
Mr Templeton
Mr Trewin
Mr Weideman
Mr Whiting
Mr Williams
Mr Wood

*Tellers:*
Mr McGrath
Mr Reynolds

NOES

Mr Cain
Miss Callister
Mr Cathie
Dr Coghill
Mr Crabb
Mr Culpin
Mr Edmunds
Mr Ernst
Mr Fogarty
Mr Fordham
Mr Ginifer
Mr Hockley
Mr Jolly
Mr King
Mr Kirkwood
Mr Mathews
Mr Miller
Mr Remington
Mr Rowe
Mr Sidiropoulos
Mr Simmonds
Mr Simpson
Mr Spyker
Mr Stirling
Mr Walsh
Mr Wilkes
Mr Wilton

*Tellers:*
Mr Gavin
Dr Vaughan

PAIRS

Mr Austin
Mr Dixon
Mrs Toner
Mr Roper

The motion was agreed to.

The Bill was read a second time and committed.

Clauses 1 and 2 were agreed to.

Clause 3 (Interpretation)

**Mr RAMSAY** (Minister of Labour and Industry)—I move:

Clause 3, line 41, omit "vehicle".

It has come to my attention that the word "vehicle" on the definition of "workplace" as contained in the Bill may cause confusion and ambiguity because of the potential conflict with the requirements in the Bill, the Motor Car Act, the Road Traffic Act and regulations under those Acts. There was never any intention that the Bill would regulate the safety of vehicles in the manner covered by this measure, and regulations for loading, dimension, design, driver education and other requirements under the Motor Car Act and the road law provided under the Road Traffic Act should not interfere with this Bill. There is no intention of that occurring.

Therefore to remove all doubts and possibility of conflict, and to ensure that the requirements of the existing road safety provisions are paramount, the exclusion of vehicles from the definition of a work place is proposed.

The exclusion of vehicles will not mean that a stationary vehicle which is used as a portable workshop would be excluded from the definition of a work place. A stationary vehicle used in such a manner will come within the definition of a work place as it will be a "place" which is one of the several elements listed as within the definition of a work place.

The amendment therefore does not seek to diminish the responsibilities of persons in charge of vehicles. Rather it seeks to remove conflicting responsibilities and confirm the application of the road safety provisions to vehicles used in the course of work.

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

Clause 4 (Act to bind Crown)

**Mr SIMMONDS** (Reservoir)—Subclause (2) states:

The provisions of this Act shall not apply to or with respect to any workplace to which the Construction Safety Act 1979 applies.

The Construction Safety Act has not been proclaimed and it is a peculiar provision to exempt all those sections of industry which will be covered by the Construction Safety Act from the provisions of an Act which will introduce a new concept of health and safety in view of the Minister's second-reading speech. It seems an incredible situation that a Bill which attempts to bring some coordination into administration should contain a provision excluding an area where the greatest risks and the largest number of injuries occur in the building industry. The work within the building industry involves the use of fork-lifts, cranes, digging trenches and many

other tasks, which involve serious risk. The exclusion is beyond the comprehension of any reasonable approach to the proposition.

If the Bill is to have any beneficial effect, the area to which it should apply is the building and construction industry. Further, the Opposition asks the Minister for an explanation of why a Bill with similar phraseology to that used in this measure, and which attempted to deal with the incidence of industrial accidents, disease and health risks in Victoria two years after being passed, still has not been proclaimed. Why have the resources necessary to make the legislation function and to provide the community with protection, which it was said to provide, not been provided?

Perhaps the Opposition could be forgiven for believing that this measure may well follow the same fate as the Construction Safety Act 1979.

**Mr RAMSAY** (Minister of Labour and Industry)—The Bill is complementary to the Construction Safety Act 1979. Safety on construction and building sites is of major importance. The industry is covered by its own Act and the necessary resources for carrying out the provisions of that Act are currently being assembled and that Bill will be proclaimed at the earliest possible date, as soon as resources are fully available for its implementation. When both the Industrial Safety Health and Welfare Act and the Construction Safety Act, are in position and proclaimed, Victoria will have one of the best sets of industrial safety legislation in the Commonwealth.

The clause was agreed to.

Clause 5 (Industrial Safety Health and Welfare Advisory Council) (Constitution of council)

**Mr WALSH** (Albert Park)—I am concerned that, in the establishment of the Industrial Safety Health and Welfare Advisory Council, only three representatives will be nominated from employee groups, three from the Trades Hall Council and only one representative from the group of real workers. I wish to bring to the attention of the Committee a problem that could exist in that area. The person representing the real workers, may be nominated from one of the provincial trades and labour councils, but I remind the Minister that there are eight trades and labour councils in Victoria. By having only three employee representatives out of the eleven members of the proposed council, a situation may arise where the employees are putting propositions to the other representatives on the council which may not be agreed to. I do not believe a proper decision can be reached unless there is equal representation of employees and employers.

Everyone is concerned about health and safety and the situation should be examined in that light because both sides, the employees and employers, approach the problem in different ways. They all have different ideas about the approach in the occupational health and safety areas. The employees should have more representation on the council because of the wide area they represent. I ask the Minister to consider the matter. If a council is to be set up to consider health, welfare and safety, proper representation should be provided from both areas and those areas should have an equal say, so that the decision will not be one-sided. I am concerned about the representation on the council being too lopsided.

**Mr RAMSAY** (Minister of Labour and Industry)—If the honourable member for Albert Park examined the clause more closely, he would find that it provides for three persons to be nominated by employer bodies and three persons to be nominated by the Victorian Trades Hall Council. Therefore, an effort has been made in the initial constitution of the council to ensure that it is even-handed between the employee and employer groups. The remaining persons to be nominated on the council will be experts in their own field: One person who has a general knowledge of industrial safety will act as the chairman. There will be a representative of the Commission of Health,

one from the Department of Labour and Industry, one representative from the Safety Institute of Australia and one from the National Safety Council of Australia.

**Mr Simmonds**—What about the Victorian Farmers and Graziers Association?

**Mr RAMSAY**—The Victorian Farmers and Graziers Association is one of the employer bodies which will nominate someone to the council. Therefore, the Bill is constructed in an even-handed way and I believe it will work extremely well. Further provision is made for an additional three persons to be nominated to the council. That nomination could be made at a later time—once the council is in operation. If the council requires more expertise in a particular area, it can put forward suggestions. It is a fairly-based and well-structured system of establishing the council for its initial operations.

The clause was agreed to, as were clauses 6 to 8.

Clause 9 (Business of council to be confidential)

**Mr SIMMONDS** (Reservoir)—The clause carries a penalty of $5000 to be imposed upon any member of the council who divulges any information about industry. It states:

> A member of the council shall not reveal, either while a member of the council or at any other time, any manufacturing, commercial or other trade secret which comes to his knowledge in the course of his duty as such member.

Although the Opposition understands the need for confidentiality in the matter—it indicates an emphasis on protection of trade secrets and protection from industrial espionage—and the concept that the Minister has introduced in the Bill, I draw attention to the fact that, although a great deal of attention is given to the imposition of penalties, the penalties for other offences seem to be minimal in comparison with that provided in clause 9 (2). For example, the penalty for the causation of the death of a worker seems less severe whereas perhaps the penalty should have more relevance to the results of actions.

**Mr WALSH** (Albert Park)—I am a little concerned about a member of the council who is not allowed to be involved in some of the actions that the operations of the council will cover. I am referring particularly to members of the trade union movement. For instance, if the Secretary of the Trades Hall Council is a member of the council representing that organization, can he report back to the Trades Hall Council or his executive and provide information about something which may have occurred in the council concerning the interests of safety and health? I pose that question to the Minister and ask how he can get over that situation which may occur in that area, and whether the representative would be obligated to the council itself?

**Mr RAMSAY** (Minister of Labour and Industry)—There is a clear provision under the clause that any member of the council can communicate information. That is part of his duties as a member of the council. The same provision has basically existed with the Industrial Safety Advisory Council, where a representative from the Trades Hall Council can report back to the relevant union or executive on matters of industrial safety. There is a need for communication in those particular areas.

Clause 9 is a necessary clause in terms of keeping the business of the council confidential. There has been no difficulty in the past in maintaining this confidentiality, but yet no restriction has been placed on proper communication between interested parties. Of course, that communication will go on and I anticipate that clause 9 will operate within this measure as well as it has operated under previous legislation.

The clause was agreed to, as were clauses 10 and 11.

Clause 12 (Occupier to arrange for election of safety representatives)

**Mr SIMMONDS** (Reservoir)—The principle involved in this clause relates to safety representatives. The occupier of a work place shall arrange for the election of safety representatives according to the prescribed manner. Clause 12 (3) provides that the occupier of a work place shall, if requested to do so by the safety representatives,

establish in the prescribed manner a safety committee having the function of keeping under review the measures taken to ensure the safety and health of persons employed in or on the work place, and such other functions as may be described.

What concerns the Opposition is the authority to enforce those decisions of safety representatives. I refer to the powers of safety representatives to adequately achieve the objectives of their position, which power is not contained within the Bill. I shall speak to this matter further when clause 13 is being considered by the Committee.

**Mr JASPER** (Murray Valley)—Clause 12 relates to an area of activity which I raised during the second-reading debate in relation to qualifications. In my comments I indicated that there need to be qualifications set down in the measure for persons who are to represent the Department of Labour and Industry and I understand that this is covered in clause 21.

I also mentioned, when going over the regulations as they effect companies where they appoint supervisors, that there is no definition of the qualifications contained in the measure.

Clause 12 relates to the appointment of safety representatives and the National Party is of the view that the clause should contain details of the qualifications of the person who will occupy this particular position to ensure that the person is well or adequately qualified to act on matters of industrial safety within industry.

**Mr WALSH** (Albert Park)—I also have a couple of questions relating to clause 12. I am concerned about the word "prescribed" contained in clause 12(1) which reads:

> In such cases as are presribed the occupier of a work place shall arrange for the election of safety representatives by and from the persons employed in or on the work place.

There may be a situation where there could be more areas than will be prescribed that ought to have a safety representative for the work force. My view is that the Government should be looking at more than just prescribed areas; it should be looking at vast areas. In addition, it should be mandatory on any registered employer to have a representative who will be the safety representative concerned with the safety of the employees.

Another query I put to the Minister of Labour and Industry is that wherever there is a representative of the employees to be elected, before that election takes place the union should be consulted to ensure that the most qualified safety officer is appointed to represent the employees.

**Mr RAMSAY** (Minister of Labour and Industry)—The two points which have been raised relate to the qualifications of safety representatives and their method of selection. The clause is silent in prescribing the qualifications simply because of the problem of specifying appropriate qualifications that would have universal application. If the Government included a phrase such as "suitably qualified person" it would be no nearer establishing what those qualifications would be. The decision was made not to specify qualifications in the clause, but to leave it to the good sense of the persons making the appointments. If necessary, the Industrial Safety, Health and Welfare Advisory Council will be able to draw up appropriate regulations to cover different industries where the nature of the qualifications may vary from time to time.

I am confident that the very fact that this clause requires the occupier of a work place to arrange for the election of safety representatives is a major step forward and in those circumstances the appointment of safety representatives will work out with the most appropriately qualified people becoming appointed or elected as the safety representatives for each situation.

The honourable member for Albert Park was concerned about safety represenatives being elected for those situations which are prescribed. Again it is difficult to have a universal clause to cover all situations because the Government is just not concerned about the safety of employees where there is one employer and one employee; it is concerned about all employees. If there

was a situation where there was only one employer and only one employee, it would be necessary for this one employee to hold an election with himself to determine who would be his safety representative and that would make a nonsense of the legislation.

It seemed the best way to cover all situations was to have the provision as worded, and to enable regulations to be prescribed from time to time, as it was determined where safety representatives are most urgently needed. In the meantime, those situations where it is inappropriate to have a safety representative elected can be left untouched, but nevertheless the force and import of the legislation will still apply to each and every work place throughout Victoria.

**Mr SIMMONDS** (Reservoir)—I raise a further question with the Minister with respect to the word "occupier" where it is used in this clause. Previous provisions have referred to employer and with respect to this aspect, it raises the capacity of employees to take civil action with respect to injury in the work place where the provision in this measure defines the respondent as the employer rather than the occupier. This provision may prejudice the right of employees with respect to negligence in industrial accidents, and at the appropriate stage, I foreshadow moving an amendment with respect to this matter, but I shall defer my remarks until that stage is reached.

**Mr RAMSAY** (Minister of Labour and Industry)—An occupier is defined in clause 3 as a person who has the management or control of the work place. Although that person may not technically be the employer, it is clear he or she is responsible for the work place and there is no doubt where the responsibility lies.

The clause was agreed to.

Clause 13 (General duties of manufacturers, etc. as regards articles and substances for use at work)

**Mr SIMMONDS** (Reservoir)—The question arises of the responsibility for safety of the person who designs, manufactures, imports or supplies and so forth and is a different proposition from the responsibility resting with the employer. At present the traditional and basic position is that the employer is responsible for safe-working conditions in the work place. Although there will be legislation to provide for safe standards of design and so forth, the implementation of the Bill may cause conflict in respect of civil liability. I ask whether the Minister has adequately researched this proposition and whether he can give an undertaking that there is no danger of prejudicing the rights of injured workers.

**Mr SPYKER** (Heatherton)—I point out a couple of anomalies in the clause to which I do not think the Minister has given sufficient attention. Clause 13 provides, *inter alia*:

> (2) It shall be the duty of any person who erects or installs any article for use in or on any workplace to ensure, so far as is reasonably practicable, that nothing about the way in which it is erected or installed makes it unsafe or a risk to health when properly used.
>
> (3) It shall be the duty of any person who manufactures, imports or supplies any substance for use in or on a workplace—
>
> (*a*) to ensure, so far as is reasonably practicable, that the substance is safe and without risks to health when properly used;

No allowance is made for who ultimately inspects the installation and who declares it to be safe. The problem with the clause is that the worker, when he constructs the article, could be held responsible if it is not deemed safe and an industrial accident occurs.

Secondly, clause 13 (3) provides that it shall be the duty of any person who manufactures, imports or supplies any substance for use in or on a work place to ensure so far as it is practicable that the substance is safe. In many cases, particularly in regard to imported materials, there is no labelling. Often the reason given is trade secrecy. The Minister would be well advised to go to many manufacturing plants, particularly chemical and other industries. He will realize that no description is given on imported chemicals or materials of how the substances should be used. What will happen in relation to this Bill when there are no instructions to

the importer or manufacturer to spell out what the substances or material is? That provision is lacking. Clause 13 (5) reads:

> For the purposes of this section an article or substance is not to be regarded as properly used where it is used without regard to any relevant information or advice that is available relating to its use.

What sort of information is being spoken of, who would be using the information and how would the information be used? It is a wishy-washy clause. Does the employer collate the material, does the safety committee do it or does the employee have responsibility for ensuring that the material is used, and how it should be used?

**Mr RAMSAY** (Minister of Labour and Industry)—The Committee should realize that the duties of various persons are clearly spelt out in the clauses. The point in spelling them out is not to say that somebody is responsible and therefore nobody else is responsible, but that collectively there is a universal responsibility on persons involved in the work place. It starts at clause 11 where the duties of the occupier are set out. Clause 11 (1) reads:

> The occupier of a workplace shall ensure, so far as is reasonably practicable, the safety, health and welfare of persons employed or engaged in or on that workplace.

But the occupier cannot do it alone. There is a need for those who supply the equipment, the manufacturers, importers or suppliers of any article for use in the work place to ensure that the article is so designed and constructed as to be safe. There are the duties that rest on the installer and, finally, the general duties of the employees at work.

In this clause is spelt out the responsibiilty of all persons and one does not say that because someone has been made responsible that nobody else is responsible. It is a universal responsibility. Quite clearly, if an accident occurs, there will be some argument about who was responsible and where the responsibility rests. One cannot have it both ways. One cannot ask everyone to be responsible and avoid this problem from time to time of having to determine where the responsibilities lie. From the way the clause is constructed when taken with the whole spirit and intent of the Act, the Committee will realize that it is put together well and nobody is let off the hook. Unless this responsibility is taken on collectively to ensure a safe and healthy work place, there will probably not be success.

**Mr SIMMONDS** (Reservoir)—This has almost opened up the question of the difference in attitude between the Government and the Opposition on the matter. The Minister says he is looking for co-operation and co-ordination in respect of responsibility but the fact of life is that there is only one management and it is not the employee or the administration of Government departments. It is conducted by the employer, and the employer must be responsible for safe-working conditions.

