

Tuesday, 16 August 1983

The SPEAKER (the Hon. C. T. Edmunds) took the chair at 2.6 p.m. and read the prayer.

ABSENCE OF MINISTER

The SPEAKER (the Hon. C. T. Edmunds)—I have been advised that the Leader of the House will be absent overseas throughout this week and in his absence, the Minister for Local Government will act as Leader of the House.

I understand that questions for the Minister of Education should be addressed, in his absence, to the Minister for Police and Emergency Services.

Before I call questions today, I advise honourable members that last week the noise from interjections was making it difficult to record the questions and the answers. I request all honourable members to reduce the level of disorderly interjections to enable an accurate record to be made of the proceedings of the House.

QUESTIONS WITHOUT NOTICE

INVESTIGATION OF MEMBER

Mr KENNETT (Leader of the Opposition)—Will the Minister for Police and Emergency Services confirm a visit was made by police to the Titles Office last Wednesday and Thursday during which they inquired into properties in which William Albert Landeryou and Douglas George Elliot had or have interests, and will he advise if such a visit was by Ministerial direction and whether it involved officers from the fraud and drug squads?

Mr MATHEWS (Minister for Police and Emergency Services)—I have no knowledge of the matters raised by the Leader of the Opposition.

CHARGES AGAINST NORMAN GALLAGHER

Mr ROSS-EDWARDS (Leader of the National Party)—Can the Attorney-General assure the House that there will not be any undue delay in the outstanding charges being heard against Norman Gallagher?

Mr CAIN (Attorney-General)—I am advised that the matters to which I believe the Leader of the National Party is referring arise out of the Winneke report and that the committal proceedings will commence in the Magistrates Court at Melbourne on 18 August. The estimated time they will take is something of the order of two to three weeks. What occurs after that is a matter for the court to decide.

LAW REFORM

Mr McDONALD (Evelyn)—Can the Attorney-General inform the House on progress in discussions with the Queensland Government in relation to law reform and legal administration?

Mr CAIN (Attorney-General)—The major problem in communicating with my Queensland counterpart is trying to find out who is the Attorney-General for Queensland. I am not sure whether it is Mr Samuel Doumany who has occupied the office—

Mr RAMSAY (Balwyn)—On a point of order, Mr Speaker, the question does not relate to Government administration.

The SPEAKER (the Hon. C. T. Edmunds)—Order! I do not uphold the point of order, although the question is close to the mark which would necessitate me upholding it. I ask the Attorney-General to deal directly with the matters relating to his own administration.

Mr CAIN (Attorney-General)—It is not clear who is the Attorney-General. There does not seem to be a Government in Queensland at the moment, and that highlights the problems that occur regarding coalition Governments.

Mr TANNER (Caulfield)—On a point of order, I put it to you, Mr Speaker, that the Attorney-General is debating the issue. He is not answering the question as asked and I request that you, Mr Speaker, direct him to answer the question.

The SPEAKER—Order! There is no point of order. I cannot direct the Attorney-General how to answer because he can reply to the question in the way he sees fit. If he is out of order, I will inform him.

Mr CAIN (Attorney-General)—A number of outstanding matters currently under consideration by the Standing Committee of Attorneys-General will be frustrated if it

is not quickly determined who is the Attorney-General and what Government is in office in Queensland. A meeting of the Attorneys-General will be held on 1 September, and the current situation highlights the problems that beset the Liberal Party in deciding whether it wants to be in coalition. The Leader of the Opposition in this State is experiencing those same troubles—he cannot make up his mind.

The SPEAKER (the Hon. C. T. Edmunds)—Order! The Attorney-General is attempting to debate the subject and I ask him to round off his reply.

Mr CAIN—It is highly desirable that the matter should be resolved as soon as possible so it is apparent to this country what is the legitimate Government in Queensland and who is the Attorney-General.

MOTOR REGISTRATION DOCUMENTS

Mr DELZOPPO (Narracan)—I ask the Minister of Transport: Did you, as Minister of Transport, receive copies of motor registration documents in relation to a union car, registration number IHE-961; did you fail to pass copies in full to the Premier; and, if so, why?

The SPEAKER (the Hon. C. T. Edmunds)—Order! The honourable member for Narracan should address the question to the Chair, and I ask him to state the question again.

Mr DELZOPPO—Did the Minister of Transport receive copies of motor registration documents in relation to a union car, registration number IHE-961; did the Minister fail to pass copies in full to the Premier; and, if so, why?

Mr CRABB (Minister of Transport)—Two million vehicles are registered in this State, and although I am responsible for each and every one of them, I do not deal personally with individual registrations.

FOOD STANDARDS LEGISLATION

Mr HANN (Rodney)—I ask the Minister of Health: Is it a fact that Queensland is the only State in Australia that has implemented the food standards legislation; if so, will the Minister explain why Victoria has not proceeded to implement that legislation; and is it also a fact that the Minister

has now seen fit to withdraw two varieties of cheese that should come under the standards as a result of matters I raised in this House last week?

Mr ROPER (Minister of Health)—As the Deputy Leader of the National Party is aware, the matter is currently before the House and will be concluded in this session of Parliament. As to the matter of cheese, two brands of cheese were withdrawn. The week before the matter was raised in the House, other tests were conducted.

Mr Hann—After I had written to you.

Mr ROPER—The tests were concluded after the dairy farmers had written to the Government and the letter from the honourable member for Rodney was cream on top of the milk.

The problems with the cheeses related to the existence of antibiotics in them. The levels present were above the standard allowed, but I point out that the United States of America has recently withdrawn the barrier to those antibiotics being present in cheese and that matter is being and will be considered by the National Health and Medical Research Council to determine whether a health reason still exists for that standard.

EMPLOYMENT

Mr IHLEIN (Sandringham)—Will the Treasurer inform the House of the Australian Bureau of Statistics figures on employment that were released last week and explain why, as the statistics indicate, job opportunities in Victoria are better than those in other States?

Mr JOLLY (Treasurer)—I have indicated in a number of debates in the House that the forward indicators of demand suggest that Victoria is better placed than any other State to benefit from an economic recovery.

This is despite the attempts of the Leader of the Opposition to play down any economic recovery in the State. The stage has been reached where, in the latest edition of *Australian Business*, the Leader of the Opposition is even referred to as the State Jeremiah because his statements have had an adverse effect on the consumption performance in the State. It is about time the Leader of the Opposition recognized the

benefits of the Government's economic policy.

In the latest Australian Bureau of Statistics figures, Victoria has recorded the lowest unemployment rate in Australia. It is 8.8 per cent compared with the national average of 9.8 per cent, and it is an extremely good performance.

Of course, the signs of recovery are there in employment. From June to July, there was an increase in employment in Victoria equal to 0.9 per cent compared with the increase in Australia equal to 0.5 per cent. The increase in employment in Victoria is almost twice the percentage rate of Australia.

More than 50 per cent of the increase in employment in Australia was caused by the increase in employment in Victoria. There is no doubt that Victoria is contributing substantially to economic recovery in Australia. That has been achieved because of the policies of this Government.

MINISTER FOR INDUSTRIAL AFFAIRS

Mr MACLELLAN (Berwick)—Will the Premier confirm that in discussions with Federal and State colleagues in recent days he said that he would be removing Mr Lander you from Ministerial office before the grievance debate in Parliament on Thursday and that he was prevailed upon to stay his hand until 29 August, the date on which the Storemen and Packers Union has an election, and that the honourable gentleman agreed not to act before that date?

Mr CAIN (Premier)—The Deputy Leader of the Opposition is well aware, as are other honourable members, that I am awaiting receipt of information and advice. When I get it and consider it, I will comment and not before then.

HOUSING COMMISSION OF VICTORIA

Mr HOCKLEY (Bentleigh)—Will the Minister of Housing inform the House what progress has been made to abolish the Housing Commission of Victoria and to restructure the Ministry of Housing?

Mr CATHIE (Minister of Housing)—The draft of the new Housing Bill has now been completed. It has been circulated to a number of interested organizations, including the

Law Institute of Victoria, for comment and finalization. The new Bill is less than one-third the size of the present Housing Act. It has been completely restructured, modernized and simplified.

I expect to be able to introduce the Bill in this session of Parliament. If passed, it will come into effect on 1 January 1984, at which time the Housing Commission of Victoria will cease to exist.

INVESTIGATION OF MEMBER

Mrs PATRICK (Brighton)—Did the Premier receive copies of motor registration documents about a union car registration number IHE-961? If so, were those documents forwarded to Mr Black and why were they not included in the copies of the documents that were handed to me and stated by the Premier to be copies of the complete documents that were handed to Mr Black and referred to that inquiry?

Mr CAIN (Premier)—I have already advised the House of the position on all matters and all information of which the Government has possession regarding matters before the current examination. I have nothing further to add.

SWIMMING POOLS

Mr McNAMARA (Benalla)—I address my question to the Premier designate, the Minister for Local Government.

The SPEAKER (the Hon. C. T. Edmunds)—The honourable member is out of order in the manner he has commenced his question. If he has a question I will call him and he shall direct it to the Minister responsible.

Mr McNAMARA—I address my question to the Minister for Local Government and I direct his attention to the concern expressed in the community at the number of drownings in private swimming pools. I ask the Minister what moves does he intend to make to require the construction of fences around swimming pools to prevent people, who might be near those pools, from drowning.

Mr WILKES (Minister for Local Government)—The Government at this stage does not contemplate introducing legislation to require people to take the precautions with swimming pools that the

honourable member has suggested. However, it has advocated through the Local Government Department, and other departments, the necessity to exercise care where swimming pools are erected, and where people are concerned, particularly children coming in off the streets. The Government at this time does not intend to introduce legislation to make it obligatory on people to fence swimming pools or to take the precautions that the honourable member suggests.

OFFICE OF CORRECTIONS

Mr NORRIS (Noble Park)—Can the Minister for Community Welfare Services inform the House what progress is being made with respect to the appointment of a new Director-General of the Office of Corrections?

Mrs TONER (Minister for Community Welfare Services)—I am delighted to announce that today the Governor in Council approved the appointment of Mr Bill Kidston as the Director-General of the new Office of Corrections. The Office of Corrections is an autonomous body within the Department of Community Welfare Services and its director-general has permanent head status and direct access to the Minister. The House would know that for decades the Office of Corrections has been neglected by the previous Liberal Government, and this appointment to the newly established Office of Corrections is in line with the Government's commitment to the development of a more humane and secure corrections system.

Mr Kidston, who is 39 years of age, is currently Director of the West Australian Prisons Department, a position he attained in 1978. He first joined the department in 1970 as Superintendent of Treatment and Training. Since 1977 he has been involved in extensive reviews of the department in its structure and in its operation and so will be well equipped for the job here. These reviews have resulted in the total reorganization of the administrative structure of the department and in a new Prisons Act and regulations. Parliament should be very conscious of the inadequacies of the former Government in relation to prisons legislation.

The reviews also resulted in a substantial planning, research and information unit in

Western Australia, and the rationalization of prisoner management policies; and further, the building of eight new prisons and the remodelling of nine of the remaining ten which involves a real commitment for the Government to emulate. Mr Kidston is married with two children and, during his time in Western Australia, he established a Prisons Industry Division, sound budget and accounting programmes, and computerization of prisoner and related records.

Honourable members interjecting.

Mrs TONER—I can well understand why, back in the old days, when the Opposition was in government, it lost all its major administrators.

Honourable members interjecting.

The SPEAKER (the Hon. C. T. Edmunds)—Order! The Minister does not have the opportunity of debating the question and I ask her to return to the question and the answer.

Mrs TONER—Thank you, Mr Speaker. During that period in Western Australia, which we are hoping to emulate in Victoria, there was the computerization of prisoner and related records and the development of comprehensive staff training, a sound industrial relations policy and emergency operation facilities.

Under Mr Kidston, the West Australian Prisons Division has been able to marry the requirements of a humane prison system with the maintenance of a high level of security, where appropriate, and that has been accomplished through sound training and staff programmes and detailed planning over a long period.

In Western Australia, Mr Kidston has proven that he is able to adapt quickly to the varying forces involved in the management of a disciplined prison service in the attainment of long-term goals. I believe the new Director-General of the Office of Corrections will be able to achieve in Victoria the same high standards he achieved in Western Australia. It should be understood, nevertheless, that three decades of neglect—

The SPEAKER—Order! I ask the Minister to conclude her reply.

Mrs TONER—I am pleased to announce that at 8 a.m. on 10 October Mr Kidston will take up his appointment.

INVESTIGATION OF MEMBER

Mrs SIBREE (Kew)—Has the Premier agreed with Mr Simon Crean, the National Secretary of the Storemen and Packers Union, that the union can withhold documents from the Black and Balmford investigations until after 29 August 1983, that being the closing date for the ballots for the union election?

The SPEAKER (the Hon. C. T. Edmunds)—Order! The question is out of order. In the way in which it has been framed, it does not relate directly to the responsibilities of the Premier.

Mr KENNETT (Leader of the Opposition)—I raise a point of order. Mr Speaker, the question raises very serious allegations about the senior officer of this State giving privileged treatment—

Mr Miller—What senior officer?

Mr KENNETT—The Premier. It concerns privileged treatment being given to certain sectors of the community concerning the giving of information to inquiries the Premier has himself quite properly set up to examine other serious allegations. Mr Speaker, I ask you to reconsider your ruling that the question, in the way in which it is worded, is not directly related to the way in which the Premier is administering and governing this State.

Mr RICHARDSON (Forest Hill)—On the point of order, Mr Speaker, the question is directly related to the administration of the Government and is directly related to the responsibilities of the Premier in that it refers specifically to investigations that have been initiated by the Premier into matters relating to the administration of the Government in this State. I put it to you, Sir, that a reconsideration of the ruling is in order because the question, as asked, does comply with the requirements of the Standing Orders, that a question must relate to Government administration and the responsibilities of the particular Minister to whom it is addressed.

Mr WILKES (Minister for Local Government)—Mr Speaker, the question as it was put to the House did not address itself to Government administration in the direct sense.

The question was—if I heard it correctly—that the Premier, after having

ordered an investigation to take place should make certain information available. That is not the responsibility of the Premier. His responsibility rests with the fact that an investigation has been set up under his direction and under the direction of the Government.

The SPEAKER (the Hon. C. T. Edmunds)—Order! I am not prepared to rule on the point of order until I have seen a transcript of the manner in which the question was asked by the honourable member for Kew. I believe my original disallowance of the question was in order, but I am not prepared to rule on the point of order until I have seen the transcript, at which time I will give a ruling.

QUEEN VICTORIA MEDICAL CENTRE

Mr GRAY (Syndal)—In light of the destructive statements that have been recently made by members of the Opposition, can the Minister of Health inform the House of progress in the construction of the Queen Victoria Medical Centre at Clayton?

Mr ROPER (Minister of Health)—I should like to draw to the attention of members of the Opposition, a number of whom were interjecting earlier, that the reason why the Government has so many members in the public gallery is that the Government has so many members, unlike the Opposition, and there would be very few members of the Opposition backbench who would worry anybody.

The relocation of the Queen Victoria hospital to Clayton is proceeding extremely well. It was one year last week when the first consultants were appointed to begin work on the project and, after one year of their activities and the activities of others, a significant amount of work has taken place on the site.

Some \$12 million has been expended on the construction of the new Queen Victoria Medical Centre, and, at present, more than 500 people are either directly or indirectly involved in its construction. That represents a practical demonstration by the Government of its efforts to ensure that employment is created in the building and other industries with the additional activity on that site, as the Treasurer has already mentioned.

The construction of the hospital is proceeding to the satisfaction of the hospital committee. It is also proceeding to the satisfaction of the Government and Monash University, which will use that hospital as its major medical training centre, along with the Alfred Hospital.

One can understand the statements that have been made around Victoria by the Leader of the Opposition, for the moment, who is concerned with wanting the Government to stop that project. He has said so in the Frankston press, when he was standing in the Liberal hole at Frankston. He also said so at Dandenong and other places. The Opposition is concerned because the Government is carrying out the former Government's promises of 1961 and every three years thereafter.

The Government undertook that this would occur and it is occurring. The construction is proceeding ahead of schedule and it is also running below budget. It is the intention of the Government that the project proceed within the budget and that the hospital be open in 1986. The Government looks forward to the conclusion of the major work and the provision of the necessary hospital services to the one million people who live in the south-eastern suburbs and Gippsland. The way in which the work is progressing indicates that it will be completed on time and on budget.

INVESTIGATION OF MEMBER

The SPEAKER (the Hon. C. T. Edmunds)—Order! I have been handed a copy-typed version of the question that was asked by the honourable member for Kew, and I uphold the point of order raised by the Leader of the Opposition. I ask the honourable member for Kew to repeat her question.

Mrs SIBREE (Kew)—The question I addressed to the Premier was whether the Premier agreed with Mr Simon Crean, the National Secretary of the Federated Storemen and Packers Union of Australia that the union could withhold documents from the Black and Balmford investigations until after 29 August, on which date there would be a closing of ballots for the union election.

Mr CAIN (Premier)—The availability of documents to both those inquiries is entirely a matter between the persons conducting

the inquiries and those from whom they seek the documents.

ACCESS TO GOVERNMENT BY LOBBYISTS

Mr RICHARDSON (Forest Hill)—I address my question to the Premier and I refer to his announcement that lobbyists are banned from direct contact with the State Government. Which Ministers or officials did Sydney lobbyist and public relations person, Mr Brian Dale, confer with in Parliament House last week? Was he lobbying on behalf of a company or was he acting as a political consultant to the Government? If so, what is he being paid, or is this a sweetheart deal with Mr Neville Wran who already remunerates Mr Dale at \$75 000 a year?

Mr CAIN (Premier)—I do not know of the position occupied by Mr Dale. I do know that this Government is not prepared to follow the practice of the previous Government in relation to the access some people enjoyed to Ministers of that Government. There seemed to be a way in which some people could get access to Ministers with regular luncheons and through their associations with well-known lobbyists and pressure groups. There seemed to be a way in which some people in various communities in this State were able to get access to Ministers of the previous Government without much difficulty. This Government is entirely different.

Honourable members interjecting.

Mr CAIN—This Government is determined to be available to all persons, and they will not have to buy their way through expensive lobbyists or public relations firms to get access to the Government.

The SPEAKER (the Hon. C. T. Edmunds)—I have given a general warning to the House and to all honourable members regarding continuous interjections. I now say to the honourable member for Brighton that I will not give her another warning if she continues to interject.

Mr CAIN—The honourable member for Hawthorn also continues to interject. Lobbyists would not want to go near him because he just talks; he suffers from verbal diarrhoea, and they would not get a word in.

It is important to demonstrate the difference in relation to access to this Government and that which existed previously. No longer is a regular luncheon held by a well-known Melbourne public relations organization to which people were invited as a matter of course, if they paid for the lunch. That does not exist. This Government will listen to all points of view and all interested groups. There is no need for those persons to seek access to the Government or its Ministers through the intervention of a third party which believes it has the God-given right to provide that access.