The manner in which that is achieved and the principles in the clause which are pretty sound regarding a spirit of co-operation and giving people an input, are a step forward. However, the Minister has raised the whole question of who will be responsible for safe-working conditions in the employer's enterprise, and ultimately that responsibility must stop with the employer. It must be his responsibility to provide safe-working conditions. The method of doing it may be contained in the principles of co-operation with safety representatives and so forth.

Now the Minister is referring to areas of responsibility which may flow into negligence cases in industrial accidents, and an employer's defence may be that he has given certain instructions to an employee which were not carried out. The clauses of this Bill will be used to create further legal conflict in respect of industrial accidents, with the consequent suffering involved.

In the area of workers compensation, only 40 cents in the dollar goes to the people injured in industry. The whole infrastructure of dealing with the results of industrial actions is eating up the cost associated with the problem. The Minister should be fully aware that in drafting legislation of this nature, he must be cognisant that

ultimately there must be one area of responsibility and at present in private enterprise that responsibility in our society is with the employer who operates the enterprise. If the Minister wants to open up an area of joint-management-worker control in private enterprise and worker representatives in management of enterprise-making decisions about the allocation of capital and work processes and so on, we would be delighted to see him introduce that in any legislation but I do not think he is about to do it. He is opening up a question of actually dividing the responsibility in an extremely dangerous manner.

**Mr RAMSAY** (Minister of Labour and Industry)—The honourable member for Reservoir has made a simplistic and inaccurate summary of the function of this clause. Of course, the employer is responsible for safe working conditions in the workplace—that is clearly set out in clause 11—but to think that safety begins and ends with the provision of safe working conditions is ignoring one of the major contributing factors to industrial accidents, and that is the failure of people to follow safe working practices. There is a world of difference between providing safe working conditions and following safe working practices. If the honourable member for Reservoir stops to think about it, he must see the important distinction there.

That is why this general over-all specifying is needed of the responsibility or the general duties that rest with all persons involved in the workplace—the employer, the supplier of equipment, the installer of equipment and the employees.

The clause was agreed to, as were clauses 14 to 16.

Clause 17 (Power to Minister to give directions)

**Mr WALSH** (Albert Park)—I am concerned about clause 17(*a*) which provides that the Minister may from time to time by order under his hand—

> direct the occupier of any workplace or land or the occupiers of all workplaces or land to take such steps as the Minister considers necessary to prevent the occurrence of accidents; or

I should like that paragraph to be reworded because it now refers to steps that the Minister considers necessary, whereas it should be changed to refer to steps that are necessary.

The clause was agreed to.

Clause 18 (Orders to cease dangerous processes)

**Mr SPYKER** (Heatherton)—The clause leaves a lot to be desired, although it starts off well. The clause provides:

> Where the Minister is satisfied that any manufacture plant process or labour used in a workplace is dangerous or injurious to health or dangerous to life or limb either generally or in the case of any class of persons he may by notice in writing to the occupier of the workplace direct the occupier to cease to use or to modify as directed such manufacture plant process or labour.

The failure of this provision is in the reference to notice in writing. When one writes to a Minister, sometimes it takes six months to receive a reply. If one writes to the Minister telling him that the plant of a certain employer is dangerous, it may be six months before that notification is received by the employer.

The Minister ought to accept my suggestion and provide the power to inspectors who visit plants to close down immediately any section that is found to be dangerous. The present situation is ludicrous. The honourable member for Reservoir referred to a plant in the electorate he represents where two faults in the equipment happened within weeks. The inspector who visits the plant should be able to take immediate action and not be required to report back to the Minister and receive a letter six or seven months later stating that something must be fixed. In one plant where I worked previously, everybody knew a fortnight ahead when the inspector was coming, so everything was spick and span on the day the inspector called in, but people returned to the same old habits the minute he left the place.

I suggest that the Minister provide for spot checks to be made occasionally and give inspectors the power to act on the spot when equipment is found to be dangerous instead of having to

report to the Minister and wait for notification in writing which may never be received.

**Mr RAMSAY** (Minister of Labour and Industry)—I do not accept the general assertions made by the honourable member for Heatherton about delays in receiving replies to Ministerial correspondence, and I certainly do not accept it in relation to the Department of Labour and Industry. Of course, if an inspector comes back with a report of dangerous equipment which needs to be closed down, it is done that same day, within the hour. There is absolutely nothing in the claims made by the honourable member. Clause 18 is perfectly satisfactory as it stands.

Clause 18 was agreed to, as was clause 19.

Clause 20 (Notice of accidents)

**Mr SIMMONDS** (Reservoir)—This clause changes the penalty for failure to report accidents which occur in a workplace which are of such a nature as to prevent the person injured from attending or being available for work in the workplace within 24 hours after the occurrence of the accident or of such a nature as to prevent, within 14 days after the occurrence, the attendance or availability of such person for work for 24 hours. The penalty has been increased to $1000.

This clause is similar to section 181 of the Labour and Industry Act in respect to notification of accidents. Since this proposed legislation will obviously have a broader ambit because of the wider field it covers, including the administration of the Department of Labour and Industry, it is appropriate to raise the question of the department's capability to record and collate the information provided in these reports. Reports must be made on about 50 000 to 80 000 cases a year, and the incidence of successful prosecutions has ranged from five to fifteen in any one year over the past ten years, so obviously there is a difference between the passage of legislation and its enforcement in practice.

Again I make the point of the priorities of the Government in determining penalties. When one is talking about divulging information about workplaces and what takes place at the level of administration of the advisory council, one finds that the failure to report an accident which results in the loss of life of a worker attracts only one-fifth of the penalty for breaching confidentiality in the performance of the council's award. The priorities are upside-down.

The occupational health section of the Department of Labour and Industry has only three field officers. It is so chronically understaffed that not one prosecution has taken place for twenty years. Obviously there will either be a continuation of that situation or resources will be made available from the Government to enforce the legislation.

The penalties will not secure the enforcement. Penalties will either be increased, or a greater provision must be made of inspectors and administrative staff to record the information which is collated from these reports. If an analysis of the extent of the problem is ever to be made, we must do it ourselves because the insurance companies have been too negligent in reporting accidents that the Australian Bureau of Statistics has refused since 1976 to publish material for their reports. Unless the information is obtained from these reports and the contents of this proposed legislation, when it is proclaimed, there will be little capacity to make an analytical study of the incidence of industrial accidents, which, I take it, is the reason for this clause.

Other areas covered by inspectorates include mines and quarries inspectors, who now come under the Department of Labour and Industry. The inspectors are responsible for regulating flammable and explosive material. There is a divided area there, too, because local authorities are responsible for quantities of less than 50 000 litres, and the Department of Minerals and Energy deals with quantities greater than 50 000 litres with a flashpoint of below 61 degrees Centigrade.

The Department of Labour and Industry is responsible for spray painting and flammable materials. Given that

diversity of control, because a different inspectorate operates in each area, it is not necessary to have a multitude of inspectorates covering a similar problem. In the port of Melbourne the flammable materials are handled by the Port of Melbourne Authority.

The Department of Labour and Industry is responsible for the control of lead in the workplace, yet the regulations which govern the level of lead in the blood are under the control of the Occupational Health Division of the Health Commission.

The point I make is that this clause opens up the questions of, firstly, what is the purpose of reporting, secondly, whether the penalty is adequate to ensure enforcement, and, thirdly, what inspectorate and administrative services will be available to make it effective.

The clause was agreed to.

Clause 21 (Inspectors)

**Mr WALSH** (Albert Park)—Clause 21 (3) (*a*), (*b*) and (*c*) forbids an inspector to divulge information to anyone other than the Minister or other officers or employees of the department, except by direction of the Minister. I believe there could be problems with that. The information should be made available to the employees of the workshop or factory or plant in which the problem may exist, and it should also be made available to the organization that represents those employees.

It is very important, if the Government is being sincere about industrial safety and health and the welfare of the people in the work force to ensure that everything is open. These sorts of things should not be kept secret under lock and key. If the Minister refuses to allow the unions or the employees to know what is going on, there will be many hurdles put in the way. The situation must be open and the inspectors should have the opportunity to use a bit of common sense. I have no doubt that they will use common sense, but they should have the opportunity to do it so that there can be proper communication and we can really begin to do something to eradicate the problems of industrial safety.

**Mr SIMMONDS** (Reservoir)—In the original legislation the penalty was $2000. That is now being increased to $5000. I was at a loss to understand why there was to be such a large increase in this penalty, when the penalty for failure to report an accident involving the death of an employee is to remain at $1000.

The Victorian Chamber of Manufactures, in its publication *VCM File* of 4 December 1981, dealing with this Bill, stated:

> Negotiations extending over several months between VCM and the State Government have resulted in further important changes in the proposed Industrial Safety, Health and Welfare Legislation.
>
> VCM continues to be concerned, however, about aspects of the Bill relating to the sharing of responsibility for safety in the workplace.
>
> The Government's underlying objective in this regard is to share responsibility amongst all concerned, including designers, manufacturers and operators of machinery and equipment as well as the occupier of the premises where it is installed.
>
> This intention appears to have been deliberately over-ridden by the addition of the words "notwithstanding anything in this Act to the contrary" in respect to the occupier's duty to guard dangerous machinery.
>
> VCM believes the effect of the words would be to negate or at least reduce the statutory duty of the others involved.

There is no doubt that there has been a great deal of representation on this subject, which has resulted in an increase in the penalty from $2000 to $5000. The clause refers to divulging, except to officers of or employees of the department, except by the direction of the Minister given in any particular case, the contents of any records prepared for the purposes of the measure. It continues:

> (*b*) makes use of his knowledge of the contents of any such record except for the purpose of the compilation of general statistical information as required by this Act or for the purpose of enforcing the provisions of this Act; or
>
> (*c*) reveals, either while an officer of the public service or at any other time, any manufacturing, commercial or other trade secret which comes to his knowledge in the course of his duty—

Obviously, the Government has responded to the representations about the rights of industry to maintain secrecy about manufacturing processes,

but is at the same time virtually giving a blanket coverage even if there is a desperately unsafe situation, which may be known to the inspector. Obviously, it is the inspector's responsibility to report to the Minister and to the department so that action can be taken, but the penalty seems very high, particularly when the penalty for failing to report an accident involving the death of a worker is only $1000.

The clause was agreed to.

Clause 22 (Powers of inspectors)

**Mr MACLELLAN** (Minister of Transport)—On behalf of the Minister of Labour and Industry, I move:

Clause 22, page 12, at the end of the clause insert:

"(7) Where an inspector takes possession of some equipment article or thing in a workplace pursuant to the provisions of sub-section (1)(*d*) the occupier of the workplace may appeal against the seizure by giving to the inspector within 7 days after the seizure notice in writing of his intention to appeal against the seizure.

(8) The Minister may from time to time appoint a competent person to hear appeals under this section and that person shall hear and determine every such appeal with all reasonable despatch and may by order in writing affirm or disapprove of the seizure and give directions for the return of the equipment article or thing.

(9) The provisions of sections 14, 15, 16, 20 and 20A of the Evidence Act 1958 and any rules or orders made under the said section 20 shall apply to and with respect to an appeal in all respects as if the person appointed by the Minister to hear appeals were a board appointed by the Governor in Council.".

The amendment is proposed to protect occupiers where an inspector takes possession of some equipment, article or thing. It provides the occupier an avenue for appeal against wrongful seizure.

This appeal procedure is proposed because of the serious effects the seizure of some equipment, article or thing may have on an occupier's business. It could lead to the forced closure of the business and the standing down of workers during the period of the seizure.

The inclusion of the appeal procedure indicates that the decision to take possession of an item for examination or testing should not be made lightly and must be justified as necessary for the purposes of this Bill. This amendment, therefore, provides an occupier the right to have the inspector's action reviewed by a competent person, to ensure that his action was necessary.

**Mr SIMMONDS** (Reservoir)—The Opposition does not oppose the concept of the amendment. In fact, the suggestion I placed before the House during the second-reading debate was that in all these areas there should be appeal provisions to protect the rights of all parties. The Labor Party does not oppose the amendment.

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

Clause 23 (Appointment of inspectors)

**Mr SPYKER** (Heatherton)—The clause says that the Minister may, in writing, authorize any officer in the Public Service to carry out the various tasks and so on of an inspector. I am concerned that, because of the complicated nature of technology and industry, it is immensely important that the person who inspects the work place should be properly qualified. The person who makes the inspection is asked to make a judgment on whether the plant is dangerous and he has to report to the Minister. I can forsee difficulties unless the clause stipulates that the person making the inspection in that way is qualified to make such a judgment. It would be very hard for the layman to make a judgment in matters that are technologically complex. I ask the Minister to review the provision and to ensure that only qualified persons carry out inspections and report back to the Minister.

**Mr MACLELLAN** (Minister of Transport)—One of the first questions asked by the Minister, when requested to make an authorization, whether in writing or in any other shape or form, is whether the person concerned was suitably qualified. There would be no sense in sending out a person who was not qualified in scaffolding to inspect a scaffording job, and the department, while I was Minister, was extremely

careful to make sure that the person carrying out the inspection was suitably and adequately qualified for the job.

Of course, the persons involved are not always in the one Ministry or department. People from other departments do the work as, in effect, agents of the Department of Labour and Industry, and they are usually suitably qualified. That is why the clause refers to the Public Service. Of course, in practice, the person is always qualified. I imagine it would be very rare for the person appointed in writing by the Minister to carry out the job of inspector not to be capable of being suitably qualified for the work concerned, even though that person may not hold qualifications of the order of inspector.

It may be that a person is qualified in that area and has not completed formal qualification sufficient to become an inspector. Perhaps he is waiting to be appointed an inspector. I thank the honourable member for raising the difficulty. The occasion rarely arises and, if it does, I am sure the Minister will be keen to make sure that properly-qualified people are appointed.

The clause was agreed to, as was clause 23.

Clause 24 (Occupier to assist inspector in inspection)

**Mr MACLELLAN** (Minister of Transport)—I move:

Clause 24, page 13, at the end of the clause insert:

"(5) An employer shall not dismiss an employee from his employment by reason merely of the fact that the employee has given information pursuant to the provisions of this Act to an inspector.".

The proposed amendment follows the relevant provisions of the recently repealed section 204 of the Labour and Industry Act 1958. Until recently section 204 afforded protection to employees who provided information to inspectors. This protection however had not been brought into this Bill.

Section 204 of the Labour and Industry Act had previously acted as a sufficient deterrent against dismissal action by an employer where an employee had given information to an inspector.

It is therefore proposed with the amendment that this deterrent should continue. In other words, the previously-existing situation should be restored whereby an employer who gave information to a departmental inspector was protected from arbitary action by an employer to terminate his employment because of revenge, anger and so on. This rarely happens. It has always been provided for in the Act. This provision should be restored, and the amendment does so.

**Mr SIMMONDS** (Reservoir)—The Labor Party supports the amendment. Dismissal is not the only weapon that an employer can use. There are many ways of disadvantaging an employee. Perhaps wider protection for employees should be given, especially since one is providing for the election of safety representatives so that workers can have adequate and safe working conditions.

**Mr WALSH** (Albert Park)—I note that the penalty in clause 24(3) is $500 for any person who obstructs, hinders, impedes or opposes an inspector in his duty. The fine in insufficient. The penalty is too low when one considers that management may decide to obstruct an inspector in investigating safety problems on the premises. The situation should be re-examined.

**Mr SIMMONDS** (Reservoir)—I reinforce the remarks of the honourable member for Albert Park. I thought the figure of "$500" was a misprint. In every other instance the penalty is $5000 or $10 000. The Minister should examine the provisions of clause 24(3) which provides:

Every person who—

(*a*) obstructs hinders impedes or opposes; or

(*b*) refuses admission to any workplace or premises to—

any inspector or person assisting an inspector or other person in the performance of anything which such inspector or other person is lawfully doing under this Act and the occupier of any workplace or premises where any such obstruction hindering impeding resisting opposing or refusing occurs shall be guilty of an offence against this Act.

Penalty: $500.

The clause is concerned with the gathering of information which would be extremely difficult if access to the situation were denied. This area should attract a far more substantial penalty. The small penalty is an indication of the pressures which have been exerted to protect employers and industry from the scope of the Act. I thought it was a misprint; perhaps it is.