I do not know anything about Mr Brian Dale. If Mr Dale holds himself out as being available to provide access to this Government, he will be out the door like the rest of them. That has been made clear, and I wish honourable members on the other side would be prepared to say that they, as private members in opposition, will not seek to communicate or be subject to influence and communication by paid lobbyists.

There is no place for that sort of intervening, and it is high time the Opposition recognized that.

"GIFT OF LIFE" CARDS

Mr WHITING (Mildura)—My question is directed to the Minister of Health. Following the proclamation of the Human Tissue Act and the Minister's news release dated 8 April 1983, in which he indicated that a co-operative scheme between the Minister of Transport and himself would provide all drivers, on renewal of their drivers' licences, with a "gift of life" card, can the Minister explain why that procedure is not taking place? Is he aware of the serious deficiency this is causing to the Australian Kidney Foundation with regard to potential kidney donors?

Mr ROPER (Minister of Health)—Earlier today I discussed this matter with one of my officers who has received phone calls from the general public in response to having received that card through the Minister of Transport and myself. Those cards are being sent out, and it is expected that the community will have a positive response to them. People can assist other Victorians by signing those cards and carrying them so that, in the event of untimely death, those who wish to make their organs available

may do so easily. The honourable member for Brighton interjects.

The SPEAKER (the Hon. C. T. Edmunds)—Order! The honourable member for Brighton is out of order in whatever she is up to.

Mr ROPER—The Government is pleased with the response to date and expects that, over the next couple of years, more people will become aware of the contribution that they can make.

LOCAL GOVERNMENT FUNDING

Mr KIRKWOOD (Preston)—Can the Minister for Local Government advise the House whether advice has been received from the Federal Government as to the allocation for the next financial year under the 2 per cent of personal income tax sharing arrangements between the Commonwealth Government and local government?

Mr WILKES (Minister for Local Government)—Local government in Victoria this financial year will receive \$116.9 million, which is an increase of approximately \$8.8 million or 8.21 per cent over the previous year. Those funds will be distributed unconditionally by the Victorian Grants Commission to individual municipalities, which will be able to use those funds in the way they consider best. Within the next two or three weeks I hope to be able to advise honourable members of individual allocations to municipalities.

HEALTH FUNDING

Mr LIEBERMAN (Benambra)—I refer the Premier to the well-publicized crisis in the Victorian health field, particularly in relation to public hospitals, due to the cut-back in funding of approximately \$28 million that was announced by the honourable gentleman and the Minister of Health. In view of the serious situation for many people in Victoria, both today and in the future, why has the Premier allowed the Minister of Health to lock Victoria into an arrangement to introduce Medicare, which obviously will not provide adequate funds to permit Victoria to maintain even its existing health services?

Mr CAIN (Premier)—The honourable member is well aware that the Government firmly believes Medicare offers the best

proposition, so far as all Victorians are concerned, to obtain basic health care. That has been the policy of the party that I represent and it has been endorsed by the electorate on more than one occasion. This policy is in sharp contrast to the health care policies—I believe five in all—of the party that the honourable member for Benambra represents. In the period of the Fraser Government there were five or six changes and nobody knew where he was.

The Government believes the people of Victoria have a right to expect basic health care regardless of their capacity to pay. The delivery of basic health care services in this country ought not to be dependent upon a person's capacity to pay the doctor. There ought not to be a situation where a person cannot afford to provide, for him or herself, or his or her family, the necessary care and service to sustain life and limb. That has been the position for too long. This Government makes no apologies for supporting that policy very firmly.

I make one thing clear. This has nothing whatever to do with the requirement that all parts of the public sector should make some endeavour to cut their charges and costs and be more cost effective and efficient in the delivery of the services they supply to the people of this State. The delivery of health care services is not in a different position from the delivery of any other service in this State. Many areas of health care have been living in indolence for the past 27 years. There is no doubt that they can effect some savings that do not affect services, if they only try. Too many of them are not prepared to try. All the Government requires is that this discipline be imposed on the whole of the public sector as it has been imposed on the private sector. The Government will endeavour to do all it can to ensure that these savings are effected without any diminution of services. If there have to be cuts in delivery, they will be in areas of low priority.

Let there be no mistake; this Government is determined to have a more effective and efficient public sector.

CONCERT: A COUNTRY TOWN AND ITS MUSIC

Mr B. J. EVANS (Gippsland East)—Has the attention of the Minister for the Arts been drawn to what I believe is a unique

event which is to take place in the Melbourne Concert Hall on 2 September, entitled "A Country Town and Its Music", and, if so, can he give the House brief details of that unique event?

Mr MATHEWS (Minister for the Arts)—Yes, my attention has been drawn to what I believe is a unique event which is to take place in the Melbourne Concert Hall on 2 September. On that night, more than 300 young musicians from Bairnsdale will be coming to Melbourne to give the residents of this metropolis the benefit of the very high level of musical skills which Bairnsdale has fostered and developed. I believe very great credit is due to Mr John Rogers, the Director of Musical Studies at Bairnsdale High School, for the way in which he has fostered the development of both choral and instrumental music at that school and more broadly, for the Bairnsdale community as a whole.

No fewer than six musical groups from Bairnsdale will be contributing to the programme on that evening and, of course, the purpose of the concert ranges much wider than Bairnsdale alone. Bairnsdale is anxious to prove the point that there are opportunities for this sort of musical event to take place in Melbourne and it is interested in further promoting the magnificent development of music which is taking place predominantly throughout schools in country areas.

There could be no better example of that than the work that Mr John Hopkins, the Director of Music from the Victorian College of the Arts, has been fostering in Hamilton which has become a second centre for the growth of music in country Victoria. The Government whole-heartedly applauds this development. A working party on arts and education, which the Minister of Education and I jointly established, last week brought forward proposals which we hope and believe will give added impetus to the trend which has already set in and the programme as a whole forms a crucial part of the Government's commitment to access to the arts. That is what governments should be about so far as the arts are concerned. Access means making sure that the greatest number and variety of people, irrespective of whether they live in Melbourne or country Victoria, have the fullest opportunity of participating in the arts as members

of audiences, as people involved in the arts for the sheer delight of it, and as people who hope to build careers.

Bairnsdale has taken a welcome initiative. All honourable members will wish the concern at the Concert Hall on 2 September every success.

FIREARMS ACT

Mrs RAY (Box Hill)—Will the Minister for Police and Emergency Services inform the House what progress has taken place in implementing recent amendments to the Firearms Act?

Mr MATHEWS (Minister for Police and Emergency Services)—The Government has already proclaimed those parts of the firearms legislation which enable it to establish a permanent nine member consultative committee on firearms legislation, firearms registration and firearms education and safety procedures.

I have already issued invitations for nominations to that consultative committee to the Victorian Bar Council, the Law Institute of Victoria, the Australian Shooting Association, the Firearms Traders Association, the Victorian Clay Target Association and the Chief Commissioner of Police. So far nominations have come in from the Chief Commissioner of Police and the Firearms Traders Association.

As a result of the establishment of the consultative committee, in future there will be an effective mechanism for exchange of views between the Government and the shooter and firearm fraternities in this State. It will mean that for the first time, shooters and firearm owners will be able to get the sort of co-operation from the Government in matters of primary concern to them—such as shooter and firearm education—for which adequate attention has never in the past been available.

It is my intention to make the Government's first reference to the new consultative committee precisely that subject of shooter and firearm education. As you will remember, Mr Speaker, the legislation made provision for the introduction of a written test of competency where firearm safety and

firearm law were concerned. It is the Government's concern to ensure that that written test is backed up at the earliest possible opportunity by a comparable set of practical requirements because honourable members from the National Party in particular will be aware of the ravages which are caused in country Victoria as a result of the irresponsible use of firearms by irresponsible people. The Government is determined to ensure at the earliest opportunity that that is a phenomenon of the past. We look to the beginning of next year for the implementation of those parts of the legislation which deal with the registration of firearms.

That, of course, involves the acquisition of suitable software for the computers that will be used. The Police Department has entered into arrangements with the Government Computing Service to provide the necessary computer with a capacity for registration to be given effect on 1 January next year.

In the meantime there is a requirement for the registrar to declare certain pistols to be collectors items and to approve of sporting clubs in order that collectors pistols and starting pistols are subject to the concessional licence fee. The Chief Commissioner of Police has advised me that he has appointed Inspector Brian Hennessy as the registrar for this purpose.

I am delighted to say that, now the Government legislation is widely understood and shooters and firearm owners have begun to appreciate the way in which the horizons for their sport have been broadened as a result of this legislation, there is increasing acceptance of it even among persons who previously were sceptical.

The possibility of having an effective shooter and firearm owner education of a practical character is immensely appealing to these organizations and to these individuals. They were immensely frustrated in the past as a result of the unwillingness of the former Government to either listen to or heed the submissions, which they repeatedly put forward. They recognize that in this Government they have, for the first time, an effective partner in these basic matters.

PETITIONS

The Clerk—I have received the following petitions for presentation to Parliament:

Health care services

TO THE HONOURABLE THE SPEAKER, AND MEMBERS OF THE LEGISLATIVE ASSEMBLY IN PARLIAMENT ASSEMBLED:

We the undersigned petitioners being health industry employees, and citizens of the State of Victoria, are deeply concerned at the level of health care available in this State and the threatened cut-backs in finance and staffing which will reduce the services to an unacceptable and dangerous level.

Your petitioners therefore pray that you will re-examine priorities and review the health budget for the coming year in order that the over-all service to the citizens of Victoria can be maintained and improved.

And your petitioners, as in duty bound, will ever pray.

By Mr Kennedy (24 signatures)

Mussel dredging and production

TO THE HONOURABLE THE SPEAKER, AND MEMBERS OF THE LEGISLATIVE ASSEMBLY IN PARLIAMENT ASSEMBLED:

The humble petition of the Association For The Conservation of Port Phillip Bay Fisheries and Marine Life and the undersigned citizens of the State of Victoria sheweth mussel dredging is the major cause of the reduction in snapper catches by amateur fishermen.

Your petitioners therefore pray that you take positive action to seriously look at alternatives if mussel production is to continue for the sake of the leisure benefit of present and future generations.

And your petitioners, as in duty bound, will ever pray.

By Mr Norris (1146 signatures)

Poker machines

TO THE HONOURABLE THE SPEAKER, AND MEMBERS OF THE LEGISLATIVE ASSEMBLY IN PARLIAMENT ASSEMBLED:

The petition of the undersigned officers and members of the Wesley Uniting Church, Colac in the State of Victoria sheweth their concern at the possibility of the introduction of poker machines to the State of Victoria. We consider that this form of gambling would have a devastating effect on family life thus causing broken marriages, neglected children, and as a consequence would create a much greater responsibility on church organizations, social security and other welfare groups.

We pray that this Government will not legalize this particular form of gambling in this State.

By Mr Burgin (88 signatures)

Returnable drink containers

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 our concern for the wastage of energy and raw materials that results from the use of throw-away packaging.

Your petitioners therefore pray that legislation be enacted to make all drink containers returnable, in a similar manner to the successful Beverage Containers Act in South Australia, and do further state our wish to see that all returnable containers bear a handling fee to be paid to all those who collect such containers. We further urge that all unnecessary, wasteful or dangerous forms of packaging, such as ring-pull can tops, be made illegal and do support all such Acts of Parliament which encourage recycling and conservation of resources, and your petitioners, as in duty bound, will ever pray.

By Mr McKellar (192 signatures)

Belmont police station

TO THE HONOURABLE THE SPEAKER, AND MEMBERS OF THE LEGISLATIVE ASSEMBLY IN PARLIAMENT ASSEMBLED:

The humble petition of residents of Belmont and Grovedale sheweth that—

(a) The whole of the urban area south of the Barwon River is inadequately serviced as there is only one unmanned police station in Belmont.

(b) The urban area is expanding rapidly, particularly in the Grovedale area.

(c) The establishment of an additional permanently manned police station would provide greater protection for the residents, and would also act as a deterrent to local crime.

We urge that a start be made on a new police station in the 1983–84 financial year, and that the existing police station in Belmont be fully manned as soon as possible.

And your petitioners, as in duty bound, will ever pray.

By Mr Dickinson (3775 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:

Local Authorities Benefit Contracts Account—Report of the Actuary on his investigation of the account at

the expiration of the seventh triennium, 28 February 1982.

Marketing of Primary Products Act 1958—Proclamation declaring that eggs shall become the property of the Victorian Egg Marketing Board for a further period of two years on, from and after 16 August 1983.

Parliamentary Officers Act 1975—

Statement of Appointments and Alterations of Classifications—

Department of the Legislative Assembly

Department of the Legislative Council

Department of the Legislative Council and the Legislative Assembly House Committee

Department of the Parliament Library

Department of the Reporting Staff of the Victorian Parliamentary Debates

Statement of Persons Temporarily Employed—

Department of the Legislative Assembly

Department of the Legislative Council

Department of the Parliament Library

Department of the Reporting Staff of the Victorian Parliamentary Debates.

Statutory Rules under the following Acts:

Abattoir and Meat Inspection Act 1973—Nos. 191 to 193.

Construction Industry Long Service Leave Act 1983—Nos. 170, 171.

Co-operation Act 1981—No. 180.

Education Act 1958—No. 194.

Environment Protection Act 1970—No. 178.

Evidence Act 1958—No. 185.

Firearms Act 1958—No. 177.

Fisheries Act 1968—No. 181, 184.

Freedom of Information Act 1982—No. 155.

Home Finance Act 1962—No. 182.

Liquor Control Act 1968—No. 160.

Motor Boating Act 1961—No. 175.

Motor Car Act 1958—No. 173.

Metropolitan Fire Brigades Act 1958—No. 172.

Penalties and Sentences Act 1981—No. 183.

Police Regulation Act 1958—No. 174.

Public Service Act 1974—PSD Nos. 47 to 51.

Racing Act 1958—No. 176.

Superannuation Benefits Act 1977—No. 165.

Transport Act 1983—Nos. 186 to 190.

Water Act 1958—No. 168.

Wildlife Act 1975—No. 179.

Town and Country Planning Act 1961:

Melbourne Metropolitan Planning Scheme, Amendment Nos. 190 (Part 3), 244 (two papers).

Constitution (Corporations' Franchise) Bill

CONSTITUTION (CORPORATIONS' FRANCHISE) BILL

The debate (adjourned from August 11) on the motion of Mr Wilkes (Minister for Local Government) for the second-reading of this Bill was resumed.

The SPEAKER (the Hon. C. T. Edmunds)—Order! I inform the House that I am of the opinion that the second-reading of this Bill requires to be passed by an absolute majority.

Mrs PATRICK (Brighton)—The proposed legislation is an amendment relating to corporations being entitled to vote at municipal elections. Confusion has arisen because, where a corporation owns more than one property in a riding or ward, it is not certain whether the corporation has one vote or a multiplicity of votes. The intention of the original legislation was that a corporation that owned more than one property in a single riding or ward should have only one vote no matter how many properties it owns.

Another question that has arisen is whether a corporation that owns a number of properties in a municipality can nominate different people to vote on its behalf. These matters needed tidying up before the local government elections in November. It is a pity that these anomalies were not drawn to the attention of the Government before the original Bill was introduced into the House. However, the Opposition does not wish to be obstructive; it wants the November elections to go through as speedily as possible and municipalities to know exactly where they stand regarding the franchise of corporations. Therefore, the Opposition supports this Bill so that local government can be assisted in drawing up its rolls in accordance with the philosophy and intention of the legislation passed previously by the House.

I take this opportunity of congratulating the municipalities that were ready well before the adult franchise Bill was debated in the House and could have conducted elections earlier than November had the Electoral Office been able to cope with its load in getting the rolls ready in time. That is a further mechanical matter that needs to be cleared up, and the Opposition supports the proposed legislation.

Mr McNAMARA (Benalla)—I congratulate the Minister for Local Government on his appointment as Leader of the House and, I presume, as Acting Deputy Premier for this period. I hope it will be a step along the way for further elevations in the future!

The National Party supports the Bill. It follows legislation to provide new franchise for municipal elections, which was introduced in the previous Parliamentary session. As the Minister stated in his second-reading speech, that Bill did not tidy up all areas that needed to be corrected. It created a number of anomalies. For instance, where a corporation was the owner of multiple properties, by nominating a different nominee for each individual property, the corporation would be entitled to an individual vote for each of those properties. Where a corporation was a joint-owner, it was only entitled to one vote and in the instance of an individual owning multiple properties, the individual was only entitled to one vote. The original Bill created a distinct advantage for the corporation that was a sole owner.

Fortunately, the Minister has picked up this peculiarity and the proposed legislation amends it. I am sure that, if the Minister had been able to peruse the original Bill in more detail initially, he would have picked up that point, but it was a drafting error that will be corrected by the proposed legislation.

The honourable member for Brighton commended the municipalities who had rapidly prepared their rolls for the elections and, as she stated, many municipalities were prepared to conduct an election in August. Honourable members wanted that to occur, but the preparation of the complete new set of rolls was an intricate procedure. When one examines the boundaries that now exist, based on existing sub-divisions, they do not correlate with the municipal boundaries and complete new drafting was needed.

Municipalities had to address a number of areas to include people entitled to be on the rolls under the new franchise that were not on the existing rolls. I understand the difficulty it created and hope that all problems will be ironed out before the elections to be held later this year. It has created difficulties where shire presidents and mayors have had to make a decision either to carry on for the extended three-month period or give up their tenure. Some shire presidents

and mayors may only serve for a period of three months, depending on the arrangements for the contesting of the next election.

Mrs Patrick—It is causing division around the place.

Mr McNAMARA—It is causing difficulties because some people believe they should be re-elected in November and serve a fifteen-month term, although others believe they would be reducing the term of their successors to nine months so they are retiring now to give them what is accepted as a normal term. Those are problems that individual municipalities can iron out.

The Minister for Local Government will solve any problems that arise as he has expertise in the area of local government because he was a long serving councillor—the Minister has indicated, by interjection, that he served for 25 years. That is a tremendous service to local government. He also has professional expertise in that area because he is a qualified, sworn valuer. Victoria is fortunate to have a man of such reasonableness; the quality of which has lead other people to higher offices. I am sure the Minister will continue his upward climb and honourable members look forward to further developments in the future. The National Party supports the Bill.

Mr MACLELLAN (Berwick)—I join with the honourable members for Brighton and Benalla in welcoming the Bill. When the Minister for Local Government approached me about a short adjournment and quick passage for this Bill, he gave a completely clear explanation of the purpose of the Bill and the reason and need for it. He has set a high standard as Leader of the House and Minister for Local Government in giving reasons why the Government needs co-operation from the Opposition and the National Party. The opposition parties will willingly give that in the circumstances, and I thank the Minister for his actions.

Mr WILKES (Minister for Local Government)—I thank the Deputy Leader of the Opposition, the honourable member for Brighton and the honourable member for Benalla, each of whom has a sound knowledge of local government. When the previous legislation was initiated, everyone, including members of the Opposition,

believed it did provide for one vote for corporations which have more than one property in any municipal district and it was not until Mr Ian Lonie was asked to give an opinion to the Mordialloc City Council that the view was put that this may not be so. The Solicitor-General reinforced Mr Lonie's view and, therefore, there was the need to amend the previous legislation.