I say this particularly in view of the fact that the Minister has increased the penalty for divulging information. This could happen accidentally when a person was reporting back to a consistuent body. In clause 24(3) the penalty is one-tenth of that prescribed in other instances. This is an important area because the obstruction and refusal to allow an inspector to examine premises may result in the loss of lives of the workmen involved.

The amendment was agreed to, and the clause, as amended, was adopted, as were clauses 25 and 26.

Clause 27 (Proceedings against offenders)

**Mr SPYKER** (Heatherton)—Delay and frustration occur because of a lack of understanding by the majority of magistrates who have to grapple with industrial problems and arugments which come before them. The Minister should examine the possibility of forming a permanent body of industrial magistrates with expertise in this area to make determinations in such proceedings. I have witnessed the delays and frustrations in cases like this. This aspect will become increasingly important as the complexity of industry increases and new technology is introduced.

On clause 27(3) I am concerned that proceedings may be taken only by direction in writing of the Minister. That appoints the Minister as the judge of whether or not a case should proceed. The Minister should examine the possibility of an employer organization or union organization also having an input. As I read the clause, unless the Minister agrees to go ahead with proceedings, nothing further will be done.

The clause was agreed to.

Clause 28 was consequently amended, and, as amended, was adopted, as were clauses 29 and 30.

Clause 31 (Penalty for not keeping premises in conformity with Act)

**Mr RAMSAY** (Minister of Labour and Industry)—I move:

Clause 31, line 22, after "Act" insert "except section 14 or section 19".

This amendment is proposed as it has been brought to my attention that without the exception of sections 14 and 19 an occupier would be guilty of an offence under the Bill because of actions of an employee over which he had no control.

For example, under clause 14, it is the duty of an employee to co-operate with his employer as far as is necessary for the performance by the employer of a requirement imposed upon him by the Bill. However, if the employee failed to co-operate, he would be in breach of clause 14 and by virtue of this breach the employer as occupier would also be guilty of an offence under clause 31.

The amendment therefore removes the possibility of the occupier being guilty of an offence in such circumstances where he has no control over the breach and where he has used all due diligence to ensure that he conforms with the various requirements of the Bill.

**Mr WALSH** (Albert Park)—I did not hear what the Minister of Labour and Industry said because his microphone was not operating properly. The prescribed penalty of not more than $50 for every day during which the offence continues is entirely inadequate. The provision will have no effect on those employers who exploit employees under unsafe working conditions. The penalty should be increased.

The amendment was agreed to, and the clause, as amended, was adopted, as was clause 32.

Clause 33 (Regulations)

**Mr RAMSAY** (Minister of Labour and Industry)—I move:

Clause 33, page 17, line 17, after "committees" insert "for carrying out the objects and purposes of this Act".

The inclusion of this amendment will ensure compliance with the intention of the regulation making power concerning safety supervisors, safety representatives and safety committees.

While it has been intended that the powers and duties of safety supervisors, safety representatives and safety committees should relate to the functions mentioned in clause 11, safety supervisors, and clause 12 for safety representatives and safety committees, it has become unclear whether this may happen without this amendment.

The amendment is therefore proposed to remove any doubts on this matter. The duties and powers of safety supervisors, safety representatives and safety committees must relate to the function mentioned in the Bill or which are subsequently prescribed by regulation.

The amendment was agreed to.

**Mr RAMSAY** (Minister of Labour and Industry)—I move:

Clause 33, sub-clause (6), omit this sub-clause.

The deletion of this sub-clause is proposed for two reasons: Firstly, the sub-clause, by referring only to regulations in respect to factories and shops registered under the Labour and Industry Act, is too restrictive. Regulations made, which extend beyond these factories and shops, may by implication be repealed. This is not intended, as it is intended that all existing regulations should continue to operate until amended or repealed by regulations that are made under this Bill. Secondly, the sub-clause is superfluous. The effect of clause 2(2) when read with clause 33(5) will have the same effect as the sub-clause, except it would not restrict the operation of the regulations as proposed by sub-clause (6).

The deletion of the sub-clause will give effect to the intention that all regulations made under the Labour and Industry Act will continue under this Bill until repealed or varied.

**Mr WALSH** (Albert Park)—Clause 33(3) confers a power on the Minister to exempt an employer from compliance with a regulation. The clause reads:

Where in the opinion of the Minister compliance with a regulation made under this section is unnecessary or is not reasonably practicable he may in writing exempt any person from compliance with the regulation subject to such conditions (if any) as he thinks fit in any particular case.

That will confer a wide discretionary power upon the Minister that is not in keeping with the intent of the regulations. For example, the proposed Industrial Safety, Health and Welfare Advisory Council could make a decision that the Minister could overrule. It is to be hoped that this provision will never be implemented and that no exemptions are granted.

**Mr SPYKER** (Heatherton)—I support the comments made by the honourable member for Albert Park. Unfortunately, clause 33(3) will confer enormous discretionary powers on the Minister of Labour and Industry. Indeed, if the Minister has to make a decision on every industrial accident that occurs, he will be an extremely busy man. If the Minister had a qualified team of inspectors under his control the provisions of the Bill would be more effective. However, in many instances the Bill is limited in scope.

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

New Clause

**Mr SIMMONDS** (Reservoir)—I move:

Insert the following new clause to follow clause 14:

"A. (1) Nothing in sections 11 to 14 inclusive shall be construed as conferring any right of action in respect of any failure to comply with any duty imposed by those sections.

(2) Nothing in sections 11 to 14 inclusive shall be construed as affecting the extent (if any) to which breach of any existing Act or regulations is actionable.

(3) Breach of a duty imposed by regulations made under section 33 (apart from section 33(1) (*l*) ) shall, so far as it causes damage, be actionable except in so far as the regulations otherwise provide.

(4) Any term of an agreement which purports to exclude or restrict the operation of sub-section (3) above, or any liability arising by virtue of that sub-section shall be void, except in so far as regulations under section 33 otherwise provide.

(5) In this section "damage" includes the death of, or injury to, any person (including any disease and any impairment of a person's physical or mental condition)".

The Opposition is concerned about the question of civil liability. At present, any employee who is injured at work may recover damages under common law for either negligence or breach of statutory duty. He or she may also be entitled to various payments under the Workers Compensation Act. As it stands, there is a distinct possibility that the Bill will further confuse what is regarded as an already confused situation by introducing a new form of action for breach of statutory duty. If an order were given and it was not responded to, that question would arise—for example, in respect of a breach of clause 11. In many respects this new action would overlap existing rights of action, but that would not always be the case.

The Opposition is concerned at the prospect that workers could be sued for damages for an alleged breach of clause 14, and consequently it recommends the adoption of the solution contained in section 47 of the British Health and Safety at Work Act 1974. The Opposition understands that most of the Bill is based and modelled on that Act.

Accordingly, the new clause I have moved will remove the concern that sections 11 to 14 of the Act would provide an opportunity for further introducing legal conflict in the area of civil actions for workers compensation, and the common law rights of employees would be protected in the same manner as the British House of Commons saw fit in 1974.

I commend this clause to the Minister, and I hope he will give it consideration.

**Mr RAMSAY** (Minister of Labour and Industry)—I have noted the proposal contained in this amendment. Sections 11 to 14, to which the honourable member refers, restate the essence of the common law rights that exist in this area. They do not create rights of action in themselves. I do not believe it is necessary for this clause to be included in the Bill at this stage, and I would prefer to let the Bill proceed as the Committee has now amended it.

I give an undertaking to the honourable member that I will keep an eye on the situation, and if I am proved to be incorrect I will move to have a suitable amendment made, but the common law rights of individuals are protected under the existing law.

The Committee divided on the new clause (Mr A. T. Evans in the chair).

| | |
|---|---|
| Ayes .. .. .. | 30 |
| Noes .. .. .. | 43 |
| Majority against the new clause .. .. | 13 |

AYES

| | |
|---|---|
| Mr Cain | Mr Mathews |
| Miss Callister | Mr Miller |
| Mr Cathie | Mr Remington |
| Dr Coghill | Mr Rowe |
| Mr Crabb | Mr Sidiropoulos |
| Mr Culpin | Mr Simmonds |
| Mr Edmunds | Mr Simpson |
| Mr Ernst | Mr Stirling |
| Mr Fogarty | Mr Trezise |
| Mr Fordham | Dr Vaughan |
| Mr Gavin | Mr Wilkes |
| Mr Ginifer | Mr Wilton |
| Mr Hockley | |
| Mr Jolly | *Tellers:* |
| Mr King | Mr Spyker |
| Mr Kirkwood | Mr Walsh |

NOES

| | |
|---|---|
| Mr Balfour | Mr Maclellan |
| Mr Birrell | Mrs Patrick |
| Mr Borthwick | Mr Ramsay |
| Mr Brown | Mr Reynolds |
| Mr Burgin | Mr Richardson |
| Mrs Chambers | Mr Ross-Edwards |
| Mr Collins | Mrs Sibree |
| Mr Cox | Mr Skeggs |
| Mr Crellin | Mr Smith *(South Barwon)* |
| Mr Dixon | Mr Smith *(Warrnambool)* |
| Mr Dunstan | Mr Tanner |
| Mr Ebery | Mr Templeton |
| Mr Hann | Mr Thompson |
| Mr Hayes | Mr Trewin |
| Mr Jasper | Mr Weideman |
| Mr Jona | Mr Whiting |
| Mr Kennett | Mr Williams |
| Mr Lieberman | Mr Wood |
| Mr McCance | *Tellers:* |
| Mr McClure | Mr Coleman |
| Mr McGrath | Mr McArthur |
| Mr McKellar | |
| Mr Mackinnon | |

PAIRS

| | |
|---|---|
| Mr Roper | Mr Austin |
| Mrs Toner | Mr McInnes |

The schedule was agreed to.

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

## PERSONAL EXPLANATION

**Mr JONA** (Minister for Community Welfare Services)—I desire to make a brief personal explanation in respect of an answer I gave to the honourable member for Kew at question time this morning upon which the Deputy Leader of the Opposition claimed that I was lying. Mr Speaker, I make it clear to you and to the House that I do not tell lies either in Parliament or outside.

In the course of my answer to a question concerning prisoners in Victorian gaols, I attributed certain policy commitments to the ALP. The Deputy Leader of the Opposition then claimed by way of interjection that I was lying, to which I responded that I would be happy to make available to the House the source of my information. I now make available to the House a copy of the document spelling out in detail the ALP policy on correctional services from which my information was obtained and from which it will be seen that my assertions were entirely accurate. Honourable members may form their own opinions of my integrity from the document now made available to the House.

## PETROLEUM RETAIL SELLING SITES BILL

The debate (adjourned from December 9) on the motion of Mr Austin (Minister of Agriculture) for the second reading of this Bill was resumed.

**Mr SIMPSON** (Niddrie)—The Bill has been anxiously awaited by all honourable members. Rumours have circulated as to whether the Government would proceed with the Fuel Prices Regulation Bill and there has been concern as to whether this Bill would be introduced during this sessional period. All members of the Opposition and all members of the National Party see the two Bills as complementary. One without the other would be of no value. I am at a loss as to why the two Bills were not dealt with together. That would have dispelled uncertainty.

The relevant portion of the Bill is summed up by the final paragraph of the Minister's second-reading speech when he said that the Bill will help to normalize relationships between landlords and tenants in the petroleum marketing industry and will give tenants the opportunity of exercising rights which the Government believes should be available to them and should be recognized by the law. Further, the Minister mentioned that the Bill will be in the interests of consumers and of tenant dealers of the oil companies.

Since the Royal Commission in 1976, honourable members have known that oil companies have dictated prices, particularly to those leasing sites from large companies. I think it was the honourable member for Melbourne who described the oil companies as the seven ugly sisters. No one would dispute that the oil industry is massive, if not the largest single industry and one of the most profitable industries and that it affects every consumer throughout the world. It is a big tiger on which the Government should have pulled back in 1976 following the Royal Commission headed by Mr Justice Collins. New South Wales and South Australia did that.

It is hypocritical that on 7 October this year the Premier commented as reported in the *Age* newspaper, under the heading "Law may let garages shop around for fuel":

> The State Government was preparing legislation to allow service stations to buy half their petrol from oil companies which offered the best price, the Premier, Mr Thompson, said yesterday.
>
> He said the Attorney-General, Mr Storey, was drafting the legislation, which would be considered soon by the Parliamentary Liberal Party.
>
> Mr Thompson said the Government was not prepared to "accept any penalising of Victorian motorists by the price of petrol being consistently higher in Victoria than in New South Wales and South Australia".
>
> "If it becomes apparent that the Victorian motorist is being penalised and the price here remains higher than in New South Wales and South Australia, we will not hesitate to take legislative action to rectify that position."

It has been clear since 1976 that that situation prevailed in Victoria over that period. Victorians waited anxiously. Questions were asked in Parliament at every opportunity as to why the Victorian motorists was paying too much

for petrol, but to no avail. The matter was raised in adjournment debates and even on adjournment motions. It is the height of hypocrisy for the Premier to say on 7 October this year that, if there is evidence that the people of Victoria are paying more for their petrol than their counterparts in New South Wales or South Australia, the Government will do something about it. It has been known to everyone, and everyone knows why no action was taken.

The reason was that the oil companies were dictating to the Government and, as I suggested in this place last Tuesday in another debate, the oil companies contribute so largely to the funds of the Liberal Party that the Government was not at that time prepared to force the oil companies to lower their prices.

The Leader of the Opposition stated throughout the media that, when the Cain Labor Government comes to office in 1982, he will introduce the necessary Bill. As soon as he did so, this response came from the Premier. He took it to his party room and, although I am not privy to what goes on there, it is fairly obvious that members of the Liberal Party said, "We are in such a diabolical position in relation to the polls that unless we do something about the cost of petrol at the outlets to the Victorian consumer we will go even further down". The response of the Government is the introduction of the Bill, which the Labor Party will support. However, it does not go far enough. Oil companies should be completely devoid of the retailing aspect of the industry. The Labor Party has been consistent in that viewpoint, and I am glad to hear the interjection of approval by the honourable member for Murray Valley, who is the spokesman for the National Party in these matters, that he concurs in the view of the Labor Party that the Bill is an improvement on what is known as the 50–50 basis.

When the Labor Party is in Government, it will prepare legislation to take oil companies right out of the retail side of the industry. I know I shall have the support of the honourable member for Murray Valley because we have been involved in retailing for many years prior to coming to this place and we understand the best way of getting value to the consumer is that one group in the industry is involved with the production or manufacture of the items and another group of independent people is involved in retailing that product to the consumer. In that way, one is able to get the best competition possible so that there is no monopoly either at the wholesale or manufacturing or retailing ends of the industry.

While the Bill goes some of the way, I am pleased to note that the National Party agrees with the Opposition that a real advantage will be gained when the legislation is enacted whereby oil companies will be out of retailing altogether. I am disappointed in the interjections of the Minister of Transport that he does not support the proposition of the Labor Party and the National Party. That is obviously the case because had he been persuasive within the Liberal Party room the legislative measure would have kept oil companies out of retailing, but the provisions of the Bill indicate that the honourable gentleman either did not try to persuade his colleagues in the party room to include that provision or that he does not agree with the proposition.

Members of the Opposition are concerned at the comments made by the Minister of Labour and Industry when, during debate in the early hours of Wednesday morning, he indicated, in the debate on the complementary Bill, that if the Bill were proclaimed certain courses of action would take place, and in commenting further he gave the distinct impression that there is some doubt whether these two Bills will be proclaimed. There is no point in the Labor Party welcoming both legislative measures unless they are to be enacted, proclaimed and brought to fruition with the establishment of the commissioner and the 50–50 dispensing of the fuel through the various retail outlets.

During the course of debate, I hope that the Minister of Transport will make it obvious that these measures are not just a window-dressing exercise of the Government to indicate to the public that a course of action will be taken but in reality the Bills may not be proclaimed. That would demonstrate clearly that these measures are just another stunt, and that is of concern to members of the Opposition. We have seen only a matter of hours ago a stunt that backfired on the Government, and the Premier on that occasion admitted that it was a stunt. I am concerned that, in introducing these two pieces of measures, it is not just another stunt.

**The ACTING SPEAKER (Mr Crellin)**—Order! It would be desirable if the honourable member confined his remarks to the Bill.