With the co-operation of both the Opposition and the National Party, this anomaly is now able to be corrected so that the 5 November local government elections will be able to take place with the least possible disadvantage to those persons who are entitled to vote. Like the honourable member for Brighton, I would have wished an earlier date for those elections, but I was advised by those responsible for the compilation of rolls that this was not possible and I had no alternative but to fix a date according to their advice and direction.

I hope after 5 November, when councils settle down, that those mayors and shire presidents who have agreed to carry on office between August and 5 November will not be disadvantaged. I realize that many problems are associated with it. Fortunately, on the advice of clerks, many municipalities have suggested to mayors and shire presidents that they should carry on and that when mayor is and shire presidents' allowances are fixed after the elections on 5 November a suitable adjustment can be made to the allowances for that period. The suggestion by the clerks and others concerned with local government is indeed satisfactory. If any mayor or shire president has been inconvenienced, obviously I regret it.

Mrs Patrick—They might be able to have the elections before November. Some people have said that.

Mr WILKES—I hope to put forward the suggestion of the honourable member for Brighton to have elections every three years which will obviate the need for an annual election. However, I do not want to preempt proposed legislation that may or may not be introduced into Parliament because that would be improper and out of order; suffice to say that I appreciate the sentiments expressed by the Deputy Leader of the Opposition, the honourable member for Brighton and the honourable member for Benalla. I hope this amending Bill corrects

the anomaly to the satisfaction of all concerned.

The SPEAKER (the Hon. C. T. Edmunds)—I am of the opinion that the second-reading of this Bill is required to be passed by an absolute majority.

As there is not an absolute majority of the House present, I ask the Clerk to ring the bells.

The required number of members having assembled in the Chamber—

The motion for the second-reading of the Bill was agreed to by an absolute majority of the whole number of the members of the House.

The Bill was read a second time and, by leave, the House proceeded to the third-reading.

The motion for the third-reading of the Bill having been carried by an absolute majority of the whole number of the members of the House, the Bill was read a third time.

FISHERIES (AMENDMENT) BILL

The debate (adjourned from June 16) on the motion of Mr Cathie (Minister of Housing) for the second-reading of this Bill was resumed.

Mr RICHARDSON (Forest Hill)—Not much of this Bill has much to do with fisheries; most of it has a lot to do with raising money for the Government.

Mr Cathie—For the industry.

Mr RICHARDSON—I shall demonstrate later that the funds will be used for the benefit of the Government before they will flow on to any benefit for the industry. The Bill consists of a number of measures. It prohibits the collection of shellfish, molluscs and crustacea from any recognized shellfish habitat. There are some exemptions such as abalone and crayfish, which are protected already by legislation, and a small number of bait fish.

It establishes a new category of commercial fishing licence, a fish trader's licence, to be held by persons selling raw fish for human consumption. It repeals the requirement that, before a master fisherman's licence can be issued, the applicant must have not less than two years' experience in fishing and must be competent in handling a boat. It removes provision for the issue of a licence

exclusively to take barracouta for sale and for the issue of a licence to sell aquarium fish. It then goes on to deal with the procedure whereby the funds raised from the issue of fish trader's licences will be paid into the Victorian Fishing Industry Trust Fund.

It relates further to a 15 per cent surcharge on all fees under Parts III and V of the principal Act excepting bait licences and marine harvesting licences to be paid into the Fishing Industry Council Trust Fund. It exempts any person who sells raw oysters as part of a meal from the requirement to possess a fish trader's licence. There is further detail on the procedure to be followed in the handling of the moneys raised from the issue of fish traders licences.

The two major parts of this Bill relate to the prohibition of the collection of shellfish and related species from areas around Victoria and the raising of funds through the fish trader's licences.

I will commence with the prohibition of the collection of shellfish. This portion of the Bill is directed at the activities of people in certain coastal areas of Victoria where there has been damage done to mud flats, which are fish breeding grounds. In the Minister's second-reading speech he said:

The problem has been emphasized in recent years by large-scale systematic food gathering activities carried out by some migrant groups.

That statement is a most discriminatory and disgraceful one. It places all migrant groups under a cloud. It is non-discriminatory only in the sense that it does not identify the people who are being accused of creating wide-scale devastation.

Various attempts were made by interested people to find out which groups of migrants were having the finger pointed at them by the Minister in that remark. It took some time for the Government to come clean about whom it was talking. The group of people to whom that remark was directed were Vietnamese refugees. The Government should have identified that group initially and given some explanation of the problem. It should have given some explanation of the measures it had taken to educate this group of people; it should have given some explanation of what preventive measures had already been taken by the Government in this matter. The fact that

none of that was done leaves the Minister, and the Government of which he is a part, in a difficult position, particularly when on 20 June another Minister in the same Government lashed out at those in the community who are discriminatory and racist.

An article in the *Age* of 20 June states:

We are racist towards Indo-Chinese, says Spyker.

The State Minister for Ethnic Affairs, Mr Spyker, accused Australians last night of being racist towards Indo-Chinese migrants. . .

Mr Spyker said he deplored the attitudes of criticising the latest arrivals to the country, who were always the most vulnerable people. . .

"It is very easy and tempting, although inexcusably unfair, to look at scapegoats. . .

"It is our responsibility to make them feel at home as quickly as possible, preventing a feeling of alienation in a new country. Every citizen, and not just Governments, ought to assist in making newcomers aware of services available to the community."

The Minister goes on to describe some of those services that are available. That statement by the Minister for Ethnic Affairs castigates the community for being discriminatory and racist.

The DEPUTY SPEAKER (Mr Wilton)—Will the honourable member tell me how he is relating his current remarks to the Bill? The Bill is amending the Fisheries Act. I do not see anything in this Bill specifically relating to any particular ethnic group or ethnic section.

Mr RICHARDSON—Mr Deputy Speaker, you may not have been in the chair when I commenced my remarks. I pointed out that the section of the Bill relating to the prohibition on the taking of shellfish, molluscs and crustacea from any area of recognized shellfish habitat is directed specifically at one group of migrant people. Indeed, in the second-reading notes, the Minister said in the first paragraph:

The problem has been emphasized in recent years by large-scale systematic food gathering activities carried out by some migrant groups.

There is a further explanation in the *Age* of 16 July relating to the activities of certain migrant groups, and it is revealed in that newspaper article that the migrant groups referred to by the Minister in his speech are Vietnamese refugees.

The news item, which I just quoted, was in the *Age* of 20 June. I am pointing out the contradictions between the remarks of one Minister on 20 June and another Minister on the date on which this Bill was introduced into the House, and the comments that were made by a Government spokesman in the *Age* of 16 July. It all relates, to use the Minister's words, to the activities carried out by some migrant groups, and the group under discussion are migrant Vietnamese.

The DEPUTY SPEAKER—I accept the point that the honourable member has made, but I suggest he does not delve too deeply into this question of ethnic communities. He should bear in mind that this is a simple Bill amending the Fisheries Act.

Mr RICHARDSON—I accept your guidance, Mr Deputy Speaker. I take issue with the proposition that this is a simple Bill; it is a most complex Bill. It contains a wide variety of amendments to the Fisheries Act and the first of those amendments relates to the collection of shellfish and related species from areas of Victoria, particularly around Westernport Bay.

The Opposition does not disagree with the Government's recognition of the need to protect the very sensitive areas which are intended to be protected under the provisions of this measure. However, the Opposition points out to the Government that the Bill, as it is drafted, hardly solves the problem. There is no indication in the Bill of how the Government will go about protecting these sensitive and delicate areas of habitat, except to say that an area that is designated as a recognized habitat will become a protected area.

There has been no forward thinking by the Government on how this will be enforced. It will essentially depend on the alertness of the local fisheries officers. It will place a great deal of responsibility on those officers in the wise interpretation of a badly formulated law.

We are told that the intention is not to totally prohibit the collection of all shellfish and related species. A report in the *Age* of 16 July states:

The spokesman said, "the laws are not intended to prohibit everyone, but rather to give Government officers the power to act if a problem arose".

That places a responsibility on Fisheries and Wildlife Division officers that is quite unfair and unreasonable. What the Government, through this measure, is saying is, "Here is the law that will be passed in the Parliament. Fisheries officers will have the responsibility of policing that law and of acting," and the Government is also saying, "The fisheries officer can use his discretion. He can decide whether the law can be bent slightly".

Mr Cathie—That is not what it says, at all.

Mr RICHARDSON—But that is what will happen. What the Bill says is that, once it is proclaimed, the collection of shellfish and related species will be prohibited but what the spokesman for the Government has said is that the law is not intended to prohibit everyone. That places a responsibility on fisheries officers that is quite unfair. The officer will have to decide whether the law is to be enforced or whether it should be bent slightly. I agree that there will be situations in which it would be eminently sensible for a fisheries officer to say, "It is all right for you to do this, this and this, because you will not destroy habitat," but the law does not provide him with any protection if he makes that sort of decision.

It is certainly true that there is a need to protect delicate habitats, not only the shellfish, other molluscs and the crustacean species, but also the mud flats and grass beds, because they are the breeding grounds for fish. The Opposition does not quarrel with the decision that these ought to be protected, but it does quarrel with the failure of the Government to provide any indication of what forward planning it has done on how it intends to enforce the law. The Government has not thought through the way in which it will educate the community to which the proposed legislation is directed, the Vietnamese community. It has not thought through how it will maintain the understanding of that community of the damage that might be being done at the moment or may be done in the future.

There is a great deal in the Bill that has simply not been thought through by the Government. For example, there has been no consultation by the Government with the Ethnic Affairs Commission on the best way in which to educate and continually

inform the community to which the measure is directed. There has been no forward thinking about how the areas that are to be proclaimed as recognized habitats are to be marked. There is no indication anywhere of what sorts of signs are to be erected. Has any consideration been given by the Government as to whether the signs ought to be written in English only or whether they should include a message in Vietnamese as well or in Greek and Italian as well as Vietnamese?

I challenge the Minister to tell the House whether the Government has given any thought to the way in which the proclaimed areas ought to be marked so that people will know that there are prohibitions on what can be done in those areas. I will guarantee that the Minister, if he is honest, will have to say, "No, we have not thought that through". Like so many other projects on which the Government embarks, it has not been thorough.

I now turn to the matter of the fish trader's licence. The fish trader's licence is a new licence, which is to be held by persons selling raw fish for human consumption. Premises, vessels or vehicles from which the licensee will be entitled to sell fish will be specified and the fees are set. For companies, they will range from \$400 to \$1000 and for individual traders they will range from \$100 to \$300. Linked in with the raising of funds by the introduction of the fish trader's licence is the 15 per cent surcharge on all fees payable under Parts III and V of the principal Act, excepting bait licences and marine harvesting licences, which will also be paid into the Victorian Fishing Industry Trust Fund.

The reason for the introduction of the fish trader's licence is to provide funds for the Victorian Fishing Industry Council so that it may engage in the promotion of fish and fish products in Victoria. That is laudable in itself and the Opposition certainly does not disagree with the proposal that fish and fish products ought to be promoted and that the Victorian Fishing Industry Council is the correct body to carry out that exercise, but this is another example of the Government not thinking a matter through and in this case the Government has not thought it through in the best interests of the fishing industry.

However, it has been the intention of the Government to think it through in the best interests of the Government because, when one examines the Bill, one finds that the funds raised by the fish trader's licence are to be paid into consolidated revenue and, each October, there will be a transfer of funds from the consolidated revenue to the Victorian Fishing Industry Trust Fund. There will be a retention of 30 per cent of the funds to cover the costs of administration, policing and so on. The intention is that 70 per cent of the funds raised by the new licence will go to the Victorian Fishing Industry Trust Fund but they will do so only each October. The Government will have the use of those funds throughout the year from October to October. There is no reference anywhere to interest being paid to the Fishing Industry Council on the funds the Government will be holding in its account prior to the transfer of those funds in October of each year.

There is, of course, provision under the Victorian Fishing Industry Council Act for advances to be paid to the trust fund by the Treasurer and one would hope that that will be the way in which funds are made available to the Fishing Industry Council, but there is nothing in the proposed legislation that refers to the willingness of the Government or the Treasurer to make such advances. In fact, the Treasurer is now sitting opposite me with a broad grin on his face when I raise the possibility of a benevolent Treasurer making an advance to the Victorian Fishing Industry Council. He has not quite shaken his head but he does seem amused by the suggestion.

What we have is a situation in which the Victorian fishing industry has been conned by the Government. What will happen is that the Government will raise the funds and it will keep those funds, interest free, for twelve months and will then, each October, pay over 70 per cent of what has been raised. Thirty per cent will be retained by the Government. I do not disagree with the retention of 30 per cent if that is the figure that has been decided upon and has been agreed to by the fishing industry to pay for administration, policing and so on.

But who will do the policing? Who will be responsible for the administration of it all? It will be the Fisheries and Wildlife Division of the Ministry for Conservation,

a section of the Ministry which is already under-manned, already stretched to its limits, which will have imposed on it a whole new set of tasks. There has been no indication that additional funds will be made available by the Treasurer to increase the staff available to that division.

A situation will exist where officers of the division will be turned into tax collectors, because they will be the ones who will have to go to the fish shop and collect the money if the fish retailer has not paid his fee. That seems to be a task that ought to be carried out by someone other than a trained and experienced Fisheries and Wildlife Division officer.

I am certain that the officers of the division whom I have met will carry out the duties they are instructed to carry out, but they will not do so with any sense of enjoyment. They did not join the division to become tax collectors, yet this is what the Government is intending they should become.

Another example of how the Government has not thought through the proposition contained in the Bill is that the Government does not really know how much money it will raise. The Victorian Fishing Industry Council has estimated that the Government will raise some \$96 000 from the fish trader's licence fee. It is expected that the 15 per cent surcharge on other commercial licence fees will raise some \$65 000. However, no one really knows. The Government does not know and the Minister does not know how much money will be raised because they do not know how many fish retailers exist in Victoria.

An estimation provided by the Victorian Fishing Industry Council is that some 658 retailers of raw fish exist in Victoria, and that figure is based on the number of shops registered by the Department of Labour and Industry under the shops and factories regulations. However, that is not an accurate figure. The figure relates to the known fish retailers. It does not include the shops that sell raw fish in addition to other commodities.

That brings me to the question of how the Government plans to find out where the fish retailers are situated. This Government is so incompetent and has failed so dismally to think this thing through that the best

proposition I could find from anybody I spoke to who is involved in determining how one is to identify the retailers who will have to pay the licence fee is that it is thought that maybe—it is not certain but maybe—the Government will be able to get the municipal health inspectors to help out in identifying the fish retailers.

If the Government of this State is so incompetent, when drafting proposed legislation and examining situations which lead to proposed legislation, that it has not even thought through the implications of how much money it will raise from this action; if it does not even have the fundamental information of how many people will be affected by this Bill; and if there has been a reliance on a vain hope that maybe the municipal health inspectors will come to the party and help out, what sort of future does the fishing industry, or any other industry, have in Victoria? What sort of future is there when a Government dithers and is as incompetent as this Government has shown itself to be?

What will be the effect of the fish trader's licence fee? The people who will be required to pay the fee will be those other than master fishermen who already possess a master fisherman's licence, under the terms of which they are permitted to sell raw fish. Every other seller of raw fish in the supply chain will be expected to hold a fish trader's licence. This is a sort of value-added tax. It is not quite the same, but the effect of the imposition of this licence fee will be similar to the effect of a value-added tax because what it does is to add a cost at every stage of the supply chain in the vertical sense and, in the horizontal sense, it will affect everybody who is involved in the supply chain at that stage.

The cumulative effect of the imposition of licence fees at every stage will be the inevitable increase in costs of operation. The costs of operation, when they increase, must be met by increased returns. Therefore, the only way of paying the fish trader's licence fee will be to increase prices and, if prices increase infinitesimally, at each stage, if there are enough stages in the supply chain, the small increase in cost becomes cumulative and by the time it reaches the consumer it has become a substantial increase in cost, and that increase must be passed on to the consumer.

Therefore, the inevitable consequence of this fee will be an increase in the price of raw fish, an increase in cost to suppliers at each stage, which will create a great deal of inconvenience in certain areas. It has already caused substantial uncertainty and concern. The Bill provides that everyone who sells raw fish for human consumption can do so only while possessing a fish trader's licence.

Honourable members ought to consider some of the areas of the fish trade which will be affected by this fee. I recall speaking only last week with a fish wholesaler in one of the peninsula towns who is most alarmed at the implications of the Bill. What this wholesaler has done is to establish a network of outlets, mainly in butcher shops. The wholesaler has no objection to paying a fish trader's licence fee. However, what about all of those butcher shops he supplies during the week? Those butchers will have to have a fish trader's licence as well. That raises the question of who will pay the butchers' licence fees. The wholesaler said that if the butcher is expected to pay for the fish trader's licence, he will simply not sell fish. The butchers will either sell fish illegally, without fish trader's licences or they will tell the wholesalers that they are butchers and not fishmongers, that they are therefore not prepared to pay the fish trader's licence fee, and would say to the wholesaler not to bother delivering any more fish.

The fishing industry will inevitably suffer if that sort of situation arises. Alternatively, if the fish trader has a choice and says that he will pay the licence fee for each of the retail outlets he supplies, that would add most dramatically to the cost of operation of the wholesaler. The Government has simply not thought through the effect that this Bill will have on people operating in that environment.

Similarly, the Government has not fully considered the effect that the proposed legislation will have on restaurants. It believes it has covered restaurants by indicating there will be an exemption for restaurants which serve raw oysters, but it has not considered Japanese restaurants where raw fish is a significant item on the menu. There are also many restaurants selling rollmops, which are raw fish.

Mr Brown—Parliament House serves them.

Mr RICHARDSON—The Parliament House dining-room is indeed famous for its rollmops.

Mr Simpson—And some raw prawns eat there!

Mr RICHARDSON—There would be no better person to make the interjection than the Minister of Public Works.

The SPEAKER (the Hon. C. T. Edmunds)—Whose interjection is out of order.

Mr RICHARDSON—In relation to the failure of the Government to foresee the need to increase the number of exemptions, I indicate there are deficiencies relating to restaurants in the Bill.

It is not the intention of the Opposition to make the Government look good by proposing amendments on this matter. However, I suggest the Minister of Housing ought to give consideration to the need to make some amendments to this Bill as it is transmitted from this House to another place. One of the matters to be examined is exemptions relating to restaurants.

The Victorian Fishing Industry Council is the body which has initiated much of the thrust of the proposed legislation. The council acts as a responsible voice for the fishing industry. It has approached the Government in good faith, and the Government has failed to respond in the same manner. The Government needs to state clearly what it intends to do with the substantial funds it will receive from the fish trader's licence. What is it going to do with those funds in the months before it pays 70 per cent of those funds into the Victorian Fishing Industry Council Trust Fund as provided for under the proposed legislation? If it is going to hold those funds, will it pay any interest to the trust fund, and if it will not be paying any interest, why not?