**Mr SIMPSON**—The people of Victoria will not take kindly to that result if they believe the introduction of Bills in this place means that they will be able to get petroleum products at a cheaper price than they have been accustomed to paying over the past few months. The justification for their belief is the mere fact that they have heard of the introduction of the measures, that they are being debated and being passed. To allay any fears and to stamp out any rumours, I should like to hear confirmation from the Minister of Transport—and the Minister can give confirmation—that the Bills will be proclaimed before Christmas so that a commissioner can be appointed and cheaper petrol sold from the bowsers in 1982.

Some of the correspondence made available to me from various sources endorses the need for these legislative measures. I refer particularly to the provision in the Bill enabling resellers to purchase 50 per cent of their ptrol from other than the particular company from which they lease properties. One item of correspondence from an oil company to a reseller referred to the amount of rebate the reseller would be receiving. The wholesale price of the petrol being delivered to that reseller was 4 cents above the retail price at which he was selling it to the public and, clearly, negotiation took place between the reseller and the oil company on what the rebate would be. The result of the negotiations demonstrated clearly that the final price was being determined not by the reseller but by the oil company.

As you, Mr Acting Speaker, would appreciate, if one is selling a product at 33 cents a litre and buying it wholesale at 37 cents a litre, it is only a matter of time before one goes out of business and a matter of days before one goes broke. All honourable members understand the negotiations that occur between the resellers and oil companies and that the reseller makes his profit when he is able to negotiate a rebate which, in this instance, was 6 cents a litre and provided a profit of 2 cents on every litre of petrol he sold. The hypocrisy of the oil company was demonstrated in a passage of the letter saying that the fixing of a retail price for the selling of petrol "is entirely a matter for your own judgment". Everyone can appreciate that the judgment of the reseller in this instance would be that of going out of business if he could not negotiate something along the lines I have mentioned.

There is also a strong measure of support for the 50–50 provisions from the Victorian Automobile Chamber of Commerce. The most recent correspondence I have received from that organization is dated 4 December. The Labor Party has had correspondence and discussions with the chamber over a number of years on this issue, and also discussions with the trade union movement, the relevant unions, independent resellers and those resellers under leasehold agreements. Therefore, the Labor Party is well-versed on the difficulties that have been confronted by these persons, so much so that, in November last year, the former member for Morwell, Mr Derek Amos, introduced a private member's Bill—which is almost parallel with what has been discussed during the past 48 hours and contingent upon this sort of measure. Not only has the Labor Party

been advising the Government on the matter over a number of years, but also it has taken a practical step by introducing a private member's Bill. Of course, as has been mentioned by members of the Opposition and by the honourable member for Murray Valley, the Government decided to reject that excellent Bill. Now, under pressure from the Leader of the Opposition, that Bill has now come to fruition.

**Mr Jasper**—And from the people in industry as well as members of the National Party.

**Mr SIMPSON**—I agree with the honourable member for Murray Valley that pressure has been brought to bear from people in the industry as well as from consumers who were bitterly disappointed—I have been monitoring that for many months—and dumbfounded when they found they were paying 37 cents a litre for petrol when they could visit New South Wales, Queensland or South Australia and pay up to 3 cents less for the petrol and crude oil which was coming from Bass Strait and being refined at Westernport. Despite the introduction of the private member's Bill in November 1980 and all the information coming forth—not only to the Opposition and to the National Party, but obviously also to the Government—the Government decided to take no action. I reiterate that it is abundantly clear that the Government, for obvious reasons, did not wish to take any action, but it has now been forced into it. In a letter dated 4 December 1981, the Victorian Automobile Chamber of Commerce states:

> As you will be aware, it is the second of these Acts that has been the concern of VACC and we understand it will be introduced into Parliament during this current Spring Session. In our view, it is vital that this Act is introduced to protect the interests of VACC members, the petrol retailers who are being caught in the unstable Victorian market, and the public. In order that you might report to your party as accurately as possible on our position, I believe the following points will be most relevant:

The chamber talks about the constraints placed upon petrol stations by the oil companies. It described the constraints placed on the operators by those companies, as well as the oppressive methods used by the oil companies, which have been able to exercise various constraints due to the inequality and the bargaining power between petrol resellers and themselves. Of course, that can be understood. What power does a reseller have when the huge oil companies—the seven ugly sisters, as they were referred to by the honourable member for Melbourne—virtually dictate to him and impose constraints on wholesale prices. All he can do is to go, cap in hand, and ask what the rebate will be.

This is the information and message received from the Victorian Automobile Chamber of Commerce by the Government, as well as by members of the Opposition and the National Party. The chamber has said that the retail price of fuel is being effectively set by the companies, due to their presence in the market place. That relates to my opening remarks on how this Bill would be brought in and how it would operate without their presence. It would be much better, so far as orderly marketing is concerned and there would be a better end result for the consumer, as well as a fairly marginal profit for the reseller, the oil companies and others concerned.

The Opposition is concerned at the form of dispensing of petrol, which will not be improved by the introduction of the 50-50 method. I now refer to what is called the "Customers Identity Card". The best way of describing the card is that it is similar in effect to a Bankcard, to which practically every member of the community has become accustomed. Its official title is the "Customer Identity Card", but it works in almost the same way as Bankcard. The identity cards are dispensed by oil companies—another example of the way in which they take away resellers' customers—which approach users of petroleum, who would be any person using 40 or more vehicles and, instead of those people normally doing business through a friendly retail outlet, which may give clients 30-days' free credit and, perhaps, a discount because of the amount purchased the oil companies virtually pinch from their retail outlets the large customers they have been able to

acquire. The companies are issuing those clients with an identity card sales voucher which entitles the driver of a vehicle to pull up at any location throughout Victoria of the relevant petrol company and fill up his tank or large vehicle with the petrol he requires. All the driver has to do is to pass over the voucher, get it stamped and signed. The bill is then sent to the oil company which, some thirty days later pays the account with a charge of only two cents a litre for the reselling. Therefore, the oil companies are capturing a large proportion of the market although the reseller is dispensing the petrol. I believe this is another method of oil companies trying to grab some more of the almighty dollar, particularly the massive, huge and, in the main, overseas companies.

Although that area of activity is difficult, the Labor Party is closely examining the situation and it may take action when the Cain Labor Government is brought into office in 1982. It is clear to everyone that, as a result of the comments made by the Leader of the Opposition, the Government decided to introduce a measure that would give the appearance that the Government intended to take a firm hand on the excessive retail price of petrol. Of course, the oil companies responded to the press release of the Leader of the Opposition. An article headed "Shell back to petrol discounts", in the *Herald* of 21 September, states:

> Melbourne's roller-coasting petrol prices have begun to drop again.

It goes on to say that the Shell Oil Company would be reducing its prices. To illustrate the margin of flexibility of one oil company, I shall quote an example. A month ago, a petrol station in Keilor Road charged 38·7 cents a litre for supergrade petrol. Today, the price of that petrol at the station is 32·9 cents a litre which is a drop of some 5·8 cents a litre, which is a significant reduction, bearing in mind that the cost of living has increased and that the inflation rate is still rising at probably 10 or 11 per cent. In those months, the Shell Oil Company has been able to reduce the price of petrol from 38·7 cents a litre to 32·9 cents a litre. The reason for that is quite clear. It is because a Labor Government was intending to introduce a Bill, to which the Government has finally responded, and the oil companies have attempted to tell the Government that that is not really necessary; that it does not even need to be proclaimed, that the market forces will be able to bring down the price to a level that is acceptable to the community.

I have been monitoring the situation for some time and I believe the only reason for the massive drop—almost 6 cents a litre—in the price of petrol is because it will be a major political issue at the forthcoming State election. I do not trust the oil companies to be left alone to respond to the market forces and I do suspect that the oil companies will attempt to obtain the best possible retail price. Of course, the first measure that went through, without this complementary Bill, set up a commission with the guidelines necessary for it to fix the maximum wholesale price. There is some possibility that we may still get a maximum wholesale price, but it is not really the figures we are looking for. If the oil company decides to set an unrealistic maximum wholesale figure for a particular lessee, under this measure the lessee will be able to indicate to the oil company that he can obtain half of his petrol supply at X cents cheaper than he is paying that oil company and therefore obtain his supplies from another source. That will make him more competitive and in the future this will make lessees more competitive than they have been over the past five to ten years. In that respect, there will be a real advantage not only to the reseller, but also of course to the end user of the product.

I indicate again that the Labor Party welcomes the measure. I am pleased that it has been introduced because it now allays some of the earlier held fears that the measure would not be introduced because without this measure acting in concert with the earlier legislation, there would be no value to resellers or consumers.

However, I make a plea again to hear from the lips of the Minister that this measure will be proclaimed after it has been passed in another place and that the Prices Commisioner will be appointed before Christmas, and if that occurs, the community will have cheaper petrol during 1982.

**Mr JASPER** (Murray Valley)—The National Party welcomes the measure and commends the Government for introducing this Bill, which, as I stated in the earlier debate on the Fuel Prices Regulation Bill, is complementary to that Bill. Both of these measures go together and should be passed during this session of Parliament. However, they need to be acted upon and I agree with the honourable member for Niddrie that the two measures need to proceed through both Houses of Parliament in this session and they need to be proclaimed quickly and the Government needs to act on them immediately.

The National Party has been keen for action to be taken in the fuel retailing and wholesaling industry. When I spoke on the Fuel Prices Regulation Bill late last week, I canvassed the whole case for stabilizing the price of fuel in Victoria and the need for a uniform price across the State. I also mentioned the immense differential which existed in prices in Melbourne and country Victoria.

In recent times many honourable members and the Minister of Labour and Industry have indicated to the House that the price of petrol in Melbourne has been a discounted price, and it certainly has, but I ask the Minister of Labour and Industry to examine the prices throughout Victoria because the National Party wants the Government to take action to stabilize not only the industry but also the price of fuel at a uniform wholesale level, and to ensure that that price level is uniform across Victoria.

The oil companies have been manipulating the industry in Australia and that has been proved by the Royal Commission reports handed down in 1974 and 1975. The most vulnerable persons in the manipulation of the pricing structure have been those persons retailing fuel in Victoria who are leasing sites from the oil companies. Yet, it is those persons who have received the least consideration in the pricing structure from the oil companies.

The oil companies have been able to manipulate the price of fuel in many ways but one of the methods has been to manipulate the price of fuel on company-owned sites. The National Party would also welcome action being taken so oil companies are removed completely from the retailing of fuel in Victoria.

As I have indicated in previous debates in this place, the oil companies have been keen to increase their percentage of fuel retailed in Victoria because for every 0·01 per cent that they can increase their market share in Victoria, they gain an extra 640 barrels a day out of Bass Strait supplies and that is the cheapest fuel that they can purchase. Of course, the oil companies are extremely keen to increase their share of the market by whatever means available to them, and they have used that market to manipulate the price of fuel to meet their own ends in an endeavour to increase their share of the market.

To highlight the differential in prices, I point out that in the north eastern part of Victoria, many retailers of petrol are buying super grade fuel at this time at 33·64 cents per litre and yet oil companies, at their own depots, are retailing fuel for less than the price they are actually selling the fuel to the retailers.

I have clear evidence that they are selling fuel from bowsers situated in oil company depots at a price of 33·5 cents per litre and I remind honourable members that I mentioned a moment ago that the same oil company is selling fuel to retailers at 33·64 cents per litre. That makes it very difficult for retailers to compete in the market place, especially when they see the oil companies manipulating the price to the extent that not only are the oil

companies discounting the price, but they are also discounting it to such an extent that the price at which they are selling the fuel to the retail customer is less than the price at which they are supplying the fuel to their retailers on the retail site. I certainly mentioned this aspect in the debate last week and indicated that if the former honourable member for Morwell was still a member of this place, I am sure that he would remind honourable members of the private member's Bill he introduced to restrict oil companies from selling fuel from depots. I hope the Minister of Transport will take note of the comments I make particularly in this regard.

The National Party would welcome the Government taking the next step which needs to be taken; that is to restrict oil companies and their agents from selling fuel from depot sites right across Victoria.

Under the measure, a lessee is allowed to purchase 50 per cent of his supplies from an alternative source. As I indicated earlier, the retailer of fuel who is in the weakest bargaining position is the retailer selling fuel from a leased site of an oil company. Persons who own their own sites and retail fuel are in a much stronger position as they are able to bargain with the oil companies and to maintain some sort of pricing structure which will enable them to be profitable. However, persons who are leasing sites from oil companies have traditionally been in the weakest position, and the oil companies have manipulated a pricing structure which they have utilized against the persons who have been operating from company-owned sites, to meet their own ends. This has been to the advantage of the oil company but not to the advantage of the lessee.

I have indicated that the National Party supports the measure. It is supported on the basis that it will help those persons who have been operating as small business operators and who have been in the weakest position so far as the retailing of fuel is concerned. Hundreds of small businessmen have come into the business of retailing fuel and included in their business operations, in addition to the selling of fuel, has been the repair of motor vehicles and the sale of items connected with motor vehicles, and in the past these people have been unable to maintain a viable business on the petrol site which they have been leasing from an oil company and they have been going out of business very quickly.

I indicate the support of the National Party for the fact that this measure will enable these small business operators to purchase 50 per cent of their fuel from other than the lessor company.

There is no doubt that although the Federal Government has started to move to protect people operating within the fuel industry, its legislation does not go far enough to protect the lessor in this situation. The Bill before the House goes a long way, firstly, in giving the right to lessees to purchase 50 per cent of their fuel from other than the lessor company, and secondly, in protecting the right of the lessee to utilize the storage and pumping equipment which is the property of the lessor company. The safeguards in clause 3 of the Bill are applauded by the National Party which hopes they will be of protection to the lessee at a particular site.

Of course oil companies, because of being able to manipulate the oil industry in the past, will not support this Bill. They will probably put strong pressure on the Government not to move ahead with the Bill. This week I thought pressure had been brought to bear on the Government because it appeared that the Bill might not be debated during this sessional period, but I am pleased to note that it is indeed being debated today.

The protection provided to the lessee on oil company owned sites is welcome, but once again oil companies will try to manipulate the situation. There are many ways in which they can get back at lessees on a site, for instance, through rental rebates, late night trading subsidies and profitability subsidies. If they can reduce subsidies they

will do so to protect their own interests. Clause 6(2) (*b*) will provide some protection to a lessor if he is put under pressure by an oil company. The Bill which provides protection to the lessor in the future is welcomed. Clause 6(2) (*b*) reads:

> the benefit or privilege removed or threatened to be removed was given primarily to promote the sale of motor fuel supplied by the primary supplier;

That will be one method of protection for the lessee against the oil company if that company takes pecuniary action against the lessee by the methods I have indicated such as rental rebate, trading subsidy and profitability subsidy. The National Party supports the Bill and hopes it will be the beginning of a new era in the retailing of fuel and the operation of the fuel industry in Victoria. Members of the National Party will be watching with much interest to see that the Bill not only passes through this House but also passes through another place and receives Royal assent as soon as possible and that the Government acts to stabilize the price of fuel and the industry in Victoria, which will be most welcome.

**Mr COLLINS** (Noble Park)—In welcoming the passing of the Bill through the Assembly today I point out one fact to the House. I take up the words of the honourable member for Niddrie about consumer expectation of an even lower priced fuel than at present. The honourable member failed to point out and has not been prepared yet to address himself to the fact that this Bill will and can only work if the Transport Workers Union, by virtue of its membership or rather executive, agrees to deliver that 50 per cent of fuel which a petrol station lessee determines to acquire from another company. The reason why it has not worked so far under the Federal legislation is the universal black ban throughout Australian by the Transport Works Union. There is no way known at present in Australia that a person can obtain a delivery of a 50/50 shandy mix because of the Transport Workers Union attitude.

**Mr Simpson**—It is not a shandy mix.

**Mr COLLINS**—Two brands on the same site, not both mixed together, because that would be volatile, too volatile for the honourable member for Niddrie.

This Bill goes a little further than the Federal legislation and affords an opportunity to petrol retailers to acquire half of their product from a source other than the person with whom the retailer normally deals or is contracted to. It will be interesting in the new year in Victoria to note whether the Labor Party which says it is the champion of the cause of the working people and the consumer, is able to have any effect in breaking the nexus with the Transport Workers Union on this issue. The first petrol retailer who endeavours to have his 50 per cent delivered from a company other than the one with which he is normally contracted will have his site black banned and the fuel will not be delivered. Unless the Transport Workers Union can be persuaded to sit around the conference table and to listen to reason and wisdom the situation will not be overcome.