The Government should explain whether the Treasury will make an advance on request to the council and if it will not, why not? The Government should explain what action it will take to ensure it reaches all the retailers who will bear the brunt of the payment for the fish trader's licence. The Government should also explain why it is necessary for them to have another licence because up until now nothing has been done to inform the retail fish trade about the Government's intention.

Nothing has been done to inform the many migrant fish traders in the community. The Victorian Fishing Industry Council made inquiries a couple of years ago and a letter was written in Greek and sent to a number of fish retailers and proprietors of fish and chip shops. However, this can hardly be an indication that the Government has adequately informed the retail fish trade. No effort has been made by the Government to inform members of the ethnic community, who comprise the majority of fish retailers. Careful explanation should be made through the ethnic media of the Government's intentions.

An explanation should be given to the Fisheries and Wildlife Division officers of why it will be their lot to become tax gatherers and to chase the recalcitrant fish retailers who do not pay their licence fees. In most cases, the fees would not be paid because the retailers did not know they had to pay them.

The Victorian Fish and Food Marketing Association shares much of the concern that I have indicated. In a letter to me, the chairman of the association, Ms J. R. Schuhkraft, states:

It is of some concern that there is no guarantee of funds being made available by way of advance prior to October 1984.

We understand and concur for the time being that no interest will be paid on monies held by the Government.

This is a significant section of the fishing industry expressing concern. In a letter to me from the executive officer, Mr P. R. Heighway, of the Victorian Fishing Industry Council, there is confirmation of the indecision and uncertainty surrounding this matter. I raised a series of questions with the executive director and he replied:

The subjects referred to in your letter are difficult to answer with any degree of accuracy.

That lack of accuracy is a reflection of the lack of accuracy existing with the Government and the way in which it manages the affairs of the fishing industry in Victoria. This lack of accuracy and precision is reflected by the fact that the Government does not know how many fish retailers in Victoria will be affected by this proposed legislation.

There is much that is wrong with the proposed legislation before the House. Most of it is wrong because the Government has not fully considered the implications of what it is doing, nor has it considered the way in which it is going to achieve the objectives which it has set.

The Opposition does not oppose the principle contained in the Bill. It does not oppose the proposition that there ought to be a protection of delicate and endangered areas of habitat along the Victorian coast. It does not object to the proposition that funds ought to be made available for promotion, although one could ask whether there is a completely logical approach to the matter of where the funds should come from concerning the fish trader's licence.

The Government believes that, because the fish retailer will derive benefits from the additional sales which are expected due to the increased promotion, the fish retailer should be the one who bears the brunt of the promotion fees.

To say that is to suggest that, because a boot repairer uses leather and is the final recipient of the product of leather, he ought to contribute to a fund to promote the cattle industry. I do not object to the proposition that there ought to be a fund to promote fish, but I point out that it fails in logic to say that simply because the retailer will benefit from the promotion of a product, he ought to bear the brunt of the raising of funds. This analogy demonstrates the point I am making.

The Opposition does not oppose the scale of fees although I point out that, with the fee for companies ranging from \$400 to \$1000, there is potential for discrimination against smaller firms because the fee will be imposed on the corporation rather than on the shop which is owned by the corporation. For example, if Safeway, which is a vast chain with numerous stores, is to continue to sell fish, it should pay the maximum fee of \$1000, but if one divides \$1000 by the number of stores run by Safeway one finds that the cost per store is small indeed.

With a fee structure ranging from \$100 to \$300, there will be many small fish retailers and fish and chip shops, which also sell raw fish, to which a fee of even \$100 will be a significant and damaging outlay.

The Opposition does not object to other provisions of the Bill such as the repealing of the requirement that, before a master fisherman's licence can be issued, the applicant must have spent not less than two years in fishing and must be competent in handling a boat. It seems curious to repeal a requirement that there must be experience and competency in handling a boat, but my inquiries indicate that the functioning of the master fisherman's licensing procedures was questionable and it was felt that the most satisfactory way to approach the matter was to repeal it and re-examine the way in which this matter could be dealt with more expeditiously and effectively.

I accept the advice that I have been given on this matter, but I point out that there is a need, having repealed this section of the Act, to examine the way in which these requirements of experience and competence can be reintroduced in a way that makes them workable. The Opposition pointed out to the Government the need to examine the clause of the Bill that relates to restaurants, and the Government will receive the co-operation of the Opposition if it takes that advice and acts on that matter.

The Bill also repeals the provision for licensing fishing for barracouta for sale. The Opposition accepts that and also accepts the repealing of the provision for the issue of a licence to sell aquarium fish. The Opposition also accepts that there should be a 15 per cent surcharge on other commercial fishing fees. We accept that because the fishermen, and others who are affected by it, have agreed to pay that surcharge in the interests of the fishing industry. The Opposition will accept much that is within the Bill, but there is also much in it that is half-thought through, badly planned and lacking any understanding of how the Bill will operate.

It is the intention of the Opposition to assist the fishing industry and the fish trade as much as possible. The Opposition will do all it can to see that the Vietnamese refugees, who are the subject of the earlier portion of the Bill in relation to shellfish, are informed and protected so that they understand the requirements and that what they have been doing is very damaging. The Government has not thought that through and has made no plans to effectively discharge its obligations under the Bill.

There is much to be commended in the spirit of the Bill, but the Government deserves the condemnation of the House in respect of the construction of the Bill and for its failure to prepare itself adequately to operate the proposed legislation.

Mr B. J. EVANS (Gippsland East)—The National Party does not oppose the Bill but has some reservations about the means being used by the Government to achieve its objectives. I cannot agree with the honourable member for Forest Hill in my criticism. In some instances I wonder whether I have a copy of the same Bill that he has. The honourable member for Forest Hill has referred to items that I cannot see in the Bill that is before me. I cannot find any reference to barracouta licences nor to the changing of the conditions for the granting of a master fisherman's certificate. I do not know whether this is the wrong Bill or where the honourable member gets those references from. In neither the Bill nor the Minister's second-reading speech could I find any reference to those items.

Mr Richardson—Read the clause notes.

Mr B. J. EVANS—I suggest that a person interpreting the Bill does not read the clause notes. It is not what is in the Minister's second-reading speech that matters; it is the contents of the Bill itself.

The first query I have relates to clause 2 and the definition of what is meant by the term "raw fish". I suspect that there will be difficulty in establishing what that term actually means.

Does it mean uncooked as opposed to raw? There are other processes. For example, is frozen fish considered to be raw fish?

Mr Cathie—It is usually packaged.

Mr B. J. EVANS—This question needs much clearer definition than is provided in the Bill because it is a matter of some importance as the licence concerned is to permit the sale of raw fish. The people involved are entitled to know what is raw fish and what is uncooked fish. If frozen fish is not considered to be raw fish, is fish that is iced before transport—as it inevitably is—no longer raw fish? I believe that definition needs to be clarified in the interests of the people involved in the trade. I cannot see any objection to the proposal to license fish traders as it is regarded that this section of

the trade is not contributing very much to the research and promotion of the industry. I believe those traders are prepared to be involved in providing funds for those purposes. Again, I believe the honourable member for Forest Hill has misinterpreted the provision in relation to the fees to be paid.

Clause 3 refers to a fee for a body corporate of \$400 currently, or in the future a fee not exceeding \$1000. It will not be a variable fee depending on the size of the outlet and, therefore, I suggest it would automatically apply to each separate outlet. A corporation would not be entitled to one licence for \$400 to cover a large number of outlets. I do not envisage any complication there nor any reason for confusion.

The next provision relates to the surcharge which the fishing industry has accepted should be paid. Again I part company with the honourable member for Forest Hill on this issue, because he maintained that all these charges at the various levels in the industry will result in increased prices to the consumer. I can assure him that as far as primary products are concerned that is not the way the situation works. In fact, the cost invariably comes out of the pocket of the producer. The final price the consumer pays is governed by the market and if fish prices rise or if there is a tendency to push up fish prices, those prices will be held down by the degree of competition in the market.

I suggest the honourable member for Forest Hill ought to be aware of the dampening effect on the price of fish which is brought about by the importation of fish. The fishing industry is one of the most vulnerable industries to competition from imported products. The price of imported fish sets the ceiling on the final price the consumer is likely to pay and consequently any increased cost, at any stage in the chain of marketing, will mean less in the pocket of the fisherman, the producer. The fisherman is prepared to wear that on the basis that with additional research into the fishing industry he may be able to make larger catches more economically; in other words improve productivity. Of course, the only way most primary producers can keep their heads above water is to improve productivity, because their chances in obtaining increases in prices

are remote indeed. That is why the fisherman is prepared to wear the additional costs involved in this particular proposal. He accepts the need for more adequate research—although a certain number of questions can be asked about the effectiveness of some of the research that is carried out. Nevertheless the industry as a whole accepts these additional imposts.

The remainder of the Bill deals with exceptions in the marketing of raw fish and I support the point raised by the honourable member for Forest Hill as to the other forms of raw fish—apart from oysters—which are consumed in restaurants. I will be interested to hear the Minister's explanation as to how those situations will be accommodated. The Minister, in his second-reading speech, highlighted the last clause as being the most important provision in the Bill and that is in relation to controlling the gathering of shellfish.

The honourable member for Forest Hill went to some length to draw out this particular aspect of the Bill.

Mr Brown—It is very important.

Mr B. J. EVANS—I believe it is important and I suggest the whole problem has arisen because in recent years a number of people have migrated to this country from countries where there are quite different habits from those to which we are accustomed. In many cases the customs and habits are derived from the geographic area of the world in which the country is situated. This type of sea-food is perhaps more readily available in tropical waters and therefore there has not needed to be any form of control in those areas. People have come from countries where it is an accepted practice to harvest shellfish without any limitations being placed on them. They do not know that if they move into a completely different climatic zone those practices may prove to be harmful. Obviously, in the past there has been no need to impose control on the harvesting of shellfish but before one can tell a migrant that he should not be gathering shellfish the Government must make it illegal for people to be involved in this particular activity.

Not so long ago a similar problem arose in relation to dogs. It is a well known fact that in parts of South East Asia dogs are recognized as part of the human diet. Of course, that practice is not acceptable in this

country and controls have to be exercised to stop it taking place. I make this point as an illustration that there are circumstances in which we should expect migrants to adopt our ways.

An Honourable Member—Hear! Hear!

Mr B. J. EVANS—I am pleased to hear that endorsement from the ranks of the Government. We are far too prone to adopt the point of view that we have to change our ways to suit the migrant who is coming into the country. I suggest that if people wish to migrate and live in this country they must be prepared to accept the way of life, standards, conditions and principles of this country. Unfortunately, this Parliament is called upon from time to time to change many of the principles which we in this country have held dear for so long simply on the argument that migrants do not believe in those things. I am referring to simple things like loyalty to the Crown.

The provision worries me because the way in which the Bill is framed makes it seem as though a fisheries inspector could go before a court and say, "I found this person collecting shellfish from a part of the coastline and I hereby swear that it is a recognized shellfish habitat". The person may not necessarily be a migrant; he or she could be an Aborigine, or anyone, so far as that goes. However, that is the only evidence on which a person can be convicted for collecting shellfish in a recognized shellfish habitat. That is how I see the situation, and I would be pleased if the Minister could clarify this matter.

There seems to be a need for the proclamation of areas that are recognized shellfish habitats. I do not know whether this is covered elsewhere in the Act. If it is, I am not aware of it. In this case, after the event, a fisheries officer can stand up in court and swear that the place from where a person was taking varieties of shellfish is a recognized shellfish habitat. That is all that is necessary to establish the facts of the situation. I consider that to be too broad and if the Minister can satisfy me that my apprehensions are without foundation, I will be pleased. Otherwise, it will be necessary to examine the possibility of introducing an amendment in another place.

Mr BURGIN (Polwarth)—I have nothing against the principles of the Bill. By asking that the funds should be collected rather than be of a voluntary nature, the Victorian Fishing Industry Council is doing something for the benefit of the fishing industry for a long time to come.

It has been proven by test runs that with certain types of fisheries promotion can work. It is only fair that everyone connected with the fishing industry should be supplying funds to be used in its promotion. If the Government intends to eventually gather information from health inspectors on the numbers and location of the retailers, it should have done so before the Bill was introduced. The Government has had fifteen months in which to think about the matter because the proposal was requested by the Victorian Fishing Industry Council before the Labor Government assumed office. This has been an ongoing situation. If the Government had established the number of retail outlets before the Bill was introduced, honourable members in debating the Bill would have had a better idea about the revenue likely to be collected. Information could have also been collected to establish whether the amount of \$400 to \$1000 for a corporation and \$100 to \$300 for an individual is a fair and equitable fee when one relates one to the other.

It seems to me, whether one is discussing the tobacco franchise or so many other matters, that the large corporations with numerous outlets get a better deal than the small individual businessman who has only one outlet. Perhaps the Government could examine that situation. I welcome the Bill and the introduction of the levying of a compulsory fee as requested by the council. Although I go along with the way in which the levy will be collected, more work could have been undertaken to establish exactly what the situation is within the retail sector. As an amateur fisherman, clause 5 dealing with the collection of shellfish along coastal areas worries me. I have been in this place for some time now and I have never seen a Bill introduced where the second-reading notes and clause notes have told me less.

Mr Cathie—The Bill stood over so everybody had a chance to look at it.

Mr BURGIN—Honourable members are dealing with the Bill on the information presented to Parliament. I have the three

documents in my hands and I find it difficult to relate a lot of the information to the Bill. For example, a number of points mentioned in the clause notes are not in the Bill, yet they are presented to Parliament. I am concerned at the wording of the Bill. Clause 5 provides:

In section 72 of the Principal Act at the end of subsection (2) there shall be inserted the words "or that any place is a recognized shellfish habitat shall be prima facie evidence that the place is a recognized shellfish habitat".

That does not tell honourable members much at all. Mr Speaker, you have a better capacity for understanding these things than I have because you have been in this place longer. In this case honourable members are not being told anything. Does clause 5 mean that an inspector who finds a person gathering bait that happens to be shellfish, and who declares that the area is a recognized shellfish habitat, can provide that as evidence to a court that the person is gathering shellfish from a recognized shellfish habitat? I assume the person concerned would be gathering the shellfish illegally.

Mr Cathie—It is the way it is worded now.

Mr BURGIN—No, other words go with it. The second-reading notes and the clause notes provide no indication of how the public will know that this is the case.

Mr Cathie—It will be well publicized.

Mr BURGIN—The Minister now tells me that it will be well publicized. I want to know how it will be publicized so that everyone will be aware of the situation. Mention has been made that some shellfish, which is used as bait, will be exempt by some means or another. I would like to know what type of exemption that will be. I would also like to know how the fisheries and wildlife inspector intends to establish whether a person is obtaining shellfish for bait or to feed his family. If a person has some bait left over and feeds it to his family, depending on the circumstances, he could be breaking the law.

There are many answers I want from the Minister of Housing. I should also like to know what is the intention of the Government in relation to exemptions for the types of bait obtained by amateur fishermen. There is nothing in the notes to the clauses

to indicate whether cockles or any of the other usual forms of bait found in many parts of Victoria will be exempt as bait.

One could have the added complication that those persons who will use a sledge hammer to crack a nut, will eat those same species of shellfish; some persons will use those shellfish for bait for legitimate amateur fishing and other persons will perhaps gather shellfish for food. How will the Government overcome that problem?

From the explanatory second-reading speech, it appears the Government has examined bag limits and proposes to close key areas on a seasonal basis and so on, but it has rejected the other measures I have referred to for handling this problem. Those other methods would represent a less complicated way of handling this problem. It appears that the Government can use the means I have suggested for all the other types of fishing, whether it be by amateurs or professionals.

Everybody should know exactly where they will stand on these matters, especially those covering bag limits. If the Government wants to prevent people from gathering as a big family to obtain too many shellfish, the Government should place an age limit on those gathering the bags of shellfish. There are many ways the problem could be handled rather than by introducing a series of measures that will be a nightmare once the Bill starts taking its bite.

If the Government is going to exempt some species of bait—and the Opposition wants to know what those species will be—it appears that the Government probably intends to license amateur fishermen to enable them to collect the bait. That will mean a further charge on the community.

The Government should make it clear what it has in mind in relation to what it will do with clause 5, because neither the second-reading speech nor the notes to the clauses make that clear. On the question of the levy and the licences to sell at a wholesale and retail level, the Minister should indicate the intention of the Government during the intermediate period when the levies are being collected. Will the Government act so that the fishing industry can begin its promotion after October, or will the industry be expected to hold its promotion, gather its funds and commence the

promotion only when the funds are paid into the trust account?

Mr AUSTIN (Ripon)—In almost every sessional period, proposed legislation affecting the fishing industry is introduced. The Bill is important from both an amateur and professional fishing point of view. The Bill is important to the Victorian economy and to tourism. Many of the issues in the Bill have been canvassed sufficiently by the honourable members for Gippsland East, Forest Hill and Polwarth. Indeed, the honourable member for Polwarth has a first-hand knowledge of the fishing industry because the area he represents covers a large part of the southern coast of Victoria.

The Fisheries and Wildlife Division is now entering another stage of its history by coming under the umbrella of another Ministry. It will now be mixed up with conservation, forests, lands and soil conservation. I hope it continues to have the prominence and the importance which it deserves and which it has enjoyed in the past.

The Opposition does not object in principle to the aims of the Bill. The Bill aims to protect certain shellfish habitat, which is being denuded by persons who are either greedy or who do not understand the damage that they are doing to those areas. However, one wonders why the Government is using a sledge hammer to crack a nut. Is it necessary for the Government to take severe action to remedy something that is having a detrimental affect on a certain area of the coastline?

Far too frequently, Governments, under the influence of departments, are inclined to take stringent steps to try to overcome something that could be tackled in a different manner. It is unfortunate that one cannot have rules and regulations that could be policed in a way that would prevent the sorts of disasters that are presently occurring.

The Government proposes to proclaim certain areas as protected shellfish habitats. Indeed, the Minister of Housing has said that those areas will be clearly defined and publicized. However, it remains to be seen whether the right sort of person will read and understand that proclamation.

It is hard to understand how the Government will prescribe the boundaries of the proposed areas. The areas proposed are

extensive in Westernport Bay and Port Phillip Bay. It will be difficult to know where the proposed areas commence and finish.

There have been many examples where people have either been greedy or have broken the law, and amendments to legislation have been made or changes in policy have been effected. Indeed, one will no longer be able to shoot snipe in Victoria. The Japanese claim that there are only 10 000 snipe left in Japan because we have been allowed to shoot them. I suggest that that many snipe are shot each year in Victoria; therefore, I do not believe that claim by the Japanese.

There are examples all along the Victorian coastline where people are motivated by greed and act in a way that is damaging to the fishing industry. For example, in the area represented by the honourable members for Portland, Warrnambool and Polwarth, the coastline is the main source of crayfish not only for the Victorian market but also for the Australian and overseas markets. Although certain rules and regulations are applied to the way one may or may not gather crayfish, those rules and regulations are not complied with.

As I indicated when the Liberal Party was in government, the necessary funds should have been made available to ensure effective policing of these rules and regulations. This situation still remains.

I support what the honourable member for Polwarth said about clause 5. There is a danger that the amateur fisherman could be unable to obtain bait for legitimate amateur fishing. I hope the Minister of Housing will take up this matter with the Minister responsible for the Fisheries and Wildlife Division and ensure that this does not occur.

Every time a fishing Bill is before the Parliament, an opportunity exists for making a plug for the industry. I suggest, as I have on almost every occasion a fishing Bill has come before the House, that the responsible Minister examine reintroducing an opening to the amateur fishing season. An opening of the season always occurred on the first Saturday in September, and that was welcomed not only by amateur fishermen but also by all people involved in the fishing industry; those who have shops selling fishing gear and those who provide accommodation. It is amazing how many people were affected by the opening of the fishing season

which used to occur; it was an exciting event and started the season off in a way that gained publicity and was enjoyed by many people.

Whenever I talk to amateur fishermen, they have agreed that an opening of the fishing season should take place. If amateur fishing was banned for two months, it could be started off in a way that would be welcomed by amateur fishermen throughout the State. I ask the Minister of Housing to make that plea to the responsible Minister in the hope the matter can be examined and the views of amateur fishermen be taken into consideration. It would be of benefit to the State.

Mr BROWN (Westernport)—I support the comments of the honourable member for Forest Hill. When I first saw the proposed legislation and the second-reading speech of the Minister, I thought it was both worth while and a Bill which I would have no reservation in supporting *in toto*. As the only member of the Legislative Assembly representing the Westernport Bay area, I have a close interest in the development of conservation, be it of shellfish or marine ecology, particularly as it affects Westernport Bay. The measures enunciated in the proposed legislation primarily cover Port Phillip Bay and Westernport Bay. However, as the honourable member for Forest Hill pointed out, areas of concern exist regarding the financial aspects proposed by the Government.

It is well known that members of the Government are high flyers and low thinkers, and when they start acting in areas regarding financial involvement one starts to worry about what will be the ramifications for the public; the ones who pay the bills. That must be measured against the knowledge that the Victorian Fishing Industry Council is keen to promote its own industry. That is a fair and reasonable proposition. The council should be commended, as the Opposition does, that it is prepared to put its money where its mouth is. Rather than taking 30 per cent of its funds, it is a pity that the Government is not prepared to contribute in some manner. Besides employing large numbers of people, the fishing industry contributes to feeding the populace of this State.

The proposed legislation contains other areas of concern. The clause notes have been

the subject of debate prior to my speaking on this issue. In the second-reading speech, it appears that provision is also to be made for payment into the fund of an amount of 15 per cent of fees received from the issue of annual licence fees under the principal Act, with the exception of bait licences and marine harvesting licences.

Regretfully, that is not only misleading, but also untrue. No provision exists in the Bill for payment into the fund of 15 per cent of the fees received. The Bill provides for the transfer of the amount of surcharge received. There is a difference between the amount of surcharge received and 15 per cent of funds received. I am sure the brains that run the Treasury in this State picked up that point themselves and did not leave it to the Opposition to discover because the Bill truthfully sets out the case—the 15 per cent surcharge on fees is the amount to be transferred. If that is an example of how Treasury manages this State, it is no wonder Victoria is in such a mess!

Other areas of concern have already been covered during the debate, particularly the enforcement provisions. It is true, and I know as the member for Westernport that a large problem exists in Westernport Bay and Port Phillip Bay with the collection of shellfish and the like. It is true that, at any given time, particularly in fine weather, up to 40 or 50 people would be busily bagging and collecting shellfish and crustacea. If that is allowed to continue unabated, the day will come when the ecology in the area where such activity is intensely carried out will be affected and the question will be asked regarding what can be done.

I commend the action of the Government regarding that aspect. It has seen fit to face the problem and legislate to ensure that indiscriminate collection of this type is stopped. The Government has the support of the Opposition on that issue.

The Bill seeks to insert the words:

or that any place is a recognized shellfish habitat shall be prima facie evidence that the place is a recognized shellfish habitat

No doubt the Minister will be clarifying that point. Obviously, one cannot have a clause in a Bill that gives no indication that collection of shellfish in a particular area is illegal.

Mr B. J. Evans—If you are caught that way with a gun in a national park, it is illegal.

Mr BROWN—It is known that one is not allowed to hunt in a national park, so if one carries a gun, one places oneself at risk. Speed limits are set for people using speed boats, but areas where those speeds apply are defined by an Act of Parliament. Maps clearly set out the prescribed areas and signs X are usually erected on the foreshore. When one reaches point X, one knows one can speed up if so desired.

It is not reasonable to say that any place that is a recognized shellfish habitat shall be *prima facie* evidence because one could construe that to mean the foreshore at Carum. I do not know whether that is true, but I doubt it. If that point is not clarified, it could mean that if one is collecting shellfish anywhere in Victoria, it is *prima facie* evidence that one is breaking the law.

Mr Cathie—If it is damaging the environment.

Mr BROWN—That is a point of conjecture. I, like many other honourable members, have young children. One of my boys could pick up a shellfish, have a look at it, put it in a bucket and take it home. The collection of one shellfish would probably not destroy the habitat, but where does one define a child taking a bucket of shellfish home and the father taking home a bag full. As one who travels along the Bass Highway almost daily, I see many cars that come from Melbourne to the Westernport area for the sole purpose of collecting large bagfuls of shellfish and crustacea. That is why the Bill is necessary, and it certainly has my support, without reservation, in that regard.

I am concerned about the enforcement provisions. It is well known that the illegal activity of netting is rife in Westernport Bay and in Port Phillip Bay. The people carrying out that illegal activity are not amateurs but people who cannot get professional fishing licences and who break the law to derive an income that is probably equal to the income of licensed professions and, in many cases, an income that is more than the income of professional licensed fishermen.

Daily, one can look over Westernport Bay through binoculars and see many boats that are netting. The question is: How many are doing that illegally? It is of great concern to

officers of the Fisheries and Wildlife Division who have to police these activities when they do not have adequate resources. Now, a further Act of Parliament will place more burdens on the shoulders of those officers. They will be required to police the provisions of this Bill also.

The Government has stated that the Vietnamese people are responsible for the large-scale removal of shellfish and I am somewhat concerned that the Government seems to have concentrated on the Vietnamese because these activities are carried out by many people and not just by one group.

Mr Cathie—The reference to the Vietnamese was only in the mind of the honourable member for Forest Hill.

Mr BROWN—It was not “only in the mind of the honourable member for Forest Hill” at all. However, I agree that this activity is carried out predominantly by members of the Vietnamese community but by no means solely. It is not yet an illegal activity and, even if it were solely the Vietnamese community, the law is not being broken at present by anyone collecting shellfish. I emphasize that, if brand-new enforcement provisions are included in a Bill, the Fisheries and Wildlife Division and its officers must be given the wherewithal to carry out that enforcement.

Mr Cathie—I thought the Government had to cut back on expenditure?

Mr BROWN—The Government should cut back on waste and extravagance, not on necessary expenditure as in the health field which, I understand, will be cut back 2 per cent when it is already stretched to the limit.

I refer to the brainwave of the Government to establish marine reserves off the coast. Similarly with this Bill, I understand that the proposition is for the preservation of the ecology and I understand, although the proposed Bill does not define specific areas, that the Government intends to form marine parks covering a large section of water around Wilson's Promontory.

Mr CATHIE (Minister of Housing)—On a point of order, marine parks are not the subject of this Bill.

The ACTING SPEAKER (Mr Fogarty)—They are not. The point of order is upheld.

Mr BROWN (Westernport)—I am very much making the point that the Bill aims to conserve the ecology and to preserve marine life, specifically shellfish, and that this aim is contained also in another proposal of the Government that will affect certain areas I assume the Minister will identify for the benefit of the community.

The ACTING SPEAKER—Order! The honourable member will have the opportunity of debating that issue at a future time.

Mr BROWN—Regretfully, I will not because it is a Governor in Council decision but, there will be other ways of referring to the issue. Westernport Bay, like Port Phillip Bay, has large fishing fleets although the fishing fleet at San Remo does not fish predominantly in the bay. People collecting shellfish and so on do not just damage the ecology by removing the shellfish. The sea grass at Westernport Bay is damaged by people collecting shellfish. It is trampled on and uprooted when implements are used to remove the shellfish. No attempt is made to replace the sea grass that is dug up daily in large quantities.

Slowly, but surely, the tidal mud flats that are exposed at low tide are being denuded. Fish rely very much on the healthy growth of sea grass for their welfare. They live in it and feed on it and rely on it for survival. The collection of shellfish therefore affects the entire fish population of the bay which, in turn, affects both professional fishermen and commercial and recreational fishermen.

My shadow Ministerial colleague and the honourable member who will be responsible for this portfolio in eighteen months has said that the Liberal Party will not oppose the Bill. I support the thrust of the Bill. I again emphasize my grave concern for the financial implications of the Bill, not only for the fishermen who will be paying the 30 per cent required but also for the future decision made by a Labor Party Government.

The Labor Party Government is hard up for cash. Next, the Treasurer will be examining fishing licence fees to determine an increase of 30 per cent for next year, similar to the financial institutions duty which, I understand, may be doubled soon. The attitude of the Labor Party Government is that if one spends more money than one earns, next year one makes it up by increasing fees.

Basically, however, the Opposition supports the measure.

Mr CATHIE (Minister of Housing)—I thank the honourable members for Forest Hill, Gippsland East, Polwarth, Ripon and Westernport for their contributions to the debate and their support of the Bill. The honourable member for Gippsland East dealt with the realities of the Bill whereas the honourable member for Forest Hill dealt mainly in fantasy. I regret that the honourable member for Forest Hill singled out a particular migrant community, thereby encouraging prejudice in the community, when the Government had taken steps to avoid making such a specific reference.

Nearly all speakers have expressed concern about clause 3 (4), particularly on the difficulties in the funding mechanism with the expression, "In the month of October". I foreshadow that I will move an amendment in the Committee stage to omit that phrase which should meet that concern and the concern of some honourable members that in some way the Government is trying to get hold of money that rightly belongs to the fishing industry. From the 30 per cent required for the administration of the proposed Act, an additional clerk and an additional uniformed officer will be provided for the policing of the regulations.

The honourable member for Forest Hill claimed also that the Government had failed to consult the Ministry of Ethnic Affairs. That is not true. There is the need for an ongoing educational campaign in the community to ensure that future damage to the essential resources of the State is not made by people acting either in ignorance or irresponsibly.

Clause 5 has wide-spread community and industry support and criticisms made of it result from a misreading of how that clause will operate.

As I understand it, if it is an area that is declared as a recognized shellfish habitat, that will include bait. That is a point of view accepted by the industry simply because of the fact that damage can occur or has occurred to a shellfish habitat in a particular region.

The usual method is that an inspector can declare on oath in court that an area is a recognized shellfish habitat, then the onus is on the defendant to prove otherwise.

Those areas will be well publicized beforehand. It is not a case of taking an action against somebody who will be in ignorance of the fact. Before any action is taken against any individual, there will be an ongoing campaign to publish where these areas are and to ensure that the public is well informed about them.

Mr B. J. Evans—How are you going to define them?

Mr CATHIE—I realize that there are difficulties, but I would imagine they will be defined in the normal way, either by geographical boundaries or by the identification of certain reefs, and so on. A notice can be put up to notify the public, but those notices get defaced, vandalized, and they are not always effective.

The best way to publicize the effect of clause 5, what it means, to which areas it applies and how it is going to be enforced, would be by a widespread educational campaign in the media.

Mr B. J. Evans—You will never solve it that way.

Mr CATHIE—We will not solve it entirely, but that is not an argument for saying that we should not attempt to do so. There was some suggestion by the honourable member for Forest Hill that there would be a difficulty in defining and in policing the licence, even though the Fisheries and Wildlife Division has inspectors all over Victoria. The new fish trader's licence will be required by those people or companies who are extensively involved in the sale of fresh or frozen fish directly to the public. That means the traditional fish and chips shop, the specialist fresh food convenience vendors, roadside and mobile fish sellers, market store holders and those supermarkets which sell fresh and frozen fish, as distinct from canned and packaged fish. They will all be required to hold a licence. That means that restaurants, to which the honourable member for Forest Hill referred, fast food outlets, or stores that sell canned or frozen packaged fish, such as fish fingers, will not be required to take out a licence.

Again I think it was the honourable member for Forest Hill who raised this matter: Where a particular wholesaler is supplying a network of butcher shops, he is obviously

not retailing it, he is providing it as a wholesaler; and that would be a small and insignificant part of the industry. However, I am prepared to examine the point that was raised to see if there is any need for a change in the legislation.

On the range of fees, I think the honourable member for Gippsland East explained that adequately. Obviously, Safeways, being a big corporation, will be charged at the top end of the fee, the \$400 mark, but it has to be remembered that supermarkets of that nature contribute considerably to the promotion of fish and the fishing industry.

If these funds are not made available to the Victorian Fishing Industry Council, then that council could be faced with closure because it will not be able to do anything. The amount of money it receives at present is stretched to meet the administration and running costs. If one looks at the objects of the Victorian Fishing Industry Council and at the important and responsible role it has in research and the promotion of the fishing industry, one can see the need for additional funds to enable it to carry out those responsibilities.

Amongst the objects which the council has are the promotion and consumption of fish taken in Victorian waters; to develop and secure new and existing markets for fish taken; to encourage the development of new fisheries and existing fisheries; to promote the education of fishermen in fishing technology, boat handling, safety at sea and so on. This is a wide, responsible and important area and that body will need additional funds to meet those specific responsibilities.

The honourable member for Gippsland East raised the question of how raw fish is defined. Presumably it would be uncooked and it would have to be iced and frozen to be kept properly. The honourable member for Forest Hill suggested that even roll mops would come under this measure. As I understand it, roll mops are processed in some way or another and therefore would be exempt and would not come under the definition of raw fish.

Mr Richardson—What about Japanese fish?

Mr CATHIE—I have already indicated that restaurants are exempt. If that is not so, I will ask the Minister in another place to examine that point as well.

Mr Richardson—You are wrong.

Mr CATHIE—I do not think I am wrong at all.

Mr Richardson—You are often wrong and you are again this time.

Mr CATHIE—That is a matter of opinion, and it is a very inflated opinion at that, if the honourable member does not mind me saying so. I have dealt with most of the matters raised by the many honourable members who have contributed to the debate. The Bill is important because it will assist the Victorian Fishing Industry Council to undertake its important work.

The motion was agreed to.

The Bill was read a second time and committed.

Clauses 1 and 2 were agreed to.

Clause 3 (Fees for fish trader's licence)

Mr CATHIE (Minister of Housing)—I move:

Clause 3, lines 23–31, omit the words and expressions on these lines and insert:

“(4) For use in promoting the sale of raw fish for human consumption there shall from time to time as determined by the Treasurer of Victoria be paid into the Victorian Fishing Industry Trust Fund established under section 15 of the *Victorian Fishing Industry Council Act 1979* from moneys appropriated by Parliament for the purpose an amount equivalent to seventy per centum of the total fees paid for fish traders' licences under this Act together with an amount equivalent to the total amount of the surcharges paid under subsection (5).”

As I indicated during the second-reading debate, and this relates to clause 3 (4), concern was expressed about the phrase “in the month of October”. The amendment, as I understand it, will mean that the funds will be available as required and as the council needs them.

Mr RICHARDSON (Forest Hill)—The Opposition welcomes the amendment which has been proposed by the Government in response to the presentation to the public and to the fishing industry by the Opposition of the implications of the Bill as it was originally written. This is a good example of how an Opposition, which has the interest of the fishing industry and the fish retailing industry at heart, can influence the actions of a Government. The amendment is a direct response to a public statement made by members of the Opposition

on this matter on behalf of the fishing industry and of the fish trade in general.

I commend the Government for accepting the proposition put to it following the vigorous action taken by the Opposition.

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

Clause 5 (Evidentiary)

Mr RICHARDSON (Forest Hill)—This clause deals with the declaration of an area as a recognized shellfish habitat and also relates to the prohibition of the taking of shellfish and other related species. It is the clause to which the Minister alluded in his second-reading speech when he referred to “certain migrant groups”. It is this clause that relates directly to the remarks made by the Minister in which he claimed that it was I who identified the Vietnamese community as being the migrant group referred to. He was critical of me for, in his words, “being the one who made particular reference to the Vietnamese”. I wish it to be on record that the *Age* of 16 July 1983 contains an article that states:

A spokesman for the Acting Minister of Conservation, Mr Mackenzie, said that Vietnamese had been involved.

The article continues:

The head of the Ethnic Affairs Commission, Mr Gary Sheppard, said he could not deny that Vietnamese had been taking shellfish.

Mr B. J. Evans—They are doing it quite legally.

Mr RICHARDSON—Yes, I take the point. There is no dispute about whether they were doing it legally. The point at issue is the accusation made by the Minister against me, that it was I who named the Vietnamese as being the people involved. What I am pointing out is that it was, first of all, a spokesman for his fellow Minister, the Acting Minister for Conservation, who, on 16 July, publicly identified the Vietnamese community as being the community to which the reference was made. The Chairman of the Ethnic Affairs Commission, Mr Sheppard confirmed that.

The taking of bait also comes under this clause. It is also under this clause that concern has been raised about whether discretion is to be exercised by fisheries officers.

There now appears to be some contradiction between the remarks made by the Minister in his response to the second-reading debate and the original remarks. The Minister said that the proposed legislation would, in fact, prevent the taking of bait. Am I correct, Mr Minister?

Mr Cathie—As I understand it, the taking of bait, yes.

Mr RICHARDSON—The article that appeared in the *Age* of 16 July states:

According to a Government spokesman, the proposed laws would apply to all coastal flats, inlets, estuaries, bays, rivers and creeks affected by tides, from the high tide mark out to a depth of two metres.

None of that is disputed. The article continues:

Those using a hand-operated pump or sieve to collect bait would not be affected, the spokesman said. The laws were not intended to prohibit everyone, but rather to give Government officers the power to act if a problem arose.

The article also states:

The move is expected to enable conservation officers to stop excessive exploitation of molluscs and crustacea, particularly mud-cockles and soldier crabs, without preventing amateur anglers from getting a bucketful of bait.

The point at issue is not one of disagreement between the Government and the Opposition on the intention of the proposed legislation; the point at issue is whether the proposed legislation, as it is drafted, will achieve the Government's objectives. The point at issue is the contradiction between the Minister's understanding of the measure and the understanding of the spokesman for the Ministry for Conservation who was quoted in the article in the *Age*. I put it to the Minister that there is a need for the Government to do some homework on the Bill. There is a need for the Government to heed the remarks I made during the second-reading debate, in which I said that the Government has not really thought through the proposed legislation. It certainly has not prepared the Ministerial spokesman in this House to be able adequately to handle the Bill. The existence of so many contradictions is evidence of that.