Honourable members will recall the capacity of these people which was demonstrated recently when they withdrew milk supplies from families with young children and so forth. I hope the union will see reason and agree to deliver the fuel. The honourable member for Niddrie is nodding and I take it that he believes the union can be persuaded to do so.

**Mr Simpson**—The Transport Workers Union will negotiate with the companies and it will be a good result if it is done by negotiation and conciliation.

**Mr COLLINS**—That is interesting because the Bill does not refer to the Transport Workers Union. It refers to the rights of the individual petrol station retailer to acquire his product. According to the honourable member for Niddrie, that person has no rights, yet the honourable member spoke so eloquently earlier about what the consumer is expecting. He can only have those expectations met if the dealer can deliver the goods after first having

acquired them at a fair price. I suggest to the honourable member for Niddrie that already the Transport Workers Union and the oil companies have had discussions about the ramifications of this Bill passing. I trust they will see wisdom. Perhaps the honourable member for Morwell should be sent to sought out the issue. There should be wisdom and reason around a table and I trust that the Transport Workers Union will fully endorse the passing of the Bill as will the honourable member for Niddrie because, if that is not done, the honourable member for Niddrie will be asked through his good offices to break another nexus without it being necessary to declare another project of vital importance to the State. The Transport Workers Union has hampered the State in the past and is prepared to do it again at the drop of a hat.

**Miss CALLISTER** (Morwell)—I wish to make some observations about the tardiness with which the Government has introduced this Bill and the Bill discussed last week dealing with prices regulation. Honourable members will recall that in 1976 a report was brought down by the Royal Commission into the marketing and pricing of petroleum products in Australia. That fourth report found that:

> The commission is firmly persuaded that by a coincidence in time the present is the moment most fit for the industry to assess its future and for industry and consumers to move to a different and more effective economic relationship.

That can occur only within the parameters of Government action. The Government action was not forthcoming at that time. The Government did not bite the bit. It simply let the *status quo* prevail, so time has passed, and four years later the Government has now brought in some measures of control which were sought at that time.

The commission also found in support of what I am saying that:

> The single most distinctive feature of the industry in Australia is that its evolution and development has been almost untouched by the rational and integrated policy requirements of government.

Again, four years later the Government is starting to consider that the findings of that commission have some legitimacy and is acting on them, not because of the commission having made recommendations, but as a result of the concerted pressure that has been exerted by all those involved in the petrol industries, apart from the oil companies. The honourable member for Niddrie pointed this out in some detail in his address to the House, and what he said was substantially endorsed by the honourable member for Murray Valley.

The commission also found, with regard to service station sites, that the service station lessee in the situation of the supplying oil company was not a free agent and that:

> He has historically been bound by a "tie" condition in his supply contract or lease, to purchase from his supplier all his requirements at the supplier's wholesale list price.

The report went on to indicate that the Trade Practices Commission determination stated in theory that 50 per cent could be purchased from elsewhere, but the ruling did not alter the situation and the practical implementation was that service stations continued to be bound through lease arrangements to a total purchase from specific oil companies.

The commission pointed out further that:

> In practical terms, the position of the dealer who decides to defend himself in a price cutting situation by buying in alternative supply is precarious, as it seems he must:
>
> (*a*) remove and then install different pumps;
>
> (*b*) buy the service station's storage tanks;
>
> (*c*) operate under a lease which by its terms can have him expelled from the site for a wide variety of breaches.

The commission went on to emphasize that:

> Effectively, the Commission considers that he is bound as securely as if he were still tied.

This proposed legislation is designed to break that nexus and to work in cooperation with a maximum wholesale price-setting arrangement. In combination, the two arrangements should mean that consumers will get their petrol at a price which is fair and just and not subject to severe fluctuations according to the dictates of the oil companies.

The Bill, finally, adds to the desire for some reasonable Government controls to be imposed in setting the economic framework for retail selling of petrol.

The honourable member for Noble Park mentioned the concerns that he held about the delivery of petrol to service stations that chose to operate having different suppliers to make up their allocations of petrol. The Opposition points out that safety of delivery is of paramount concern to the community as a whole, and that, indeed petrol tanker driving is a professional activity which should be undertaken by people who are skilled in that field of employment. It should not be carried out by "quick buck" operators or independents who are not qualified in the professional delivery of petrol.

Tanker drivers who are union members go through rigorous training procedures to ensure that the community has safe drivers dealing with the delivery of petrol. The union members are trained in emergency procedures, vehicle care, fire precautions and so forth which enable the drivers to make on-the-spot decisions in the event of product spillage, fire or other emergencies.

They also go through rigorous driver training and road safety courses. Since 1975 the Victorian branch of the union has been a member of the Victorian Road Transport Industry Training Committee, which has as one of its aims driver training and operator efficiency. Apart from its involvement in the committee, its members are associated with groups including the National Taxi Cab Association, the Victorian Automobile Chamber of Commerce, Motor Transport and Chauffeurs Association, the Goulburn Valley Driving complex, the Federal Department of Employment and Youth Affairs, the Road Safety and Traffic Authority and Invicta Coaches. That body treats tanker driving as a profession, a career; something which should not be done by people who are not trained to do it, because it holds the safety of petrol tankers to be of paramount concern in the delivery of petrol.

The union is also involved in a committee of ROSTA, which has a drivers' sub-committee which continually has regard for the upgrading of driver efficiency, including heavy vehicle driving.

**The DEPUTY SPEAKER (Mr A. T. Evans)**—Order! I have been listening to the remarks of the honourable member for Morwell for some time, and I fail to see how the matters to which she is referring are related directly to the Bill.

**Miss CALLISTER**—I am relating the remarks I am making to the importance of safety in the transportation of petrol to retail outlets, and also to the points made by the honourable member for Noble Park, who specifically mentioned these matters.

**The DEPUTY SPEAKER**—Order! The honourable member will have other opportunities of discussing these matters. I realize that they are quite important, but they are not directly related to the Bill and the conditions under which fuel is delivered. The Bill deals with the delivery of fuel to retail sites, so the honourable member's comments are not relevant to the Bill.

**Mr SIMPSON** (Niddrie)—On a point of order, you will recall, Mr Deputy Speaker, that the entire contribution by the honourable member for Noble Park was related to the Transport Workers Union, and in passing reference the honourable member for Morwell has been explaining the necessity for the expertise required by union members in the handling of such a dangerous and inflammable product as petrol.

Although you rightly point out, Sir, that the legislation concerns the 50-50 arrangement, the honourable member for Morwell was answering the points raised by the honourable member for Noble Park.

**The DEPUTY SPEAKER (Mr A. T. Evans)**—I do not uphold the point of order. The honourable member for Noble Park directly related his remarks to the fact that the proposal would not work if the transport workers decided not to carry out the conditions laid down in the Bill. The matters being

raised by the honourable member for Morwell are not in the context of the Bill or of the comments made by the honourable member for Noble Park.

**Miss CALLISTER**—Obviously the method of transportation of petrol and the professionalism which is involved in it is a point of relevance to the success of this 50-50 proposed legislation.

The honourable member for Niddrie pointed out that the problem has existed for some time and that the tenant dealer is, for all practical purposes, tied to his landlord supplier for purchases of petrol. This means that the trade practices that have been operating are to the detriment of the customers and of the people running retail outlets.

I conclude by pointing out that members of the Opposition welcome the proposed legislation and hope it will be proclaimed and will not be used by the Government to wave around in the air, saying, "Look at what we did. We brought this in". That makes a nice press release, but the Bill should be translated into practical operation.

**Mr GAVIN** (Coburg)—This is a consensus measure. The Liberal Government has finally come to terms with what the Labor Party and the National Party have been saying for some time. The Premier's press release of 6 October is almost an exact replica of the earlier press release of the Leader of the Opposition.

The Bill has been introduced because of the commitment given by the Leader of the Opposition to the introduction of legislation of this nature when the Labor Party becomes the governing party next year. The Liberal Party thought that was a vote catcher, which is why the Government has introduced the measure. It wants to make sure that it does not lose any more votes than it has already lost.

I commend whichever department prepared the Bill and the second-reading speech. They are both extremely simple and clear. I am not quite sure which department prepared the Bill, because the Premier, as reported in the *Age* of 7 October, said that the Bill was being prepared by the Attorney-General. The Bill was introduced in this House by the Minister of Agriculture and earlier during this debate the Minister of Transport was at the table, but the Minister of Labour and Industry is now seated at the table. I simply do not know which department prepared the documentation, but both the Bill and the second-reading speech are far better than most. Usually, they are in gobbledegook, but these are different. Whoever was responsible for preparing them should be commended.

The Bill will allow the 2200 petrol station owners to buy up to one-half of their petrol from whichever oil company offers them the best deal. I hope that will help to lower petrol prices in Victoria. It is an excellent arrangement and I hope it will lead to lower prices, which will delight the consumers of Victoria. The Government should also proclaim the earlier measure providing for the appointment of a Prices Commissioner. If that system works properly, it will also assist in lowering the price of petrol.

The petrol industry has been frought with problems over a number of years. Last year, service station owners published a pamphlet saying that they were dying like flies because of the difficulties they were having with oil companies, which were moving into company-operated sites. Because of discriminatory practices and the trend to larger retail sites with larger volume sales, the smaller retailers are being pushed out. An added problem is that there are probably too many service stations in Victoria and the demand for petrol is increasing at the rate of only 1 per cent a year. All of these factors combined mean that the industry is facing real problems.

In addition, the activities of the Organization of Petroleum Exporting Countries, the Federal Government's import parity pricing policies and the activities of the oil companies have kept the industry in the news and have meant that is does not really have popular support in the community.

In many ways, it is understandable that the oil companies should be indulging in the sorts of practices in which they have been indulging, because the problems in the Middle East and the fact that the Arab nationalist Governments have been pushing oil companies out of that area and making sure they do not get the profits they used to get have meant that the oil companies have been forced to look for other ways of making profits. Their commercial strategy, in my view, has been to obtain profits from the petrol pump and they have been prepared to do anything that is legal to make those profits. Although there is nothing inherently wrong with that, it means they have been prepared to get up to all sorts of tricks, as the honourable members for Niddrie and Murray Valley mentioned.

I hope the Bill is successful and I hope it is proclaimed, as I hope the Bill passed two days ago is proclaimed, but I believe the oil companies will look for ways to get around these sorts of measures, just as they tried to get tember last year. That being so, it may around the Federal legislation of Sep- at some stage be necessary to introduce further measures to deal with methods devised by the legal advisers of the oil companies for getting around the provisions of the two Bills.

I appeal to the Minister to do everything possible to proclaim both Bills because they are important and they will help to lower the price of petrol. There is no doubt that all motorists wish that to happen. The Petroleum Products Pricing Authority will not lower the price of petrol next year, which it had intended to do following the Prices Justification Tribunal guidelines of some years back, so the Bills must be proclaimed. I ask the Minister, in his response, to give some indication of when that will take place.

**Mr SIMMONDS** (Reservoir)—The Bill is an attempt by the Government to deal with a chronic problem. The Government is fully aware that its past inactivity in this area has done much to create the present situation, in which neither the petrol resellers nor the consumers are happy. The situation was created largely by the dominance of the oil industry over retail selling.

I shall give an illustration of the absurdities that have arisen. The Shell oil company is at present dominating the market and is indulging in price manipulation in an effort to maximize its profits and distribution in a declining market. The oil industry projections show that the consumption of petrol in Victoria will increase by only 1 per cent from 1981 to the year 2000. It is an indication that the oil industry is in something of a recession, and the major oil companies have a refining capacity that may have created a glut.

As a result of that situation, oil company practices are limiting retailers to profit margins of a little more than 1 cent a litre. In one country station the oil company was offering the product at a price 5 cents a litre higher than the service station proprietor was able to purchase it from a depot within 1 mile of the service station. Obviously the oil companies are manipulating the industry in a manner detrimental to the whole of the industry. The honourable member for Morwell made a valid point about the Bill. There is no likelihood of tied service stations choosing an alternative supply even after the passage of the Bill.

The marketing managers of the oil companies sit back in their offices in the metropolitan area with a computer registering each service station in Victoria. They feed ten points of information into the computer and with all the information on the computer they play the game of price manipulation without adjusting the prices. The marketing manager can accurately predict the change in volume and profitability without even adjusting the price.

Oil company surveys take place weekly to ensure that they are maintaining their position in the market place. I have seen graphs prepared by the oil companies, and I understand the activities which take place within the major companies. The oil industry is in disarray. I agree that prices have been reduced recently, but I suspect that

this is as much because of the threat of proposed legislation as anything else.

Faced with the prospect of an election, the Government probably thought it prudent to be seen to be taking some action. Does the Minister believe that the service station proprietor will be able to transfer the storage tanks, pumps and so on in pursuit of the objectives of the Bill, from one oil company to another without receiving some sort of disadvantage from the oil company currently supplying him. This disadvantage may take place through the rebate system or the rental and franchising area.

Rentals are increasing enormously. It has been in the interests of the oil companies to maintain revenue from that source rather than from petrol prices. One has to consider also the safety question in the transportation methods as well as the price of petrol to the consumer. As a result of the Bill, fly-by-night operators will operate privately owned trucks and make arrangements with the oil companies to transport the product at cut prices. This will further disrupt the industry and create hazards in the transporting of the product. Honourable members often see trucks carrying flammable fluids. One night this week I was horrified to see a utility with a dozen 44 gallon drums strapped on the back, being driven along a major highway, towards the Latrobe Valley.

Without adequate control and regulation over transportation of petroleum products, many dangerous situations like this could result. Properly trained people should be in charge of transporting the product. Transport Workers Union of Australia is fully cognizant of the regulations concerning the transportation of the product, and the Government ought to take that fact into account.

The Bill may provide a tool for some retailers in the hope that they will initiate tighter controls. That is about the limit of the practical application of the measure. Further appraisal and further legislation is essential. Information about the pricing arrangements of the oil companies needs to be published, and a fair prices commission should be established. This should apply not only to oil and petrol but also to the other petroleum product areas. The petroleum products industry cries out for regulation, and the supply of petrol should be examined in the same way as the supply of electricity. A private enterprise system would not be tolerated in the control and supply of electricity. Yet, this is what happens in the petroleum industry, which can regulate prices according to distance and other factors.

The use of diesel and distillate is increasing. The oil companies estimate that by the year 2000 the use of distillate and diesel will have increased to the order of 50 per cent to 90 per cent. In Victoria, the expansion is estimated to be 14 per cent to 16 per cent. However, whether or not this expansion takes place, and regardless of whether the use of petrol remains static for the next twenty years, regulation of the industry is necessary to protect the consumers. This protection should be twofold. Firstly, the consumers must have adequate price control and regulation; and, secondly, the people who work within the petroleum industry must no longer be allowed to work under the appalling conditions that often exist in the large companies that are owned and operated by multinational oil companies.

The employees who have the responsible task of distributing petroleum products must have adequate and safe working conditions. This applies not only to union members but also to people who are proprietors of service stations, who must be able to achieve an adequate standard of living. Consumers will benefit if these two factors are taken into consideration and if the fluctuations which occur in the industry are regulated.

The motion was agreed to.

The Bill was read a second time and, by leave, the House proceeded to the third reading.

**Mr RAMSAY** (Minister of Labour and Industry)—I move:

That this Bill be now read a third time.

**Mr SIMPSON** (Niddrie)—I am disappointed that the Minister has failed to respond to my simple request which has been made numerous times. The matter may also have been mentioned by the honourable member for Murray Valley. The simple request is: Is it the intention of the Government to proclaim this Bill, and an earlier Bill which was passed by this House this week, before Christmas this year, so that the promises made by the Premier and broadly publicized in the newspapers will come to fruition.

I shall quote from the statement made by the Minister on 16 December in this House and I thank him for making a copy available. The Minister stated:

> If the industry enables the price of petroleum products in Victoria to keep in line with the general Australia-wide pricing, the Government does not anticipate having to use the powers given to it by legislation, but it is necessary for the Government to have these powers available if and when circumstances arise.

To me that is the signal of a back-off manoeuvre. If the Minister believes that is not so, I am disappointed that at the conclusion of the second-reading debate, the Minister declined to comment. I even sent a note across the table to him just in case he did not understand my simple request.

I interpret his action to mean that the Government does not intend to go ahead with the Bill, because the Minister said that he will only use the legislation if the Government thinks it is necessary. That is not what the Premier indicated. The Premier said that the commission would be set up and minimum and maximum wholesale prices set. Now I am told that the Government will implement this measure only if the need arises.

It is to be hoped that this will prise the Minister from his seat to answer once and for all the question: Is it the Government's intention to proclaim the Bill before Christmas and to establish a fuel price mechanism so that the people of Victoria can obtain the benefit of cheaper petrol prices?

**Mr RAMSAY** (Minister of Labour and Industry)—It sounds almost as though the honourable member for Niddrie has not read the second-reading speech. If he has, I suggest he has not fully understood it and it might be wise if he read it again.

The motion was agreed to, and the Bill was read a third time.

## ADJOURNMENT

**Mr MACLELLAN** (Minister of Transport)—I move:

> That the House, at its rising, adjourn until Tuesday, December 22, at half-past ten o'clock.

The motion was agreed to.

## ASSOCIATIONS INCORPORATION BILL

The debate (adjourned from December 4) on the motion of Mr Maclellan (Minister of Transport) for the second reading of this Bill was resumed.

**Mr MILLER** (Prahran)—This important Bill has the strong support of the Opposition. The Bill introduces some necessary provisions and, when proclaimed, will effect some recommendations made to the Attorney-General in another place by a sub-committee of the Chief Justice's Law Reform Committee. The Bill also mirrors, to some extent, the natural justice legislation introduced in Western Australia, Queensland and South Australia.

This proposed piece of legislation encompasses the major problems that have beset unincorporated associations. Any club, sporting organization, cultural or other association which is unincorporated could encounter some fairly significant legal, administrative and other problems if any of those organizations attempted to sue or be sued or if they attempted to have property left to them or if they even attempted to own or hold property.

In 1976, when the Chief Justice's Law Reform Committee was given the task of examining some of the major problems dealing with unincorporated associations, there were four major areas that it was asked to consider: Firstly, the problems that beset unincorporated associations in the field of contract and tort and, secondly, the

question of whether unincorporated associations should be able to sue or be sued in both contract and tort.

This is an area of real problem for lawyers because a number of football clubs in Victoria have had some quite expensive lessons in the area. In the 1970 volume of the *Victorian Law Reports*, there are two major references to the Carlton Cricket and Football Social Club and the Fitzroy and St Kilda football clubs, which attempted to institute legal action in respect of the St Kilda Cricket Club and the Carlton Cricket Ground.

Those two cases, *Banfield* v. *Well-Eicke*, which is reported at page 481 of the reports, and the *Carlton Cricket and Football Social Club* v. *Joseph*, which is reported at page 487 of the reports, highlight some of the legal problems and complexities that arise if a club attempts to do business as an unincorporated entity or if a club attempts to sue an incorporated entity.

In those two cases, the court pointed out that there were problems in entering into a lease if a body is unincorporated. There were also problems if one attempted to sue in the eventuality of somebody purporting to act on behalf of an incorporated group of people, such as the membership of the club in the eventuality that the lease or the agreement was broken. A real set of problems is spelt out by Mr Justice Gowans in each of those two cases, which highlight the complexities of suing and being sued.

The legislation that will be enacted when this Parliament eventually rises will enable incorporated groups not only to sue and be sued in contract and tort but will mitigate the problems that arise when gifts are made to unincorporated associations or where gifts are made *inter verias* or when they are left to them by will.

The other two major areas of concern that beset this area of the law, which were also addressed by the Chief Justice's Law Reform Committee were, firstly, whether unincorporated associations could enforce rights against their members and, secondly, what would happen if an unincorporated association is wound up upon the dissolution of such a body.

It is possible to spend hours, quite literally, going through this fairly lengthy and complicated piece of proposed legislation. Given the lateness of the hour and the fact that almost every honourable member agrees most substantially with its proposals, I will be fairly brief.

The Bill is a belated measure. The report that the proposed legislation is based upon was introduced in October 1980 and a lengthy report was submitted—approximately 74 pages—to the Chief Justice, which was subsequently transmitted to the Attorney-General in another place. I pay tribute to the outstanding work in this field by Professor Baxt and by Mrs Sally Sievers, both of the law faculty at Monash University. They carried the brunt of the work and Mr Justice Gillard was the first chairman of this subcommittee and he gave it a great deal of impetus and then subsequently, Mr Justice Brooking picked up the work and has carried it on to fruition.

The Bill is the result of that work. However, there are a couple of minor problems with the proposed legislation. I ask the Minister of Transport, representing the Attorney-General, to consider some of the recommendations that have been put to the honourable gentleman on the distinctions that might be drawn between the large associations and the small associations that can become incorporated under this proposed piece of legislation.

For example, the Collingwood Football Club, which is at present an unincorporated association, could become incorporated. For example, the Prahran Greek Club or the Black Rock Ladies Bowling Club could become incorporated. There is no distinction or difference drawn between those two entities in the Bill and no real distinction is drawn between what happens on the distribution of assets.

There are also problems with the administration of this proposed piece of legislation. No clear indication has been given to the House on who will

administer the provisions of the Bill. It is to be hoped that the Commissioner of Corporate Affairs will not have these additional charges and responsibilities vested in her and her staff, as she would certainly be deluged with an enormous amount of work and material to handle. It is anticipated that the registrar of co-operatives and friendly societies, and perhaps of charities, will be the person, and the staff, who will have to handle these newly-created entities.

A submision has been sent to the Attorney-General, indicating that a statement of rights in a club or association, which becomes incorporated following the Queensland model, should be introduced in this Bill. The Opposition has not pursued that, on the basis that the Attorney-General is going to examine the operation of this Bill and intends to introduce a number of amendments later this evening. The Opposition has consciously refrained from introducing amendments, as it is better to allow the Bill to be subject to analytical scrutiny and appraisal when it is put into operation.

One other small problem that the Bill does not address, that is, trade association encompassed within the confines of this Bill, and clause 3(2) (*c*) and (*d*) deals with trade associations. From my limited experience in this area, most of those trade associations are always incorporated, and if they are not corporate bodies then this measure is not appropriate for them.

One other area that I direct to the Minister's attention—it seems to be a slight oversight, and again is something that can be picked up in the running—is that there are a limited number of members prescribed in clause 1. The definition section prescribes that an association must have five members for the purpose of the Bill. In other statutes in which a minimum number of members are stipulated, there is a provision making it a ground for the winding up of that body if the minimum number of members drops below that number. That is seen if one looks at the Co-operation Act, the Industrial and Provident Societies Act, and even in section 122 of the Companies Act. Similar provision is included in section 4 of the New Zealand Corporation Societies Act.

Clause 3 deals with winding up. Where the grounds of the winding up are prescribed, it might be possible to include an additional provision that if the number of members drops below five, the club or association might be wound up. There are a number of grounds which are prescribed, each of those grounds has to be complied with, and notice in general terms has to be given.

I raise another issue that is of concern to a great many clubs and associations that have spoken to me about this Bill. That is, what happens if a property which is vested in trustees who are holding that property or real estate for and on behalf of the club, and is transferred to the new incorporated entity, will they have to pay stamp duty on that transfer? If it is going to be dutiable, then a great number of clubs, associations and entities will not become incorporated because they believe they may as well continue with trustees holding the property for and on behalf of the membership. I hope, given the spirit and the intent of this Bill, that those transfers will not be dutiable. I would appreciate it if the Minister could take up this matter with the Attorney-General and the Treasurer to ascertain whether an exemption might be given.

I would like briefly to touch on another aspect of the Bill, and that is the confirmation of contracts, the *ultra vires* provisions and the pre-incorporated contract that might be held by the trustees and office bearers of the clubs. These matters are dealt with extensively in the Bill, but there is a problem for laymen. It is all very well for the three lawyers at the table to deal with a Bill such as this, but when it is sent out to club secretaries and club presidents, invariably they say, "What do clauses 17, 19 and 20 mean?" The language is far too complex and difficult for most laymen to comprehend beyond the most basic level. I suggest that where there is complex legislation such as this that deals with complex

questions—and I do not dismiss the complexities of the issues with which they deal—the language should be far more simple. A lot of the legislation that has been introduced under the uniform Companies Act is more simple, and if there cannot be more simple legislation at least there should be a detailed and uncomplicated explanation paper distributed with the Bill to go to clubs and associations so that the office-bearers will know what they are getting into.

I suggest that sections 41 and 42 of the Bill are clear, but clauses 17, 19 and 20 are murky and very difficult. I suggest that if the Attorney-General and the Law Department can put out an explanatory booklet, in a couple of languages, it would be a guide to the incorporation of clubs and of very real assistance. Officers of the Law Department could be made available should specific questions arise, in particular on clauses 17, 19 and 20.

A more specific matter arises under clause 17 (2) (*b*) where a former public officer is mentioned. In view of the fact that the statute envisages that the affairs of the incorporated association will be managed by a committee, it would seem that a committee officer also should be included.

There are a great many comments one can make about this measure. It is complex and difficult, but nevertheless it does a great deal to satisfy most of those comments and criticisms that have been expressed. However, the present state of the law dealing with unincorporated associations is in a mess. This Bill goes a long way towards cleaning it up. The definition of "association" is important. The actual procedures for incorporation are in the Bill. They are in clear and readable terms. The problems with pre-incorporation contracts have been well defined and set out, and the Opposition welcomes this Bill for all of those reasons.

The Victorian Council of Social Services has submitted a number of comments to me, and I will be very brief, given the hour. Helen Halliday, from this organization, has suggested to me that Part VI of the Bill, relating to general meetings and accounts, and clause 30, which describes the requirements of associations, including accounts and the requirements that such an account should be presented to the members and should be forwarded to the registrar, makes no provision for an audit. Very large clubs like the Collingwood Football Club, which has a multi-million turnover, should be audited. It may well be wound up. I would not wish it on them, but this highlights the problem of, say, the Shepparton or Prahran ladies bowling clubs and the large clubs with multi-million turnovers. In the large clubs there should be provision for auditing of accounts, although it would not be necessary in the case of the smaller clubs.

There are some problems with the winding up of organizations. Part VIII provides for a number of procedures for the winding up of associations, and this is a most important provision. As the Bill now stands it allows an association to wind up and distribute the assets to its members. There is a difference of opinion between those who think that associations should be able to distribute their assets and those who think they should not. Under the 1974 Melbourne Cricket Club Act there is a specific prescription which prohibits the members of that club from distributing its assets to its members. It is analagous in the law relating to wills, where the property or the assets must be distributed to a like entity or a like organization. Larger organizations or clubs could be taken over by persons and their assets distributed to the membership, who could then exercise an asset stripping operation.

The protection that relates to charities could also be considered to see whether analagous provisions should be included. A number of other comments relate to the penalties for making a false or misleading statement under clause 49. That provision is fairly harsh in that a person is liable to a penalty, irrespective of whether he had knowledge of the false or misleading statement.

As I have said, the Bill is welcomed. It has a number of small problems that I have touched upon. Nevertheless, it provides that clubs can sue and be sued in their own names. They must indicate clearly that they have become incorporated and they must put on notice those persons with whom they deal, and that is important. A small businessman supplying goods of any kind to a club or association which becomes incorporated needs to be put on notice so that the liability of the club is limited and that the club itself can sue. All of those are important matters, and the Opposition welcomes the Bill.

**Mr ROSS-EDWARDS** (Leader of the National Party)—The National Party supports the Bill, which follows similar legislation in other States. It will simplify the operations of many sporting and social bodies with which all honourable members would have been involved in their lifetimes and would have shared the problems facing them. Perhaps the biggest day-to-day problem which applies to solicitors, and particularly to country solicitors, is the title of the property being in the name of trustees. Trustees die and it is necessary to obtain a copy of the probate of the deceased person, to obtain declarations or affidavits to the effect that the deceased person had no personal interest in the property, and to obtain the co-operation of the executors of the estate, to find a new trustee, get him to make out a new document that he holds his interest as a trustee, and so it goes on. Even worse, most people have done that in an honorary capacity over the years, and it is a tedious and unnecessary task. This situation has been avoided in the case of many country halls and recreation areas which have been taken over by municipalities, and that has solved many of the day-to-day problems of country people. For other clubs which are separate from municipalities, the problem continues. The Bill overcomes the problem and gives clubs the right to sue and be sued, and to enter into contracts in the name of the corporation and a host of other advantages which I will not canvass in detail because that area has been adequately covered by the Minister and by the honourable member for Prahran. However, I commend the honourable member for Prahran for raising the question of the waiving of stamp duty where a property is transferred from trustees to an incorporated association, because the imposition of stamp duty could be against the spirit of the Bill. It is unnecessary and it would frustrate the proper operation of the Bill. I am sure the Minister will pursue the matter and endeavour to have it clarified. If duty is technically payable, I am sure the Minister will ensure that it is waived. That can probably be done by the Treasurer in the exercise of a discretionary power.

The National Party supports the measure. Honourable members are anxious to ensure that the Bill moves through another place quickly so that it can be proclaimed early in the New Year.

**Mr MACLELLAN** (Minister of Transport)—I will pursue with the Treasurer the question of stamp duty. Perhaps the answer to it is to have an almost token flat rate no matter what the value of the property rather than having an exemption because an exemption could be abused in a case where a substantial property was to be transferred in any event and the Bill could be used simply as a means of avoiding stamp duty. A flat fee for a transfer to an incorporated association may provide a minimum harvest to the Treasury without allowing exploitation of the opportunities raised by the Bill.

I welcome the suggestion of the honourable member for Prahran that what may be described as almost a public officer's guide for assessment be circulated. Another such suggestion may be the public associations' guide to why they should or should not incorporate, setting out the pros and cons. Such publications could be considered by the Attorney-General at the time of the proclamation of the Bill and I will seek the co-operation of the Acting Attorney-General in perhaps initiating some work on the preparation of some booklets of that type. Initially, such guidelines may be in point form but could later be developed into a proper guide.

When it is operational, the legislation will need to be carefully monitored. No doubt amendments will become necessary in due course and the language may be attended to with a re-write at some stage. However, the legislation will be useful within the community. I appreciate that the Bill is welcomed by both the Opposition and the National Party.

The motion was agreed to.

The Bill was read a second time and committed.

Clauses 1 to 3 were agreed to.

Clause 4 (Authority to apply for incorporation)

**Mr MACLELLAN** (Minister of Transport)—I move:

Clause 4, lines 34 and 35, omit "who is a member of the association and".

Broadened in this way, the clause will allow accountants, solicitors and persons who are not members of the association to seek to have the association incorporated on behalf of a majority of its members.

The amendment was agreed to, and the clause, as amended, was adopted, as were clauses 5 to 24.

Clause 25 was consequentially amended, and, as amended, was adopted, as was clause 26.

Clause 27 (Removal of public officer and vacancy in office)

**Mr MACLELLAN** (Minister of Transport)—I move:

Clause 27, sub-clause (2), paragraph (*b*), omit this paragraph.

The amendment relates to sub-clauses (1) and (2). As the requirement that a public officer of an incorporated association be a member of the association is removed, so too, is the provision for when a public officer ceases to be a member of the incorporated association.

The amendment was agreed to, and the clause, as amended, was adopted, as were clauses 28 and 29.

Clause 30 was consequentially amended, and, as amended, was adopted, as were clauses 31 and 32.

Clause 33 (Winding up by the court)

**Mr MILLER** (Prahran)—I draw the attention of the Minister to the grounds on which the Supreme Court may in its discretion order the winding up of an incorporated association. There is no provision if the number of members in the association drops to less than five. The association is defined as an organization that carries on its lawful purposes, and so on, and has a membership of not less than five. There appears to be an omission which a simple amendment would rectify.

**Mr MACLELLAN** (Minister of Transport)—I accept the thrust of the view of the honourable member for Prahran—he has made a sensible point. It might be useful if the association were given a period in which to bring its membership up to five if it were discovered that it was below that figure. Perhaps the membership may be more than five but some members may be disqualified for reasons of non-application and one would not want to inadvertently wind up an association for that reason. It is a matter that is discretionary rather than obligatory. I shall draw it to the attention of the Attorney-General.

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

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

## ADJOURNMENT

**VicRail life pass—Beach cleaning subsidy—Tariff protection for container industry—Removal of automatic vending machines—Melbourne Airport, Tullamarine—Tourist precinct in central business district—Clayton South Primary School—Shop opening on Sundays—Fresh fruit production—Pollution in North Geelong—7-Eleven stores**

**Mr MACLELLAN** (Minister of Transport)—I move:

That the House do now adjourn.