In the interests of the community as a whole and in the interests of the efficient operation of the protective measures on which we all agree, I put it to the Minister

that there is a need for the Government to take a very hard look at the Bill while it is between here and another place so that these contradictions can be resolved and so that the question of whether individuals are allowed to get bait when the area has been prescribed can also be resolved.

What the Government has presented to the people of Victoria in this proposed legislation is total confusion. The Government has not thought it through and has not done its homework. It now has an opportunity of correcting those deficiencies and putting its house in order and it can at least make sure that the Ministers handling the matter can get their stories right.

Mr BURGIN (Polwarth)—As I said during the second-reading debate, the problem with the Bill is the lack of information the Government has been willing to give the House. It appears that there will be some exemptions for amateur fishermen gathering their bait, so long as that bait does not consist of the type of shellfish that are being gathered by some people for food.

For many years, amateur fisherman have been able to collect this type of bait and use it in their angling without creating any ecological problems. Suddenly, a new ingredient has been added to the situation—groups of people are now gathering these shellfish to feed their families.

I agree with what the Government is doing because not only must that affect the ecology of the area because it is happening in big quantities, but it will also be damaging to the amateur fisherman who likes to use that bait for his fishing enjoyment.

What I am putting to the Minister on this matter is that, even though the Government intends to bring in regulations to exempt certain types of shellfish, it seems to me that, at some future time, when these groups of people are cut off from the source of food that they have been gathering, they might start changing to the exempt bait species. If that occurs, it will be like a dog chasing its tail. Those species will be removed from the exempt list until such time when no bait is left for the amateur fisherman to use.

I suggest to the Minister to seriously consider, while the Bill is between here and another place, endeavouring, in some way,

putting an endorsement on an amateur fisherman's licence to enable him to collect the small quantities of bait that he requires.

I understand, for example, that an amateur fisherman will be able to use the likes of squirters and clickers in the future. However, he will not be able to use pipis. Of course, the fish in our streams do not know which species the fisherman has chosen to use and which have been exempted, and it would seem to me that, in barring the amateur fisherman from using pipis, and if that is going to be the case in all the estuaries in Victoria, once that source is cut off from the groups of people who are gathering them for food, they will probably start on the squirters and the clickers, which are exempt. I personally would not like to eat them, but then, I do not like eating dogs either.

The ACTING CHAIRMAN (Mr Kirkwood)—Order! Would the honourable member inform the Committee what those species are.

Mr BURGIN—A squirter is a type of crayfish that squirts and a clicker is a one-armed crab. I ask the Minister to examine the possibility of an endorsement on the amateur fishing licence that would allow the amateur fisherman to continue to collect his small quantity of bait of all these types of shellfish, so that things can go on as usual, because no damage is being done.

Mr CATHIE (Minister of Housing)—I should like to assure the Opposition, particularly the honourable member for Forest Hill, that the Government has thought through this proposed legislation and that it will not help his case to continually overstate the clear facts.

I indicated that clause 5 clearly includes bait, but the honourable member ought to know that the particular pump that he described is exempt. That pump can be used only for coastal, stream and Bass yabbies, and they are exempt from that clause.

With regard to the endorsement on amateur fishermen's licences, I will raise the matter with the Minister for Conservation in another place who will examine it and determine whether this ought to be included.

Mr RICHARDSON (Forest Hill)—I return to the point I made earlier about the unfair pressure that will be put on officers

of the Fisheries and Wildlife Division. There has been contradiction in the public statements that were made by the spokesman for the Minister for Conservation, which imply that there will be a discretionary power vested in the officers of the division in the policing and operation of the Bill, particularly as it relates to the proclamation of prescribed areas and the prescription of such areas as recognized habitats. The spokesman for the Minister stated:

Those using a hand-operated pump or sieve to collect bait would not be affected.

The Minister of Housing has referred correctly to the references that are already contained in the legislation to sieves and pumps. However, the next statement is the one which causes concern. The spokesman was reported as having said:

The laws were not intended to prohibit everyone, but rather to give Government officers the power to act if a problem arose.

That is a clear implication of discretionary power being vested in officers of the Fisheries and Wildlife Division. Under the Bill, there is no such discretionary power and, therefore, there is again contradiction between the public statements that appeared in the *Age* on 16 July and the comments of the Minister of Housing. There are contradictions between the statements of the Ministerial spokesman and the legislative reality. Therefore, there is no doubt that there will be confusion among the public over this matter.

Above all, a most improper and unfair pressure is being placed on officers of the division. Those officers need to be quite confident that they will be acting in response to the law as it is, and it is quite unfair to place on those officers some discretionary power that will enable them to say to some people, "You can break the law while I look on and it will not matter", which is really what it means.

To have that sort of responsibility vaguely stated, as it has been by the Ministerial spokesman, and placed upon officers of the Fisheries and Wildlife Division is quite unfair to those officers, and quite contrary to the spirit of the operation of the law in this State.

Mr DELZOPPO (Narracan)—I raise with the Minister a couple of points about which I am not quite satisfied, having been a bait gatherer for some years. Am I right in presuming that the Minister is giving an assurance that it will not be illegal to gather shellfish—that is, the species that I know as shell bait, and I am sure the honourable member for Gippsland East would know what I mean—by way of a hand-pump? The second point I wish to raise relates to the fact that Australians tend to regard pipis as bait, and I remind the Committee that the pipi we use for bait in Australia is the celebrated pipi used for clam chowder, which is eaten in America. We ought to be careful when saying that a certain thing is to be used for bait and not for edible purpose because some confusion can occur. I should like the Minister to give an assurance that the amateur fisherman will have the ability to gather pipis and other bait that are now collected by way of a hand-pump.

Mr B. J. EVANS (Gippsland East)—I am afraid I cannot help out my colleague, the honourable member for Narracan, in regard to the request he made, as I am not an angler and I would not have a clue about what he is talking about in that regard. However, the Minister has made it perfectly clear, and every honourable member would accept the position, that a problem has developed with the random, and excessive collection of shellfish in certain parts of the State, mainly in Port Phillip and Westernport bays.

The Fisheries and Wildlife Division has a difficult problem which should be resolved quickly. At the moment busloads of people, armed with shovels sieves and sugar bags, descend upon a beach and set to work collecting tonnes of shellfish. If this occurred the division and the Government would not be able to stop it.

This proposal is a reasonable way of solving the matter. The division would not be chasing around after little Johnny if he collected a bagfull of winkles and it would not be chasing after fishermen collecting bait for the day or the week-end. I accept the Minister's assurance that the purpose of this power is to stop the excessive exploitation of shellfish on beaches close to Melbourne. It would not be of much consequence anywhere else in Victoria.

In the interests of solving the problem, this power must be granted to the division's officers. If people extract shellfish with shovels and sieves now, an officer can do nothing about it because it is legal. The proposed legislation will make it illegal and the officer will be able to tell them not to do it or they will be prosecuted. This is a suitable measure for this purpose, and the proposed legislation should be supported.

The clause was agreed to.

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

STATE FILM CENTRE OF VICTORIA COUNCIL BILL

The debate (adjourned from May 5) on the motion of Mr Mathews (Minister for the Arts) for the second reading of this Bill was resumed.

Mr JONA (Hawthorn)—This Bill represents a further step in the upgrading and facilitating of the role of the State Film Centre, and the Opposition supports the Bill. It has no reservations about it other than the obvious ability of the Minister and his successors to continue to administer the legislation correctly because of the power vested in the Minister following the Film Victoria reconstitution legislation towards the end of 1982, which gave the State Film Centre a more independent role as a film distributing agency responsible for the general distribution of documentary film materials and the development of public access to them.

When I was speaking on the proposed legislation during the spring sessional period last year, I referred to the role and to the record of the State Film Centre over its term of operation since 1947. That has been a distinguished role, and the centre has had much success in its achievements. The Minister referred to those achievements in his second-reading speech. In the 36 years since the State Film Centre was established, more than 3 million people from 5000 community groups have viewed films from the centre's collection which extends to over 23 000 prints of a wide range of documentary films and video tapes. The people of Victoria, in both the metropolitan and country areas, have been encouraged and facilitated in the use of the State Film

Centre's resources, and these resources are not restricted to films and videotapes but also to 2500 specialist books and periodicals which service an extensive and valuable library on matters pertaining to films, video and television.

The Bill reconstitutes the State Film Centre of Victoria as a statutory body with its own council and states that the council shall be subject to the general direction and control of the Minister, so the Minister does have a degree of exclusivity about him in terms of his ability to veto or direct the council. One would assume that direction would be exercised wisely, and there is no suggestion that that would not be the case. It ought not detract from the otherwise independence and autonomy of the council concerning the objectives and functions spelt out in the Bill. The objectives, functions and powers, as set out in the Bill, are coherent and are expressed in a reasonably comprehensive form.

There are also provisions in the Bill for use of moneys raised by the council of the State Film Centre for its own activities and for reporting which are in line with the recent trends towards better and more accountable management of public bodies. In the words of the *Victorian Government Notes*:

The council will be responsible for the efficient and effective management of the centre and for the development of policies for the preservation, acquisition and distribution of documentary films in Victoria.

That summary adequately describes the total area of responsibility of the State Film Centre, and the additional powers and the independence, subject to the control of the Minister, will enable it to pursue its tasks much more freely than has been the case in the past.

One area of minor concern in the proposed legislation is that the term "documentary film" is defined to include films made for the purpose of entertainment.

This definition could, in theory, allow an undesirable encroachment on the functions of Film Victoria, on the Victorian Council for Children's Films and Television, which distributes and exhibits children's films, and perhaps on commercial distributors. The prevention of such duplication will remain in the hands of the Minister, where it has always been. This is one area which I urge

the Minister to watch closely. Consultations between the Opposition spokesman on the arts in another place and all interested organizations, including Government instrumentalities, would suggest that everyone is happy with the Bill as drafted. The Opposition sees it as a progressive step in the moves that began a few years ago to upgrade the role of the State Film Centre and to give it more teeth and more independence. That is in the best interests of Victoria and those who will use the centre's services. The Opposition wishes the Bill well.

Mr HANN (Rodney)—The National Party supports the Bill, but it does so with some fascination, because members of the Government party, especially those within the Ministry who were members of the Public Bodies Review Committee prior to the last election, were vocal in their opposition to the number of qangos in Victoria. It may be interesting to examine the number of similar bodies that have been set up during the brief life of the present Government. This Bill provides another example of such a body. The Government seems from day to day to be establishing more bodies of the very type of which it was so critical when in opposition.

The degree of autonomy that will be given to the State Film Centre should be beneficial. The Victorian Arts Report 1981-82 points out that the State Film Centre is unique both in Australia and overseas. Since its inception in 1946 its primary aim was to acquire the world's best documentary and information films and co-ordinate their distribution, exhibition and promotion, free of charge, throughout all sections of the Victorian community. During the past 36 years, the collection of films and videotapes has grown to more than 13 500 titles, and the estimated audience in 1981 was approximately 3 million viewers.

When I was involved in the Victorian Young Farmers, that organization made extensive use of the centre, as did many other youth organizations and community bodies, of the films that were available and, more recently, of the videotapes that are stored by the centre. At one stage a Mr Ernest Jackson, who was actively involved with the Victorian irrigation research and promotion organization and a keen advocate of water catchment authorities, was

anxious that I should ask the centre to obtain a film from America that dealt in detail with catchment authorities there. I was pleased that the centre was able to arrange that, and add that film to its collection.

On occasions members of this House have been invited to the centre to view films from its collection, and the theatrette is used as a conference centre from time to time.

The National Party supports the Bill. It is important to retain this collection of works, and it is interesting that part of the role of the centre has been to increase public awareness of its films and videotapes and to promote their use to the fullest extent. This has happened especially in respect of children's programmes. The centre has regularly conducted film sessions for children, and that is a matter of merit.

The centre acts as a viewing centre for the National Film Archive and is available as an authority on film related matters to bodies such as Government agencies, private enterprise and international organizations. As well as acting as a cinema venue for many film organizations through its three theatres, the centre draws attention to relevant film issues. One such issue related to the plight of early "talkies" which were slated by their Australian distributors for destruction.

The Bill establishes the State Film Centre as a separate statutory authority and provides it with a properly constituted governing body which will be known as the State Film Centre of Victoria Council, which is to give the centre a statutory role and recognition similar to other branches within the Ministry. The Bill also provides for the centre to retain control over its own funds, which are generated at its own initiative. That is important because it will encourage the centre to promote its services, and it will then be able to build those services back into the various programmes that it provides, and thus strengthen the total organization. Clause 4 (1) of the Bill spells out the objectives of the centre in the following terms:

The objectives of the Council shall be to—

(a) ensure that the State Film Centre is managed and operated in an efficient and economic manner;

(b) increase the appreciation of and promote public interest in film as a medium for providing education, information, knowledge and entertainment; and

(c) develop such internal management structures and procedures as will enable the Council to perform its functions and exercise its powers effectively, efficiently and economically.

The Bill also spells out how that may be done through the functioning of the council.

The National Party welcomes this strengthening of the centre. I commend the Minister on the initiatives enunciated in the Bill and the National Party will watch with interest the growth of the centre.

Mr MATHEWS (Minister for the Arts)—The Government appreciates and welcomes the expressions of support for this Bill that have come from both the Liberal Party and the National Party. It does so because it sees the development of film as having a key economic significance in Victoria. The Bill puts the State Film Centre on a proper statutory basis, a basis which it has been denied since its inception in the middle 1940s, and has a vital part to play in the fostering of Victoria's film industry. I do not think anyone in this country would deny that the renaissance in Australia's film industry, which had its most recent expression in the premieres of the film *Phar Lap* in Melbourne last week and in Sydney the previous week, had its origins in Melbourne.

That was the case for a specific set of reasons. The presence of the State Film Centre in Victoria has been instrumental in making Victoria the home of Australia's film culture. The availability of documentary film from the centre's collection and access to the National Film Archive through the intermediary of the centre, with the underpinning of the film appreciation movement which grew up in Victoria in the early 1950s, ultimately led to the establishment of film societies both in the suburbs of Melbourne and in most regional and country centres.

The development of that film society movement through the Federation of Victorian Film Societies led in turn to the establishment of the Melbourne Film Festival. Those three agencies, the State Film Centre, the Federation of Victorian Film Societies and the Melbourne Film Festival created an environment where more young Victorians could develop an abiding and critical interest in films and all of their manifestations than in any other State. As a result it was people like Phillip Adams, Barry Jones, Tim Burstill, Fred Schepisi and

others who made films at the end of the 1960s and in the early 1970s which touched off the rebirth of the Australian film industry.

We are now witnessing developments which will see the home of that film industry re-established in Melbourne after a brief interregnum in Sydney. This will be the case particularly if we are able to seize the important opportunity which currently confronts us. I refer to the interest of the National Government in relocating the National Film Archive away from Canberra. Although it is not settled that that move away from Canberra should take place, I believe and other members of this House believe the appropriate site for the National Film Archive is in Melbourne, the national centre for creative film making.

If the National Film Archive is to be relocated in Melbourne, it will require the National Government to construct a building with appropriate storage facilities and environment control mechanisms, which this city cannot presently offer. We should take advantage of that development to establish a single unified film presence adjacent to the art centre in St Kilda Road. Indeed, what can be called an art city is growing up within proximity to the Victorian Arts Centre with not only the Victorian College of the Arts but also the new Australian Ballet Centre in that area.

If that occurs, this Government would be able to negotiate arrangements with the National Government which would lead to the concentration on one site, in one building, of the National Film Archive, Film Victoria, the National Film and Television Training School, the Australian Film Institute, the Federation of Victoria Film Societies and perhaps the Swinburne Institute of Technology film and television training department could be relocated there.

Mr Jona—Would it be Commonwealth funded?

Mr MATHEWS—I believe a National Government as afire with vision as our present National Government could well fund it. I believe the Victorian Government would welcome the opportunity to co-operate with the National Government in the establishment of such a facility, representing as it would, a Mecca for film students

and film makers not only from around Australia but also from overseas. The Government has already taken a major step forward with the enactment of the Film Victoria (Reconstitution) Act. This proposed legislation, which will pass through the House tonight represents a second significant step forward and before long this Government may have the opportunity to enter into negotiations with the Commonwealth Government where the future of the National Film Archive and all that might flow from that is concerned.

The motion was agreed to.

The Bill was read a second time and committed.

Clauses 1 to 6 were agreed to.

Clause 7 (Members of Council)

Mr MATHEWS (Minister for the Arts)—I move:

Clause 7, line 15, omit "sub-sections (3) and (4)" and insert "this section".

This amendment simply corrects a drafting shortcoming in the Bill.

The amendment was agreed to.

Mr MATHEWS—I move:

Clause 7, after line 36 insert—

"(6) A person who has been appointed to be a member of the Council for three consecutive terms shall not be capable of being re-appointed to be a member of the Council unless—

(a) he is, or immediately prior to the expiry of his third consecutive term he was, the Chairman; or

(b) a period of three years or more has elapsed since he last was a member of the Council."

This amendment has the effect of limiting the number of consecutive terms a council member may serve to three. The advantage of this arrangement will be obvious in an industry art form of the nature of a film. It is important that the renewal of ideas and the revitalization of purpose should be served by regular infusion of new blood. This amendment has been introduced to serve that purpose.

Mr JONA (Hawthorn)—The Opposition does not oppose this amendment, but it appears that the amendment is an application of general Government policy

because this is the second or third occasion that I can recall—and the second occasion for the Minister for the Arts—that the Government has provided such a clause in respect of new councils established by it. The concern of the Opposition is that although on the one hand it agrees with the Minister, that a turnover of council members would be highly desirable for the infusion of new ideas, it also makes it legally binding on the Minister to remove a member after nine years even though all members of the council, the Minister and the community would see a need for that person to be kept on for another year or two for some very good reasons. I believe such a restriction placed upon the Minister is not really justified if the person on the council is doing his job. If a member of the council has rendered good service and the Minister desires that that person remain on the council he should stand up and say so and not be required by law to discard him.

Members of the Opposition oppose this amendment and we warn the Minister that this amendment may work against what the Minister seeks to do.

Mr MATHEWS (Minister for the Arts)—Although I take the point the honourable member for Hawthorn has made, I believe it is balanced by another point. Perhaps he has not taken into consideration the powerful factor of inertia which leads to the constant reappointment of serving members of boards of all forms of public authorities and leads to circumstances where failure to secure reappointment to a board is seen as involving an element of personal censure.

In other words, I refer to the headlines that might follow on a member of the board not being reappointed and inevitably being stated in terms of that member having been dropped with all the dimension of approbation that the word “dropped” carries with it. I am not aware that this clause represents Government policy. It certainly represents an approach on my part, dealing as I do with proposed legislation in the field of the arts, where ideas are the general currency and originality and vitality are such essential elements.

Mr MACLELLAN (Berwick)—I find the explanation of the Minister remarkably wanting in conviction. If the Minister wants

to say it is his policy that no appointee shall continue on for more than three consecutive terms, let him say so and let that be the Minister's policy in the area of the arts. People will respect that. They might quarrel with it on occasions and they might decide that they do not agree with it, but that is what politics and being a Minister is about. It is about making decisions and some decisions are not always unanimously welcomed.