**Mr ROWE** (Essendon)—The Minister of Transport will recall that on 8 July I wrote to him on behalf of a constituent seeking a VicRail life pass, which is

normally made available to any employee of VicRail who has served continuously for 50 years. The constituent was employed by VicRail from February 1921 to 22 January 1971, a period that was seventeen days short of the 50 years. The period was of unbroken service. The constituent had served 49 years and 348 days and therefore consideration should be given to issuing him with a life rail pass. He has shown loyalty to his employer and favourable consideration should be given to his application. Also, over the past fifteen years of his service with VicRail, he had been engaged on maintenance of gas equipment and worked a roster of an eleven-day fortnight, which meant that in fact he worked an extra year. Under those circumstances one would hope that his application would be received favourably.

The Minister of Transport wrote to me on 10 September saying that the constituent did not qualify but that the honourable gentleman was prepared to take the matter up with the Premier to determine whether the period of eligibility could be accepted. I gave a copy of the Minister's letter to the constituent saying that the matter was now in the hands of the Premier and an answer would be forthcoming. On 30 November, I again wrote to the Minister of Transport reminding him of the situation and asked for a decision because it had been three months since the matter had been referred to the Premier. Under the exceptional circumstances of the employee's service and loyalty, I again urge that a favourable decision be made and I remind the Minister of Transport that it is five months since the matter was first raised and, as it has been with the Premier now for three months, I am concerned that it be resolved.

**Mr CRELLIN** (Sandringham)—I raise a matter for the attention of the Minister for Local Government. I have been informed today by the Local Government Department that the allocation of grants for beach cleaning to the cities of Sandringham and Brighton, for the coming season will be $25 000. That amount has been static for some years. The subsidy is restricted to what is known as sanded areas only, thus excluding the cleaning of other sections of the foreshore.

As the Minister will be aware, the problem is that Victorian beaches are becoming more heavily used and, as a result, the responsibilities of the municipalities, which are the committees of management for the beach areas, for maintaining those areas at a standard that is regarded as acceptable has increased and there has been a heavy demand on the rate revenue of those councils for this purpose, which has necessitated a heavy demand on the ratepayers. Keeping in mind that statistics indicate that the majority of people who use the beaches, particularly those areas around Port Phillip Bay, come from areas outside the immediate municipalities involved, I believe it is the responsibility of the Government to assist those local councils in carrying out the responsibilities of keeping recreation and beach areas clean. I ask the Minister to give urgent attention to the matter and to take action in an attempt to have the maximum subsidy of $25 000 provided to local governments for beach cleaning purposes increased to a more acceptable and realistic figure.

**Mr JOLLY** (Dandenong)—I direct the attention of the Minister representing the Premier to a matter concerning a Federal Government decision today to abolish the 20 per cent protection on certain bags, cases and containers. The end result of that decision will be that the economic position of a company operating in Victoria, Terelex-Fischer Pty Ltd, will be severely jeopardized and 120 jobs will be placed at risk. I emphasize that the rate of protection concerned is only 20 per cent which is a normal development. The small business concerned is an extremely efficient operation. It is operating on a profitable basis at present, but the Federal Cabinet's decision will completely wipe out this domestic component of the company's operations, which will be forced to import items from a number of countries to replace the goods which are currently produced in Victoria.

I am concerned about the inaction of the State Government in respect of the matter. On December 4, the company approached the Premier urging him to give strong support to the company's representations to retain the 20 per cent level of protection. It seems that the Government is ignoring the wishes of a small firm and the fact that 120 jobs will be lost to Victoria as a result. That is a matter of great concern to the Labor Party because we are concerned about the future of Victoria's economic development and the level of employment in this State. It seems that, by its incompetence and inaction, the Government is not representing the business community of Victoria satisfactorily and I urge the Premier——

**The ACTING SPEAKER (Mr Birrell)** —Order! Is the honourable member referring to a matter of State administration?

**Mr JOLLY**—Yes, Mr Acting Speaker. I urge the Premier, as a matter of urgency to send a telegram to the Prime Minister requesting that the 20 per cent protection be retained.

**The ACTING SPEAKER (Mr Birrell)** —To the incompetence of which Government is the honourable member for Dandenong referring?

**Mr JOLLY**—The State Government is incompetent because it has not taken action on the issue expeditiously——

**Mr COLEMAN** (Syndal)—On a point of order, surely the matter to which the honourable member is referring is a Federal responsibility and therefore, outside the scope of this House.

**Mr JOLLY** (Dandenong)—On the point of order, the company concerned directly approached the Premier requesting him to make representation to the Federal Government and the Government's inaction is the major cause of the abolition of the protection. The future of the company is vital to the future of Victoria and the company has made representations to me to ensure that the Government sends a telegram to the Prime Minister requesting, as a matter of urgency, that the protection be restored.

**Mr LIEBERMAN** (Minister for Local Government)—On a further point of order, in order to complete the argument of the honourable member, if he is to proceed, he should at least be required to produce a letter from his leader, Mr Bill Hayden, to demonstrate that the Australian Labor Party has taken sufficient action on the matter.

**The ACTING SPEAKER (Mr Birrell)** —Order! The impasse that has developed might well be resolved in view of the fact that the Premier and Treasurer is now in the Chamber.

**Mr JOLLY** (Dandenong)—I emphasize that this is an important issue. The Federal Leader of the Opposition has already made representation to the Prime Minister on this issue and we urge the Premier to send a telegram to the Prime Minister requesting that the tariff be restored.

**The ACTING SPEAKER**—Order! The honourable member's time has expired.

**Mr SIMPSON** (Niddrie)—I wish to draw to the attention of the Minister representing the Minister for Police and Emergency Services a matter concerning an incident that took place last month, where 1030 automatic vending machines were moved from one place to another. I am reliably informed that those machines were removed without the consent of the owner, a company by the name of Automatic Ticket Research (Victoria) Pty Ltd, which had the machines housed at a company known as Yarra Falls Pty Ltd, which is also known as Carpenters. I am surprised that those automatic ticket vending machines were removed from that location and sent in truck loads to Simms Scrap Metal Company at Brooklyn, where they were apparently pulverized and destroyed.

I am also led to believe that the machines were orginally purchased because it was the intention of the Government to use those types of machines for what is now known as Instant Tatts. Apparently, it was the decision of the Government many years ago to use that type of machine to accommodate that activity. The Government apparently changed its mind and, the company, Automatic Ticket

Research (Victoria) Pty Ltd, was left with a huge number of machines. I am surprised that the managing director, who was in New Zealand at the time the incident took place, was not informed that the machines would be removed. Correspondence that has been made available to me indicates that Yarra Falls Pty Ltd rang the managing director at his office on three occasions, but obviously there was no response because he was in New Zealand. Without permission from him, Yarra Falls Pty Ltd picked up the 1030 machines—honourable members should appreciate that each of the machines were 5 feet 6 inches high, 37 inches wide and 2½ inches deep, which were considerably large. I am also told that the capital outlay was approximately $4 million. I ask the Minister representing the Minister for Police and Emergency Services, as a matter of urgency to instruct senior police to investigate how those 1030 machines which were suddenly moved from Yarra Falls Pty Ltd, finished up being crushed and completely destroyed at Simms Scrap Metal Company. Because a previous decision by the Parliament seemed to indicate that that was the way in which these machines would be used, it behoves the Government to undertake some inquiry into that action which took place as recently as last month.

**Mr TANNER** (Caulfield)—I raise with the Minister for Tourism the state of the Melbourne Airport at Tullamarine and ask that he approach the Commonwealth Government and request that the standard of facilities provided at that airport be improved. The airport is extremely important to the economy of Victoria and to the tourist industry. More than one million passengers used the terminal building last year, and I understand that there were 275 000 transit international passengers who used the facilities as the airport.

The history of the airport is that it was designed in the early 1960s and it commenced operations on 1 July 1970, but since that time certain defects have become apparent.

Any honourable member who has used the car park will know that quite often it is a long trek from the car park to the terminal building and on some days there is a long wait involved before one can move from the car park, especially after several international flights have arrived or departed.

When one reaches the international terminal building, one finds that the check-in counters are not adequate to cope with the number of passengers departing from the airport and obviously improved facilities are needed in that area urgently. The other transit facilities including the refreshment shop and other shopping facilities are inadequate and are also in need of urgent upgrading.

I also submit that the aircraft bays are inadequate. The airport was designed in the early 1960s when DC8s and Boeing 707 aircraft were in vogue, but with the arrival in 1971 of Boeing 747 aircraft, the provision of parking bays has become inadequate. Some work has been carried out at the airport, but at the present there are only four stand-off and two remote bays and it is extremely inconvenient to passengers who have to use aircraft that are stationed at the stand-off bays. It is also inconvenient to the air crew when the aircraft are using the stand-off bays.

**The ACTING SPEAKER (Mr Birrell)**—Order! I ask the honourable member for Caulfield to address his remarks to a matter of State Government administration. Presently he is speaking about a totally Commonwealth Government facility.

**Mr TANNER**—As I pointed out, the airport is extremely important to the economy of Victoria and I am asking the Minister for Tourism to impress upon the Commonwealth Government the need to upgrade the standard of facilities at the airport.

**The ACTING SPEAKER**—Basically I rule the matter out of order as it is really a matter for the Commonwealth Government. The provision of aircraft bays is a matter for another Government. I impress upon honourable members that they should not try

to relate matters to another Government by connecting them to an activity undertaken by a Minister in this House. I call the honourable member for Melbourne.

**Mr COLEMAN** (Syndal)—On a point of order, it is the clear practice in the House that the call goes around the Chamber. The House has heard the honourable member for Dandenong, followed by the honourable member for Niddrie.

**The ACTING SPEAKER**—Order! I apologize to the honourable member for Syndal but I did not see him arise when the honourable member for Niddrie received the call. The chair chooses which member has stood to his feet and so long as there is no competitor, the call may not go to the other side of the House. In other words, I will promise the honourable member for Syndal the call after the honourable member for Melbourne has concluded his remarks.

**Mr REMINGTON** (Melbourne)—The matter which I direct to the Minister of Labour and Industry concerns small traders in the area which I represent. It refers to the strong campaign presently being waged by large business interests in this city to use section 80 of the Labour and Industry Act in relation to declaring tourist precincts as a means of bringing all day shopping into the city of Melbourne.

Yesterday morning I appeared on a radio programme with Mr Petersen from the Action in Melbourne group, and a representative from the chamber of commerce. There is no question but that group is confident of having Collins Place declared a tourist precinct, and having the whole of Bourke Street declared a tourist precinct. In point of fact, on the radio programme Mr Petersen made it clear that in his opinion the whole of the central business district would qualify under the amendment made in 1981 to the Labour and Industry Act, and that the central business district would be declared a tourist precinct therefore opening the way for seven days a week shopping.

The Government has a responsibility to the small business community, not only in the area I represent but to small business operators generally, to make a positive statement on the attitude that the Government adopts.

When the amending legislation was considered, the Minister of Labour and Industry stated at the time:

> The legislation is not the "thin edge of the wedge", or a back door ploy to introduce a general extension of shopping hours.

I ask the Government to accept and endorse that statement because if the Action in Melbourne group has its way, it will use and prostitute the amendment to the Bill for that purpose.

I am also concerned that one of the Ministers involved in deciding such a tourist precinct declaration is the Minister for Tourism and on a previous occasion, the honourable gentleman stated:

> I am advocating that companies might employ people for 40 hours any time in seven days, particularly in the hospitality industries.

Therefore, one can see that the whole of the central business district could be involved and I ask the Minister of Labour and Industry to make a clear statement of Government policy on this issue.

**Mr COLEMAN** (Syndal)—I raise a matter for the attention of the Minister of Educational Services. It concerns the accommodation problems at the Clayton South Primary School, a school located in the electorate of Heatherton. Approximately one and a half miles away, the Clayton West Primary School has a number of rooms which will not be used next year, whereas at the Clayton South Primary School it is expected that students will be taught in the corridor.

What I put to the Minister is the suggestion of making available in that inspectorate, a bus to be used so children can be transported to the Clayton West Primary School and the unused class-rooms made available for their use. As I have indicated, the two schools are one and a half miles apart yet they are in different localities in that the Clayton South Primary School is in an area which is rapidly

developing whereas the Clayton West Primary School is in an area which has been redeveloped with intensive housing facilities and families have moved out of the area.

A number of teachers at the Clayton West Primary School will be surplus and are facing the prospect of transfer. Further, such a move would relieve the pressures on the Clayton South Primary School if the students were transported to the Clayton West Primary School where they could take advantage of the art and craft room and the other facilities which have been provided over the years. It would also mean that the surplus teachers at the Clayton West Primary School could be retained for the benefit of the students.

The matter is fairly urgent as the schools closed today and students who would be expecting to go to Clayton South Primary School next year should be given some idea within the next few days of where they may be expected to attend school.

I understand that the principal of the Clayton South Primary School is rather concerned that it will be necessary to conduct classes in small areas next year and this is one possible solution which the Minister should investigate to see whether or not arrangements could be made for the transport of students to Clayton West Primary School. It will also help the students at the Clayton West Primary School obtain a better education because a larger number of teachers would be available to assist in providing a full range of services at the school.

**Mr SIMMONDS** (Reservoir)—I raise a matter of the continued advertising of opening of shops in Melbourne on Sunday. The Labour and Industry Act requires shops to close at 1 p.m. on Saturdays and makes their opening on Sunday illegal.

I draw the attention of the Minister of Labour and Industry to *Il Globo* of 30 November 1981 and to the advertisement for Adriatic Furniture, 114 Bell Street, Coburg. The advertisement indicates that the company proposed to open from 1 p.m. to 5 p.m. on Saturday, 6 December.

The information contained in the advertisement was known to the Minister of Labour and Industry because it was brought to his attention and I urge the honourable gentleman and the State Government to adopt a policy on this matter because the local council is powerless to act. The Government should protect those businesses which are complying with the legislation and abiding by the law of this State.

I am reinforced in raising that matter by today's *Sun* which carries an advertisement of a ski gear sell-out. On Sunday, 20 December, Melbourne Marine is opening its city store and that store will be opening all day on Saturday, 19 December. Rather than give the store an advertisement, I ask the Minister to investigate the announced intention to breach the law and whether the confusion in relation to shop trading hours as a result of the Government's flipping around on the subject can be nipped by positive action in the enforcement of the law.

**Mr FOGARTY** (Sunshine)—I raise a matter for the attention of the Minister representing the Minister of Agriculture. Twice this week honourable members have mentioned a report on the problems in northern areas of Victoria as a result of a glut of fruit, a lack of orders and the fact that rationalization in certain areas will mean that a large cannery must close its doors. I ask the Minister to consider seriously copying a campaign now being initiated by the New South Wales Government possibly based on the Big M campaign and known as the "Fresh is best" whereby the media is used to encourage people to use fresh fruit in lieu of canned fruit and imported fruit.

Regardless of what happens in the canning industry, tens of thousands of cases of fruit are now in store and if something is not done, the fresh fruit that will be coming on the market will go to waste, farmers will go bankrupt and there will be a marked effect on country communities. Therefore, I

suggest that the Minister give serious consideration to utilizing the media to encourage people to use fresh fruit instead of the imported junk that is on the market at present.

**Mr TREZISE** (Geelong North)—I raise a matter for the attention of the Minister representing the Minister for Conservation. It concerns the complaint of residents of the north shore suburb of Geelong about the fallout pollution problems from local industries. Some two and a half years ago, in 1979, a similar fallout incident involving the Broken Hill Proprietary Company works poisoned twenty workers who were put off work sick and vomiting and are still awaiting a hearing of the case.

A complaint has been made that the problem still exists and that nothing has been done by the Environment Protection Authority or the local factories. The fallout actually takes the paint off motor cars. To prove that it originates from the factories, local industry pays for the repairs of the cars. A Geelong Harbor Trust employee, Mr Zimmerman, of 7 Wyoming Avenue, Corio, complained to me this week that at Lascelles wharf the fallout stings the faces of the employees, and cars parked at the wharf have acid damage from fallout material. Will the Minister convey the complaint to the Minister for Conservation and ask the Environment Protection Authority to contact Mr Zimmerman to ascertain whether this matter can be cleared up once and for all?

**Mr GAVIN** (Coburg)—I raise with the Minister for Planning the matter of 7-Eleven stores and other convenient stores in relation to which there have been a number of problems in Pascoe Vale, Doncaster, Hawthorn and Northcote. Those stores trade for 24 hours of the day which causes many problems and is also a matter for the Minister of Labour and Industry. The stores affect the amenitity of the area and create noise and problems for the police, particularly the Pascoe Vale store, and the honourable member for Doncaster will back me up in relation to the Doncaster store. This also forces other stores to close down—small milk bars and so forth which do not wish to trade 24 hours a day. In view of the fact that the name of the stores indicate that they will be open from 7 a.m. to 11 p.m., I do not understand why they are open for 24 hours. I believe that the Minister has a report from the Melbourne and Metropolitan Board of Works. Will the honourable gentleman advise whether he is considering it and, if so, will he make a decision on the matter?

**Mr MACLELLAN** (Minister of Transport)—The honourable member for Essendon raised the matter of a VicRail employee seventeen days short of 50 years' service. That matter has been referred to the Premier and there has been some follow-up correspondence. Within the past few days there has been further follow-up correspondence and I will obtain an answer for the honourable member.

The honourable member for Niddrie took the opportunity of raising a matter which could have been raised in a different way, probably more effectively. The one thing he did not seem to mention was who moved the automatic ticket vending machines. He mentioned the names of a number of organizations. I do not know whether his suggestion was that any of those had anything to do with it. As it is not known who it is suggested moved the machines and as the honourable member for Niddrie does not seem to have that information, it seems hard to ask the police to investigate anything.

Where machines or anything else are moved in breach of the law, there can either be a civil remedy or the matter can be taken to the police, but certainly there is no justification for the honourable member for Niddrie grandstanding in the House as he does. Perhaps he might give details to the police, if he has any details suitable for them. Perhaps the managing director might complain to the police and ask them to investigate, if the matter is suitable for police investigation. I do not have sufficient details from the honourable member for Niddrie to do anything other than say that, as usual, he has raised a matter in a fairly exploitive

way in the House and has not given sufficient details to enable anybody to investigate much.

The honourable member for Melbourne again tried to set up some sort of an Aunt Sally. The matter was raised previously in a question. The Premier indicated that the matter had not come to his attention and that if an application was made, it would be dealt with by the Minister of Labour and Industry according to the law.

The honourable member for Syndal raised the matter of an overcrowded school, a nearby underutilized school and the possibility of an exchange of students between them. I will draw that to the attention of the Minister of Educational Services.

The honourable member for Reservoir was concerned about shop trading hours. It seems a pity that he has such a short memory or perhaps has not recently read the Act because he would know that if somebody trades outside the conditions and rules laid down under the Labour and Industry Act it is open for any person adversely affected to take legal action. The honourable member said there is nothing that can be done by the local councils. I suppose he was suggesting that there is nothing that can be done by anybody other than the Department of Labour and Industry. Any store or person adversely affected by the trading of anybody outside the hours prescribed under the Labour and Industry Act can initiate their own action.

The honourable member for Reservoir did not indicate whether he had put a complaint before the Department of Labour and Industry, raised the matter with any inspector, or sought an inspector to go and investigate. Again, instead of grandstanding in the House, it might have been better if the ordinary course were followed, that is if he is aware of a breach, or an intended or likely breach of the law, he should draw it to the attention of the appropriate inspectors in the Department of Labour and Industry. Certainly, I think that by raising it as he did he has made it absolutely certain that nobody will breach the regulations at those locations on this week-end, and all hope of prosecuting anybody this week-end will have evaporated. The honourable member has made sure the villains will not be caught. However, if he had been a little more careful about matters and a little less exploitive, he may have had the very people he wishes to be apprehended subject to an appropriate summons.

The honourable member for Sunshine, who, I am sure people in the canning industry would be delighted to know, is the Labor Party spokesman on agriculture, apparently wishes the Government to launch a campaign to encourage people to buy fresh fruit rather than canned fruit.

**Mr Fogarty**—The fruit will go bad if it is not used.

**Mr MACLELLAN**—Why the honourable member would wish to have the Government promote a campaign encouraging people to buy fresh fruit while there is a crisis in the canning industry I do not know, but what he stood up in the House and said was, "Fresh is best"—that was the slogan. He suggested that we should, as ever, be the slaves of New South Wales and adopt the New South Wales slogan.

The honourable member wants to encourage us to have a campaign to emphasize the merits of people buying fresh fruit at a time when he, above all other Labor Party members in this House should realize that a crisis exists. Not many Opposition members know anything about anything outside Melbourne, but he at least has tried to represent the rural interests in the Labor Party, if there is any rural interest left in the Labor Party; whatever rural interest there is will certainly find it extraordinary that he puts his view in this way.

If the honourable member had said it might be appropriate for the Government to put up a programme of advertising to encourage the people to eat both fresh and canned fruit, there would be no worries, but, with his usual lack of detail, he did not bother

to weigh up the impact that such a campaign would have on another section of the industry.

The honourable member for Geelong North wants me to stop "fall-out", as he so tactfully put it, at Geelong North. I think he was probably referring to pollution, but perhaps with their uranium consciousness, the people of Geelong North are now more conscious of fall-out than of pollution. I shall raise that matter with the Minister for Conservation.

**Mr THOMPSON** (Premier and Treasurer)—The honourable member for Dandenong became highly excited a few minutes ago about the need for the Government at some time in the future to send a telegram protesting about a proposed decision of the Federal Government to move for a 20 per cent protection for a particular bag company.

To allay his fears and to ensure that he can digest his dinner properly, I inform the honourable member that I heard about the matter at 4 p.m. today, and I had a letter personally addressed to the Prime Minister delivered to him at 5 p.m. protesting about the decision and asking for it to be reconsidered.

**Mr LIEBERMAN** (Minister for Local Government)—The honourable member for Sandringham referred to his concern that beach cleaning subsidies be reviewed and increased in view of the problems that councils experience, particularly in the electorate which he represents. He has made it clear to me in other discussions at other times that the pressure on local government in that area has been heavy because of the increasing use by the community —often not ratepayers—of the magnificent coastal regions and beaches there.

I have commenced an examination of the current maintenance and subsidy grants and payments made to local government in this State. I am particularly keen to examine the potential of varying these grants to give more encouragement to councils, particularly where the councils will be directing their energies towards promoting and supporting the Government's policy in Victoria for developing and expanding the State's image as a place to enjoy, a place of magnificent recreational and tourist resorts.

Therefore I am sympathetic to the matter raised by the honourable member, and will be doing my best to persuade the Treasurer to provide additional funds for local government in this area.

The honourable member for Coburg referred to his concern about the operation of a 7-Eleven store in Pascoe Vale. The question of hours is a matter for my colleague, the Minister of Labour and Industry. However, I understand that it is apparently within the existing entitlement of businesses to operate both milk bars and 7-Eleven stores for long hours if they choose. In fact, I understand that the legal hours of operation for those types of stores in Victoria are quite extensive.

I do not know of any breaches of the law, but if the honourable member for Coburg knows of any, or if any interested member of his electorate does so, he has a right to require the enforcement of those laws.

Noise is a matter on which I should like to have further details. The operation may or may not be responsible for the noise referred to. It is unfair to attribute it to the store without having more details on the matter.

Recently I received advice from a fairly elderly citizen of Melbourne indicating her concern that it was proposed to stop the operation of stores which extended their services into the night. She found their availability and service a great convenience to her, as did her friends. That indicates to me that there are two sides to every question.

I recall that many years ago arguments took place in Victoria and in other States on whether service stations should be allowed to operate restaurants and milk bars, and there was a strong move that they should not be allowed to do so. We all know the result of that matter; the highway restaurant near a service station has been a valuable convenience to motorists. I do not know of anyone who takes the view now that some people did

twenty years ago on this matter. Whether that view prevails in respect to 7-Eleven stores is another matter.

Because there are people who have more knowledge than I on these matters, I have decided to ask the Melbourne and Metropolitan Board of Works to carry out an examination and report to me on the development of 7-Eleven type of operations in Victoria, to indicate, particularly in relation to Melbourne, whether any abuses or objections to their operation have been found. We would like to preserve the concept of amenity and respect for one's neighbour. When the report is concluded, I shall be pleased to make it available to the honourable member.

**Mr WEIDEMAN** (Minister for Tourism)—The honourable member for Caulfield raised a matter——

**The ACTING SPEAKER (Mr Birrell)**—That matter was ruled out of order.

**Mr WEIDEMAN**—On a point of order, the honourable member raised a question in regard to tourism, and I am the Minister for Tourism. He referred to the airport which many tourists use and asked what my action would be——

**The ACTING SPEAKER**—Order! That matter was ruled out of order.

The motion was agreed to.

*The House adjourned at* 6.28 *p.m. until Tuesday, December* 22.

## *QUESTIONS ON NOTICE*

*The following answers to questions on notice were circulated—*

### POLICE HOSPITAL

(Question No. 12)

**Mr ROPER** (Brunswick) asked the Minister of Health:

Further to the answer to question No. 1226 given on 11 March 1980 concerning the rebuilding of the Police Hospital:

1. On what basis the Committee of Management of Prince Henry's Hospital was asked to participate in the building of the Police Hospital, either by the Hospitals and Charities Commission or the Health Commission?

2. When the first request was made?

3. What were the details of the arrangements?

4. Whether either commission received progress reports from the hospital concerning the project; if so, on what dates and whether all files and memoranda relating to this matter will be laid on the table of the Library?

**Mr BORTHWICK** (Minister of Health)—The answer is:

1. The basis on which the Committee of Management of Prince Henry's Hospital participated in the building of the Police Hospital was, that as the Police Hospital is on land owned by Prince Henry's, the committee of management became the contracting authority and had the responsibility of authorizing and making payments.

2. In December 1973 the Police Association raised with the Premier the future of the then Police Hospital located in St Kilda Road. The association advised that discussions had been held with Prince Henry's board of management and that the ideal situation would be if an "annexe" for police could be included in the master plan for extensions to Prince Henry's which were at that time being prepared.

3. Besides the contractual arrangements above, the original discussions between Victoria Police, Prince Henry's Hospital and the Hospitals and Charities Commission included a decision that Prince Henry's Hospital would administer the new hospital.

Following discussions in April this year, agreement was reached in respect of the provision of equipment, the recognition of the Police Hospital as an independent organization, the continued liaison between the Police Department and the hospital regarding the provision of services and the maintenance of adequate professional standards.

4. All plans and specifications for hospital building projects are reviewed and approved by the building and services division of the commission. As such, the commission reviewed the entire project during the construction stages. The commission did not, however, receive progress reports as any such reports would have been submitted to the committee of management as the contracting authority. Therefore, I am unable to make them available.

## MENTAL RETARDATION SERVICES

(Question No. 82)

**Mr MATHEWS** (Oakleigh) asked the Minister of Health:

Whether he will bring up to date and consolidate in *Hansard* the information on central administration and regional centres for mental retardation services which he gave on 25 March 1980 in answer to question No. 900 and recorded in *Hansard* at page 7397?

**Mr BORTHWICK** (Minister of Health) —The answer is:

(*a*) Central Administration

The Mental Retardation Division of the Health Commission of Victoria effectively commenced in February 1981 following the appointment of a director. There are currently 34 officers employed in the central administration of the division including the senior positions of director, deputy director, secretary, assistant secretary, assistant director institutional services, assistant director resources development, and assistant director regional services.

(*b*) Regional Centres

This section is headed by the assistant director, regional services and the basic element of this service is the regional teams which provide support services direct to handicapped people and their families and also to voluntary and other Government agencies.

There is currently 67 officers employed in regional centres. The mental retardation division is currently establishing comprehensive regional teams in the following areas: Inner Eastern (Melbourne), Westernport, Barwon, Western (Melbourne), Loddon/Campaspe and Gippsland. A regional co-ordinator has been appointed to each region and apart from the staff currently employed in the inner eastern and Loddon/Campaspe regions, it is planned to have comprehensive teams operating in the above regions by early 1982. The positions have been advertised and it is a high divisional priority to establish these teams.

## CO-OPERATIVE HOUSING SOCIETIES

(Question No. 472)

**Mr GAVIN** (Coburg) asked the Minister of Housing:

1. Which co-operative housing societies were granted funds by his Ministry in October 1981, and how much was granted to each?

2. What was the waiting list at each of these societies at that time?

**Mr KENNETT** (Minister of Housing) —The answer is:

The following allocations have been approved from the Home Purchase Assistance Account for the 1981–82 financial year—

| *Name* | *Amount* | *Number on Waiting List (August 1981)* |
|---|---|---|
| | $ | |
| A.N.A. No. 24 | 200 000 | 14 |
| Ballarat No. 25 | 400 000 | 50 |
| Barrabool No. 5 | 300 000 | 67 |
| Barwon No. 11 | 305 000 | 68 |
| Baxter No. 7 | 200 000 | 65 |
| Benalla No. 13 | 375 000 | 59 |
| Bourke No. 7 | 600 000 | 358 |
| Camperdown-Terang No. 6 | 175 000 | 26 |
| Charter No. 18 | 200 000 | 68 |
| Corio and Moorpanyal No. 16 | 700 000 | 174 |
| Djerriwarrh No. 13 | 250 000 | 15 |
| Eaglehawk No. 16 | 320 000 | 63 |
| Echuca and District No. 9 | 200 000 | 40 |
| Enterprise No. 8 | 185 000 | 39 |
| Fenwick No. 3 | 390 000 | 84 |
| Garden City No. 8 | 306 000 | 27 |
| Geelong Citizens No. 24 | 420 000 | 92 |
| Golden City No. 9 | 295 000 | 58 |
| Grange | 175 000 | 26 |
| Hawthorn No. 3 | 200 000 | 83 |
| Horsham No. 14 | 130 000 | 16 |
| Kangaroo Flat (Bendigo) No. 18 | 330 000 | 91 |
| Kardinia No. 18 | 285 000 | 59 |
| Kyabram and District No. 13 | 225 000 | 35 |
| Labor No. 7 | 400 000 | 110 |
| Maryborough and District No. 10 | 175 000 | 26 |
| Metropolitan No. 23 | 300 000 | 84 |
| Midlands No. 14 | 415 000 | 30 |
| Mildura and District | 200 000 | 34 |
| Mitchell No. 5 | 235 000 | 42 |
| Moe No. 6 | 650 000 | 110 |
| Moorabool No. 15 | 205 000 | 69 |
| New Society—Dandenong | 250 000 | 44 |
| New Society—Wangaratta | 320 000 | 50 |
| Ripon No. 13 | 130 000 | 45 |
| Rosanna No. 10 | 400 000 | 271 |
| Shepparton and District No. 18 | 405 000 | 64 |
| South Gippsland No. 9 | 250 000 | Nil |
| Stawell No. 6 | 100 000 | 16 |
| Suburban No. 14 | 500 000 | 88 |
| Swan Hill and District No. 14 | 210 000 | 32 |
| Tarago No. 6 | 200 000 | 32 |
| Wannon No. 11 | 725 000 | 108 |
| Wendouree No. 9 | 204 000 | 18 |
| West End No. 6 | 195 000 | 40 |
| Wodonga No. 8 | 700 000 | 112 |

## INDUSTRIAL DEVELOPMENT AT SALE

(Question No. 550)

**Mr CATHIE** (Carrum) asked the Minister of Housing:

Whether he will lay on the table of the Library the legal opinion obtained concerning industrial development at Sale; if not, why?

**Mr KENNETT** (Minister of Housing) —The answer is:

No.

## PRE-SCHOOL EDUCATION, WERRIBEE

(Question No. 574)

**Dr COGHILL** (Werribee) asked the Minister of Health:

In respect of the provision of pre-school education for children in the Werribee area:

1. What was the number of places provided in 1981?

2. What is the number of places expected to be provided in 1982?

3. What is the estimated number of children of pre-school age for 1982?

4. What is the number of pre-school places to be provided in 1983?

5. What is the estimated number of children of pre-school age for 1983?

6. What steps are proposed to overcome any discrepancies?

**Mr BORTHWICK** (Minister of Health) —The answer is:

1. The number of pre-school places provided in the Shire of Werribee in 1981 was 765.

2. The number of places expected to be available in 1982 is 865.

3. Figures supplied by the Shire of Werribee indicate that the number of pre-school-age children in the municipality for 1982 will be 1051.

4. The number of pre-school places in 1983 is dependent on the shire's building programme.

5. The estimated number of pre-school-age children in 1983 is 1078.

6. The Health Commission will continue to co-operate with the Shire of Werribee in its attempts to keep pace with the demand for pre-school facilities.