However, this policy is entrenched in the Bill. Is that so that the argument can be debated across the table in this place and subsequently in other place, and once it is entrenched in the legislation, when the Minister confronts what he describes as “inertia”, he is able—like Pontius Pilate—to wash his hands and say, “The Act says, it cannot be done?” It is no longer because of the desirability of the policy; it is because the policy is entrenched in the legislation.

If the Minister makes a clear and unequivocal statement that it is his policy that in the arts area people will not be reappointed while he is the Minister—he could enumerate those institutions and boards to which he sees fit to apply this policy—he has dealt with the problem. I do not imagine that the Minister is saying that it would be a wrong decision for some other Minister who might have a different policy and who might wish to see continuity rather than rapid change. There may be periods in the arts when a rapid change and the renewal of ideas is important, but there can be other periods in the arts in the sense of films where some continuity may also be important and may be needed. It may be that this carries an appointee over the magical three years. It may be that an appointee of international renown is going to be “dropped”—to use the words of the Minister. I do not regard it as being “dropped”; the person is not reappointed.

If the Minister makes the policy clear to the new appointees, and says, “I want you to understand now that it is not my policy to appoint anyone beyond three consecutive terms” and places this in writing, I do not think the appointee would be offended when the time comes and he or she is not reappointed. A person would be offended only when someone was appointed earlier.

Perhaps the words are placed in the proposed legislation so that the Minister will not be tied down. However, proposed legislation is not drafted to avoid pressure on a Minister; it is to bind the Minister. I do not see why the Minister wants to be bound in this way. The explanation of the Minister about his intentions is completely unconvincing. If this is the Minister's policy, that is fine. The Minister should be allowed to make his policy and let everyone know what it is. The Minister should state that appointees are appointed for three consecutive terms only. There is not the slightest reason for the assumption to appear in the Bill that this Minister's policy today is the policy that should guide this area of the arts henceforth or that it might be necessary for Parliament to be faced with an amendment to the proposed legislation because circumstances arise where some other Minister or a successor Minister decides to adopt a different policy. It is an attempt by the Minister to entrench policy in the Act rather than leaving the policy with the Minister of the Government of the day.

The amendment was agreed to, and the clause, as amended, was adopted, as were clauses 8 to 12.

Clause 13 was verbally amended, and, as amended, was adopted.

Clause 14 (Accounts and audit)

Mr MATHEWS (Minister for the Arts)—I move:

Clause 14, lines 12 to 16, omit these lines and insert:

"and

(e) include a statement made in accordance with a resolution of the Council and signed by not less than two members of the Council—

(i) stating whether, in the opinion of the Council, the statement of accounts gives a true and fair view of the financial transactions of the Council during the year and of the state of affairs of the Council at the end of the year; and

(ii) where, at the date of the statement, the Council is aware of any circumstances that would render misleading any particulars included in the statement of accounts—particulars of the circumstances."

This clarifies the accountability arrangements of the council.

State Film Centre of Victoria Council Bill

Mr JONA (Hawthorn)—The Minister has not explained the reasons for the inclusion of new paragraph (e). This is the first opportunity I have had of reading new paragraph (e) and I am not able to readily detect what change there is from the clause currently in the Bill. Will the Minister explain briefly what it is before the Opposition readily agrees to the clause, as it is likely to do?

Mr MATHEWS (Minister for the Arts)—The amendment is an elaboration of the arrangements already set down in paragraph (e) as it was originally presented in the House. It clarifies the accountability arrangements for two members of the council to vouch on behalf of the council.

Mr MACLELLAN (Berwick)—I am not sure if the Minister is saying that the difference between the Bill as presented to the House and the amendment now proposed by the Minister is to provide for two members of the council to certify the accounts and that that is the significant difference between the two. If that is the case I take it that he refers to proposed new paragraph (e) (ii) which provides:

where, at the date of the statement, the Council is aware of any circumstances that would render misleading any particulars included in the statement of accounts—

particulars of the circumstances.

This seems to be a provision which requires accounts to be true disclosures. The first part of the amendment provides that the accounts should include a statement made in accordance with a resolution of the council and signed by not less than two members of the council. The two officers of the council are to be the public officers of the corporation and are to certify the accounts in accordance with the resolution.

If that is the difference, the Opposition has no objection. Can the Minister indicate across the table that paragraphs (i) and (ii) are the same, as provided, apart from the certification by the two officers? The Minister so indicates, and the Opposition accepts the amendment.

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

Clause 15 (Delegation)

Mr JONA (Hawthorn)—The clause spells out the manner in which the full council of the State Film Centre of Victoria Council can delegate any powers to a sub-committee other than the power of delegation itself.

There is provision elsewhere in the Bill, which specifies that each sub-committee must contain at least three members of the council, have power to co-opt any number of members and be under the chairmanship of a member of the council.

In other debates, I have raised with the Minister of Education the concern of the Opposition that, when powers of the principal council of any body are as extensive as are the powers of the State Film Centre of Victoria Council, which has the power to delegate its functions to a sub-committee, the relevant Minister has no say on who will be the majority members of that sub-committee.

The Opposition is concerned that a sub-committee, appointed by the State Film Centre of Victoria Council, can comprise three members of the council and four members can be co-opted. Those four members might or might not be persons in whom the Minister has confidence. Presumably they would have the confidence of the Minister because the council would have the confidence of the Minister who would therefore back the judgment of the Council. However, it depends upon the issue with which that sub-committee is dealing. The Minister does not have to approve of the issues that will be referred to a sub-committee. The Minister does not have to approve of the persons who will control that sub-committee and make decisions on those matters, yet a Minister will have to ultimately accept the responsibility for the decisions made by the sub-committee.

There is a strong case not only in this proposed legislation but also in other legislation for a Minister always to retain the right of veto or the right to formally approve membership of sub-committees where those sub-committees exercise the same power as the council itself, all the members of which are appointed by the Minister.

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

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

The sitting was suspended at 6.16 p.m. until 8.4 p.m.

ANNUAL REPORTING BILL

The debate (adjourned from May 27) on the motion of Mr Jolly (Treasurer) for the second-reading of this Bill was resumed.

Mr RAMSAY (Balwyn)—The proposed legislation, which was introduced into the House on 27 May, was described by the Treasurer as an important reform in Government administration that he proposed should be introduced in Victoria. The honourable gentleman may have exaggerated the importance of the reform as a number of public bodies and statutory authorities are already obliged to report to Parliament under present legislation.

The Treasurer has identified one area of public administration where some further reform is not only welcomed but also well advised. The Opposition will lend its support to the general thrust of the Bill. The Treasurer spoke of it in the same breath as he spoke of the introduction of the Cash Management Account, the establishment of the Department of Management and Budget, the introduction of the State Development Fund and the development of programmed budgeting, as though they were all part and parcel of the new era of reform that the Treasurer is looking to introduce. The Opposition takes issue with him on those points.

The Treasurer has taken the opportunity of renaming Treasury as the Department of Management and Budget, not so much to increase the responsibility of that department but to bring certain academically-qualified personnel into the department to make their contributions to the role of Treasury. Much argument could be advanced that some of the academic theories being brought to Victoria through the Department of Management and Budget will be found wanting in the next twelve months. However, that will be a matter for another debate at a later date.

Mr Miller—Give an example.

Mr RAMSAY—The honourable member for Prahran has asked for an example. I cite the example of a Budget that can list, as

a revenue item, short-term borrowing from the Cash Management Account which must surely be an example of the sort of problems the Government is making for itself regarding cash management. As I have indicated, that is the subject for another debate.

The idea of all statutory authorities and public bodies being obliged to make an annual report to the responsible Minister is an idea the Opposition whole-heartedly supports. The Public Bodies Review Committee, which, I remind supporters of the Government, was set up by the previous Government, made that recommendation and it was supported by the previous Government. It was a question of time before proposed legislation came before the House and it was left to the responsibility of the Government to bring such proposed legislation forward.

The Bill provides that all public bodies will be required to submit to the relevant Minister, within a period of three months after the end of the financial year, a report of its operations during the financial year, together with financial statements for the year concerned. There will clearly be some difficulties in the transfer of liabilities in some departments and statutory authorities from their existing legislation to the proposed legislation. The Bill provides for this transitional period, which will ensure that any public bodies currently obliged to report—I am sure all honourable members can think of any number of these; some of the more obvious ones being the larger public utility authorities to the less significant but nevertheless important committees such as the Motor Car Traders Committee—will continue to do so under the present legislation until such time as the Governor in Council proclaims liability under the new Bill.

When one considers the large number of public bodies identified by the Public Bodies Review Committee, there will be innumerable reports which will not be of tremendous significance to the Parliament. There will be a number of annual reports from school councils, elderly citizens clubs and kindergartens, each of them important in their own area, but it is a correct procedure that they should have liability to report

to the Parliament each year on their financial management and general operations.

The processing of those reports through Parliament opens up considerable problems, particularly with the sheer volume. It is a wise precaution that only the reports of the more significant bodies with an annual turnover of more than \$1 million should be tabled in the House. The Treasurer will need to monitor the situation closely. The proposal will be undesirable if the endeavour to improve and streamline public administration only results in a conglomeration of reports to which significant attention may not be given, because those reports merely will clutter the Papers Room of Parliament and the Treasury and will involve more bureaucratic red tape. The Opposition supports the basic principle of requiring public bodies to report.

One difficulty in the measure, which the Opposition will pursue in the Committee stage, is that although the Treasurer has indicated that there will be an obligation on all public bodies to report under the provisions of the measure, the Government has included an escape provision in clause 15 which empowers the Treasurer to grant an exemption to a public body on certain aspects of the reporting procedure if the Treasurer considers that fit. In some ways, the flexibility being given to the Treasurer may be important because the reporting procedures of many public bodies have yet to be developed fully and there may be particular problems the Treasurer would want to overcome without being tied down to the specific terms of the Bill.

From the point of view of Parliament, that opens up an avenue whereby existing requirements of reporting by certain public bodies could be removed deliberately by the Treasurer without first consulting Parliament. For example, if the liability of a public body which at present is required to report comes under this Act, under clause 15 the Treasurer may alter the terms under which the public body is required to report and from the point of view of Parliament, a statutory requirement which is already in legislation will be amended simply by a decision of the Treasurer who, certainly, is required to inform Parliament but who is not bound to first ask Parliament.

This may be a consequence that the Treasurer may not anticipate, but it is

important that the summary alteration to existing legislation should not be a power given to the Treasurer. Accordingly, I foreshadow that the Opposition will move an amendment to clause 15.

I reaffirm the general support of the Liberal Party for the principle of annual reporting of public bodies to the appropriate Minister in a form that is both informative and consistent between public bodies and suitable to the need of the particular class of public body. The Opposition will support this aspect of public administration being advanced.

Mr ROSS-EDWARDS (Leader of the National Party)—The National Party supports the Bill and agrees with the concept. This may seem strange and unusual, but I have confidence in the Treasurer. I know that he will institute this reform sensibly and practically. It should not, and I hope it will not, involve authorities in any additional expenditure. Public bodies must produce their annual reporting subject to audit if they are proper institutions and I hope it can be designed so that what is audited by the Auditor-General will at the same time satisfy their own requirements. It must be done simply and it must be done cheaply.

Mr Jolly—What about glossy publications?

Mr ROSS-EDWARDS—The Treasurer will be aware that the Public Works Department produced a report of which this Government ought to be ashamed. The report must have cost a fortune. I have placed the necessary question on the Notice Paper about what it cost and how many copies were produced. The report came from a department which is the responsibility of a Minister who, when in opposition, criticized the then Government for waste of public funds.

No Government Minister has made such a disgraceful exhibition and incurred such a dreadful waste of money than this Minister has with the production of the annual report of the Public Works Department. I add that it is a 1982 report and that it has just arrived. That demonstrates the incompetency of both the Minister and his department. I hope the 1982 report is not repeated in 1983 and that the message has been got across to that Minister.

Government departments and instrumentalities should produce both better accounting and cheaper and more substantial economies in their reports. These reports could be roneoed reports rather than glossy publications, to use the Treasurer's words.

Mr Jolly—We cut out the pictures in the Budget.

Mr ROSS-EDWARDS—I pay the Treasurer tribute. He will not have his own photograph in unnecessary places. He is one of the few exceptions to the rule, both in this Government and in the last Government.

The National Party has received representations from some public authorities about the extra burden and cost that will be placed on them. One public body is the Echuca Sewerage Authority. Apprehension exists among some authorities on costs. It will be very much in the hands of the Treasurer and how well he handles this as to how well this measure will be accepted by the authorities.

I will draw the attention of the Treasurer to a few matters in the Committee stage. When public funds are involved, it is necessary for proper accountability. In the past, Government authorities and departments like the Public Works Department have been well behind on annual reporting and it has not been uncommon for some authorities to be behind three or four years.

The Treasurer is optimistic in considering that all those reports will be available within three months. I hope he will not leave himself open to criticism. I hope the Auditor-General will be able to cope with the large amount of additional work that will be thrust on his department. The Treasurer may care to comment on the likely cost to local instrumentalities. They will want to have some indication of the additional fees for which they will be liable.

I would appreciate the Treasurer paying attention to the matters that I have raised and answering those questions in due course.

Mr HARROWFIELD (Mitcham)—I welcome the introduction of the Bill. It is a further step in the reform of the public sector that the Cain Government has initiated. The Cain Government has achieved quite substantial reforms in the public sector already, as the Treasurer indicated in his

second-reading speech. These reforms have been most notable in the expansion of information given with the Budget, the establishment of the Victorian Development Fund and the Cash Management Account and the establishment of the Department of Management and Budget with the objective of streamlining financial management and economic policy in Victoria.

The Bill is a further step in the reform of that management system. It also reflects a recent interest in the improved information processes within the Government sector of this State. It builds into the management of the public sector a fundamental weapon for carrying through the stewardship for the State's financial resources, which is a basic responsibility of this Parliament.

It is strange that while Parliament has been preoccupied with its legislative function, and also its appropriation function, it has not always shown the same enthusiasm for ensuring accountability in the way in which those funds and those responsibilities are used. It should be a basic tenet of our role as Parliamentarians to be mindful of the responsibility we have over the funds we allocate to departments and to public authorities, and that is very much what this Bill is about. We should, as a Parliament, always be asking not just what has been done—that has been the traditional role for annual reports in Victoria, presenting historical information about the work of public bodies and departments—but we should also be asking why it is being done. That requires objectives and also the establishment of guidelines for the carrying through of those objectives.

We should also be asking whether what has been done has been done within the prescribed limits set down by the Parliament. As a Parliament we should be seeking to ensure that there is a comprehensive system of accountability within the public sector.

Mrs Patrick—This is pretty good stuff.

Mr Ross-Edwards—Written by the Treasurer.

Mr HARROWFIELD—Victoria can be very proud of the role it has played in developing accountability within the public sector. It began with the work of the Public

Bodies Review Committee in this Parliament and it has been carried through by the present Government. It is a pity that the previous Government did not give that committee the credit it deserved. That committee recognized the weaknesses in the public sector and recommended reforms for improving accountability. It is a theme that has been taken up by the Economic and Budget Review Committee, of which I am proud to be a member, and the improving of accountability was specifically addressed in a report by that committee. In that report three things were developed: The responsibilities of Government managers; reporting on those responsibilities, and auditing. This Bill is very much a reflection of the work that has been going on in the public sector, specifically through those two committees in the past two years.

The reporting process takes in a whole range of reporting mechanisms of which the annual report is but one aspect. The annual report is an important part in the information services in the public sector because it provides a regular overview of the work of Government departments and public bodies. Although the demands placed on departments and public bodies by the requirement to produce an annual report may, on the surface, appear to be onerous, it should be remembered that if there are information services operating efficiently within an organization, if there are relevant guidelines set down in the production of information, if there are clear objectives established and if there are clear lines of responsibility for the achievement of those objectives, then it will be a relatively simple task to produce an annual report. Annual reporting is therefore a by-product of an efficient and effective management and information process.

A cursory examination of reporting in Victoria reveals a clear need for this Bill.

Mr Ross-Edwards—Are you going to keep reading all night?

Mr HARROWFIELD—If you listen, you will learn something.

Mrs Patrick—You should not be reading.

Mr HARROWFIELD—I look forward to the contribution of the honourable member for Brighton. The inadequacies of reporting in Victoria are manifest and they have been highlighted to this Parliament by

the Economic and Budget Review Committee. For example, there are eleven Ministries or departments that are not required by law to prepare an annual report for Parliament. Whilst many of those Ministries and departments do produce information to this Parliament, it should be a matter of concern that there has been no legislative requirement for them to account for their operations to Parliament. Some Ministries were outlined by the Economic and Budget Review Committee: Agriculture, arts, conservation, housing, land, local government, police and emergency services, Premier and Cabinet, public works, transport and water resources. While it is important to remember that some component parts of those departments, such as in the transport areas, do report, there are other departments that have not produced an annual report to Parliament and this Bill addresses that need in a very effective way.

It is also important to realize that there has been no legislative requirement for Government departments to produce financial statements to Parliament, and that particular issue, which is addressed in legislative form in this Bill, was taken up by the Treasurer to require the preparation of comprehensive financial statements by those departments. It overcame that problem, despite the lack of legal requirements of departments to prepare financial statements. That was an important requirement of this Government and the Treasurer.

It should also be a matter of concern that, in the past, reports have not been presented to Parliament in a timely manner. There is a great diversity in respect of when departments and when statutory authorities have produced their reports.

Mr Ross-Edwards—That is still happening.

Mr HARROWFIELD—That is a matter of concern for everybody. For example, a survey of annual reports undertaken by the Economic and Budget Review Committee indicated that from 30 June 1981, 48 organizations had their annual reports tabled within three months of the end of the financial year; seventeen within a period of three to six months at the end of a reporting year; twenty-one from six to nine months, but there were 32 organizations that took at least nine months or longer after the end of the reporting year to produce documentation to

Parliament. That situation was condoned by the previous Government. It is a situation that this Bill is addressing and it should be supported.

It is also important to realize that because this Bill will be requiring annual reports to be more relevant—reports not producing historic data but data about ongoing operations—there will be a greater tendency to see the annual report as a relevant document. It will provide a greater incentive to these bodies to produce their reports and to produce them on time because they will serve a useful purpose within their own management system. Lack of uniformity within the annual reports of authorities is also a matter of concern because it has been difficult to compare performances of departments or statutory authorities against each other.

By setting down uniform standards and trying to regularize the reporting process, the Government will provide this Parliament, and through this Parliament the people of Victoria, with much more meaningful information that can be used as a basis for comparison.

The Economic and Budget Review Committee also identified some of the common deficiencies in reports by public bodies; for example, the use of cash flow accounting, which has meant the provision of no information on many important costs within the operations of authorities. There has not always been an adequate breakdown of the costs or revenues within statutory authorities. There has been no statement of the sources or application of funds within the authorities. Those who would seek to see documented the inadequacies in the reporting processes would do well to read the report of the committee.

The Bill also addresses the important issue of establishing standards upon which departments and authorities should report to Parliament. It is not necessary that we should take up accounting standards that operate within the private sector. Those who use accounts and information provided by the private sector usually are examining matters from a profit and loss point of view, which is not necessarily suitable for public departments and statutory authorities. That is why it is significant that the Bill includes provision for the Treasurer, through the

Department of Management and Budget and other interested bodies both within and outside the public sector, to develop standards that are relevant to public sector departments and authorities.

The proposed legislation will also mean that the House will be provided with a statement of the operations of Government departments. That is also important and the Economic and Budget Review Committee suggested the sort of information that should be provided in such an operational statement. It should provide, for example, details of the legislation establishing the organization; a description of the nature of the activities or functions carried out by the organization; and a statement of relationships with other Government departments and authorities. I am sure the Treasurer will be taking into account the recommendations of that report when framing the regulations that will provide the standards under which the public sector will be reporting in the future.

The Government should be congratulated for applying the same stringent standards to the public sector that have long been required of the private sector. The proposed legislation reflects once again the important role the Government sees for the public sector in Victoria. I do not believe it is too cynical to say that the previous Government and the present Opposition refused to accept such a role for the public sector and, accordingly, did not give priority to improving the performance and accountability standards of the public sector. The present Government is not prepared to accept that situation any longer, and it is putting reporting by Government departments and authorities on a formalized and consistent basis.

In this measure lies a great potential for the development of a much more efficient public sector. I welcome the Bill and congratulate the Treasurer for his action in introducing the measure to the House, and I commend it to honourable members.

Mr WILLIAMS (Doncaster)—I listened with great interest to the honourable member for Mitcham, who represents an electorate that borders on the electorate I represent. His background in economics and accounting is similar to my own. Apart from a few political jibes, I have to agree with

most of what he said. It reflects no credit on this Parliament that we have allowed ourselves to be out-witted by the Public Service, which has been repeatedly late in the presentation of reports to Parliament. That is a scandal.

There are 9000 qangos in this State. There are 267 statutory authorities that ought to be reporting to Parliament and, as the honourable member for Mitcham said, some of them do not do so.

Mr Pope—Did you raise it when your party was in government?

Mr WILLIAMS—Yes, I did. I had the honour to be a member of the Public Accounts and Expenditure Review Committee of this Parliament, which pioneered much of the work in this field. I regret that that committee has been treated as the poor relation of the Public Bodies Review Committee. The former committee did a lot of work unheralded. We were not public relations people who said to the world how clever we were; we were concerned to demonstrate to the people of Victoria and to the Public Service that the Parliament ought to be boss. In that, we were backed by the Auditor-General, a very capable public servant, who gave his allegiance to the committee. If we had been a union, we would have had a demarcation dispute because of this other group poaching on our preserves.

The honourable member for Mitcham drew attention to the delays in presenting reports to Parliament. I shall mention a few. The Victorian Dairy Industry Authority was obliged to present its report to Parliament by last February—that is the report for the year ended June 1982—but when did it present its report? On 24 May 1983, and that is under a Labor Government. There is no point in the honourable member for Mitcham thinking that all members of a Labor Government are angels and all members of Liberal Governments are devils. I hope he is finding that Labor Governments are no better than Liberal Governments.

The report of the Director-General of Community Welfare Services should be presented to the Minister on or before 30 September—that gives three months—but, again, that report was presented on 24 May. The Commercial Fisheries Section of the

Fisheries and Wildlife Division of the Ministry for Conservation should present its report once in every year, but it has not presented a report since 20 October 1981. I urge whichever Minister represents the Minister for Conservation in this House to find out what has happened to that report. If the responsible officer of a company whose accounts had to be filed with the Corporate Affairs Office was so derisive of the law he would be heavily fined. If it is good enough for a commercial enterprise to have all its reports in by 31 December, if its accounts are finalized at 30 June each year, it is good enough for the Public Service to do the same.

The Motor Car Traders Committee is obliged to deliver its accounts to Parliament within fourteen days of their presentation. Those accounts were not presented until 25 May. The Education Department was obliged to have its report before Parliament as soon as possible after the close of the financial year, but that was not done. The tertiary colleges are as bad. The State College of Victoria is obliged to report as soon as practicable after 31 March, but that has not been done. The Building Industry Long Service Leave Board, representing the workers, has no time limit on its presentation of reports. The Act simply says that it should report to the Minister. Whoever drafted that should be ashamed of himself.

The Country Fire Authority has to report to the Minister as soon as practicable after the end of the financial year; it presented its report on 31 May 1983. The Police Department, which happens to be a department of which I am very fond, has no statutory obligation to report to Parliament. That means that some left wing Labor Government in years to come could impose a police state on this community without anyone knowing.

Mr Gavin—This Bill will change all that.

Mr WILLIAMS—I am glad that the centre unity faction of the Government party has had a victory. The Public Service Board has an obligation to report to Parliament as soon as may be, whatever that means. Ironically, “may be” means 31 May 1983. I could keep on going.

These aspects do not give any ground whatever for me to be satisfied with the sort of response, almost contempt, the public

servants have shown for this place. If they are going to defy Acts of Parliament, as they have in the past, I just wonder how honourable members will be treated in the future. I challenge every Minister of the Crown in this place, including those representing their colleagues in another place, to instruct the heads of their departments to present their reports in line with the desires of Parliament.

The reports that have been produced by various Parliamentary committees have made clear the sorts of things that Parliament is entitled to receive. Honourable members should be told how an organization has achieved its objectives over the past year, the highlights of that year, and a brief financial summary. I would like performance measures and indicators to be used and an indication of the bases on which the policy decisions were made.

I want to know something about perceived problem areas and, with my accounting and economic background, I would also be interested in perusing the supplementary appendices of the statements, bearing in mind that a number of my colleagues would not want to read them. However, I would like that information to be provided to me. Above all, I want to know about all the problems and controversial issues that were covered during the reporting period. Honourable members have already heard the Leader of the National Party talk about the Public Works Department. I should like to know much more about cost overruns and major works, as well as what has been occurring at Loy Yang. Some sort of Ministerial report ought to be made on that subject.

Honourable members have not been told what is occurring in that area and how the welders have reduced their welds from twenty a day to two a day because they are not receiving their black market money—and that is another scandal for the people of Victoria.

I am interested in receiving information about where major projects have been deferred or cancelled and why. It would also be helpful to receive, particularly with regard to the achievement of performance, statistics over a five-year span accompanied by narrative information on trends and other points of significance. I should like to know of factors that have achieved or are expected

to achieve those objectives, including not only the laws passed by this place, but also political, economic and social factors. I should like to know about research and development, including plans and policies. The people of Victoria ought to be informed about pricing policies, and just like any private business, they are entitled to know, particularly the industrial sector, what are the estimated pricing policies over the next five years of Victoria's major instrumentalities such as the State Electricity Commission, the Gas and Fuel Corporation, the Board of Works and so on.

Victorians are entitled to receive much more information about the personnel involved in the industrial relations activities of those major instrumentalities. They have to be told a lot more about their wages bill, particularly of the State Electricity Commission. A lot more needs to be said about the costings of the commissions' contractors, and about the exceptional movement of wages. Victorians have to know what sort of policies are being pursued, and I, for one, sitting on the Opposition benches, want to ensure that departments and instrumentalities are not being used in one big propaganda exercise to benefit only one side of the House and not the other.

Some sort of public relations exercise is acceptable, but not, as the Leader of the National Party illustrated, glossy magazines and other promotions, which remind me very much of the shonky company prospectuses that are used to lure the unsuspecting person to deposit his hard-earned cash into some sort of scheme.

As these instrumentalities belong to the people of Victoria, the people ought to know a lot more about the standard of service provided to the community. They ought to know what was the standard and the major features of consumer complaints, whether service has improved or changed as a result of consumer suggestions. Reports ought to be made available about service delays. I want to receive information about the standard time taken to provide a particular service, along with the comments on the reasons for various sub-standard or changing results. Above all, I should like to receive a lot more information about budgeting, including details of the major items affecting the Budget.

The Bill is long overdue, but I must make my protest in this place, not only about the way in which senior public servants have treated the House, but also about the way in which they are treating me in answering questions on notice. I have been asking quite a number of questions on notice relating to annual reports. For example, in answer to one of the questions I placed on notice, the Department of Agriculture prepared a 5-page folio answer—it would probably come down to about two or three pages in *Hansard* but nowhere does the department admit that it does not have to issue an annual report to Parliament. It goes into much detail about the various subsidiary reports the department issues to farmers and so on, but nowhere does the department acknowledge any obligation to present a report to Parliament.

I am concerned at the number of departments that have point-blank refused to give me details about the cost of producing these sorts of publications and reports. In another question on notice, I asked the Minister of Lands what was the cost of producing the publications in his department, to which he replied that he was not prepared to answer the question. That is typical of other Ministers.

I hope the Premier will remind the Minister of Lands, and a number of other recalcitrant Ministers, that they have a responsibility, in this new order of open government, to answer my questions. I have already asked all the officers involved with freedom of information in the various departments to provide me with information, and I will be pestering the departments—

Mr Gavin—Are you going to pester them?

Mr WILLIAMS—I point out that what I have done to them with regard to the questions on notice is nothing compared with what I will do under the freedom of information guidelines. I give them a warning now that I expect the Public Service to treat members of Parliament with the respect they deserve. Every member of Parliament is elected to this place to be accountable to the electorate that he or she represents, and if public servants are not prepared to be accountable to members of Parliament,

members of Parliament, in turn, cannot be expected to perform their duties properly.

The DEPUTY SPEAKER (Mr Wilton)—I have been listening carefully to the honourable member and I believe he is straining the range of the debate now when he expresses his opinion on what the Victorian Public Service attitude is towards the Bill. The Bill does not deal with that question. The Bill is making it mandatory on Government departments and instrumentalities to perform in a certain way, and the responsibility rests with the Treasurer, not the Public Service. I ask the honourable member to bear that in mind.

Mr WILLIAMS—I commenced my address to the House with the question, "Who is boss, Parliament or the public instrumentalities?" If members of Parliament allow themselves to be treated with disrespect and if we fail as a Parliament to compel Ministers of the Crown to, in turn, compel top public servants to present reports to Parliament on time, we will suffer the fate that the respect of the public will be forfeited.

I have heard interjections about how we are going to have this wonderful new order, and I am sceptical. If the the Public Service has not produced reports to Parliament in the past, I doubt very much whether it will mend its ways.

The DEPUTY SPEAKER—I point out to the honourable member that the Bill places certain responsibilities on the Treasurer, and I suggest that the honourable member bear that in mind when he makes reference to the role the Public Service may play in this matter. It is a matter of a Minister of the Crown being answerable to the Crown, not the Public Service.

Mr WILLIAMS—Through you, Mr Deputy Speaker, I put it to the Treasurer that some annual reports are next to useless if they are going to be late, if financial accountability is going to be inconsistent and if they do not disclose important information. The public has a right to know where public money is being spent. If members of Parliament tolerate the situation that we have had to put up with in the past, we are not going to be faithful stewards of the trust that has been bestowed upon us by the electorate.

I have been rebuffed by the Minister for Property and Services for requesting information about the landholdings of Government departments. He refused point blank to provide that information. I hope that Parliament through the Valuer-General's Office will be provided with details of all landholdings of public bodies. Parliament is entitled in this computer age to have this information, and it can be made available on computer tapes to any member of Parliament who wants to know about the landholdings of the various Government departments. For example, the Country Roads Board has surplus land in Victoria to the value of \$100 million which ought to be used or sold.

Mr Hockley—We sold some in Doncaster and you complained about it.

Mr WILLIAMS—You gave it away. I support the Bill but I urge the Treasurer to ensure through his Ministerial colleagues that these reports are adequately presented to Parliament on time.

Mr JOLLY (Treasurer)—I thank honourable members for their participation in this debate. All honourable members who have spoken implicitly recognized the inadequate information systems which existed in this State prior to April 1982. Those information systems still need to be improved dramatically if the Government is to make better decisions in the future.

The Bill before the House will significantly improve the quality of reports presented to Parliament. There is no doubt that there is a desperate need to improve the quality of reports and, as has been mentioned by honourable members in this debate, the timeliness of reports is also important. It is no good having historical documents before Parliament when trying to assess the current performance of any public body or Government department. The issue of public accountability is associated with the quality and timeliness of annual reports and this Bill is designed to improve both those aspects.

For the first time, it will enable the Treasurer of the State to specify standards which should be adhered to by departments in reporting, and those standards would apply to the numerous public bodies which exist in Victoria.

Members of Parliament participating in this debate will recognize, as a result of the 1982 Budget, that large sums of money were allocated to the research and development of programme budgeting in this State. I assure honourable members the Government has moved a long way down the track in respect to introducing programme budgeting and a detailed progress report will be made available to Parliament before the end of this year.

Dramatic changes have been made in respect to the information systems, but there is still a long way to go. The Government introduced department financial statements for the first time and it was a disgrace that such statements did not exist until 1982. The Government has also taken steps to reform the reporting requirements of a number of major public bodies in this State.

There have been two recent amendments to legislation. The first related to the State Electricity Commission of Victoria and the second to the State Insurance Office, and they indicate the reporting standards that will be required by public bodies in the future.

The honourable member for Balwyn has mentioned there will be a new obligation on departments to report to Parliament. He also noted that under certain circumstances the Treasurer has the power to exempt certain departments from contents of the general regulations which will apply to public bodies and departments. He referred specifically to clause 15 and mentioned the possibility that in certain circumstances the quantity of reporting standards under current legislation could be overridden by the Treasurer of the day.

This may not necessarily be a bad thing because a tremendous amount of material is required to be reported at present. However, often the data that is before Parliament is useless from a decision-making or public accountability point of view. In the past the State Rivers and Water Supply Commission annual reports had a large amount of information but very little of it was useful in assessing the performance of that organization.

The Leader of the National Party highlighted the need to ensure that increasingly high standards concerning reporting should not result in increased expenditure, and he referred to glossy publications. I assure the

Leader of the National Party that the aim of the new reporting standards is to improve the efficiency of management in this State and to provide Parliament and the Victorian public with better information so that the public sector performance can be assessed.

There is no need for the glossy publications that have been produced in the past, and the annual reports required by the Treasurer will need only to be typed, roneoed sheets of some 10 to 20 pages; they will not be large, expensive publications. The Leader of the National Party also commented about the timing of annual reports. The Bill proposes that prescribed departments and public bodies should report to Parliament within three months of the end of the financial year. That requirement is not only reasonable but one that needs to be adhered to if honourable members are to have up-to-date, meaningful information. I remind honourable members that the stock exchange requires financial reports to be made available within three months of the end of the financial year, so the standards being sought in respect of departments and public bodies in this State are those that already apply to major companies in the private sector.

The Bill will ensure that procedures used by the Auditor-General will be streamlined so that it will be possible to adhere to the time period specified. In certain circumstances the Treasurer has power to extend the period within which departments or public bodies must report. That power would be used sparingly; nevertheless, in special circumstances, there may be a need to extend the period within which an organization must report to Parliament. The Bill will significantly improve the quality of reports that come before Parliament and this will be beneficial not only to members of Parliament but also to the people of Victoria. I strongly commend the Bill to the House.

The motion was agreed to.

The Bill was read a second time and committed.

Clauses 1 to 7 were agreed to.

Clause 8 (Reports and financial statements in respect of departments)

Mr JOLLY (Treasurer)—I move:

Clause 8, page 4, line 2, omit "and audited".

The amendment will remove duplication of the requirement contained in clause 11. The duplication has been recognized by the Auditor-General, and I commend the amendment to the Committee.

Mr RAMSAY (Balwyn)—I ask the Treasurer to explain one aspect that is difficult to understand. Clause 8 refers to reports of departments. The Auditor-General is obliged to audit all financial statements prepared in accordance with clause 11 of the Bill. As the Treasurer has explained, the deletion is proposed because the matter is covered elsewhere in the Bill. However, the Auditor-General will be required to report, and to submit a report which he has audited in accordance with clauses 11 and 12 of the Bill. I ask the Treasurer to explain how the Auditor-General's report will be dealt with under this clause.

Mr JOLLY (Treasurer)—As the honourable member will recognize, the Auditor-General already reports to Parliament. He has considerable independence because he reports to Parliament rather than to a particular Minister, and it is not envisaged that there will be any change in the requirements for the independence of the Auditor-General.

Mr RAMSAY (Balwyn)—Does that mean that the Treasurer does not propose to bring the Auditor-General within the ambit of the Bill?

Mr JOLLY (Treasurer)—As the honourable member will be aware, all departments and public bodies will be covered, but it is up to the Treasurer to prescribe the organizations that are subject to the Bill. The requirements placed on the Auditor-General will in no way impinge on his independence.

The amendment was agreed to.

Mr RAMSAY (Balwyn)—I bring to the attention of the Committee a further difficulty that relates to reports from significant public bodies. Under the definition of "department", clause 8 will apply to the Auditor-General and to the Chairman of the Public Service Board. The Public Service Board is listed in column 1 of Part A or Part B of Schedule Two or Schedule Three of the Public Service Act. The chairman of

the board is obliged to report under this clause. He will report to his Minister and his report will be in accordance with clause 10 of the Bill which requires the report to contain all prescribed information and any further information that is required by the Treasurer.

In accepting the clause in its present form, the Committee is giving the relevant Minister, who is presumably the Premier so far as the Public Service Board is concerned, an open cheque to prescribe the information that the Premier requires to be included in the report. At present the chairman of the board is required to report in accordance with section 18 of the Public Service Act, which spells out in some detail what Parliament expects will be included in the report:

The Board may at any time and once in every year shall furnish to the Minister for submission to the Governor in Council a report—

(a) relating to the organization condition and efficiency of and recruitment for the public service;

(b) containing a comparative statement—

(i) showing the total amount of salaries and wages paid to officers and employés in the public service in each of the four financial years preceding the date of the report;

(ii) showing the number of officers and employés in each department at the end of each of the said four financial years; and

(iii) including a schedule of all appointments made to the public service under section 32;

(c) containing a summary in relation to each Department and Ministry of any declarations that the provisions of this Act are not to apply to any officer or employé or person or class of officers or employés or persons and of any exemptions of employment from any of the provisions of this Act;

(d) containing such information as appears to the Board desirable in relation to—

(i) the public service;

(ii) the departments;

(iii) the proceedings and actions of the Board;

(iv) the provision of personnel and management advisory services by the Board to public statutory authorities; and

(v) recommendations as to legislative or other changes necessary to improve the organization, condition or efficiency of the public service or of departments;

(c) containing such other information and suggestions in relation to the public service as appear to the Board to be desirable.

It is a comprehensive and wide-ranging summary. The Premier is indicating it is in this Bill. This clause is saying to the Premier of the day "You are entitled, if you so wish, to ignore section 18 of the Public Service Act which this Parliament has previously approved as the sort of report required from the Public Service Board, and in its place you may put anything you like."

This Parliament is surrendering to the Premier of the day the content of the report of the Public Service Board. That should be done only after the most careful consideration.

The Government is trying to present its Annual Reporting Bill to bring into line public sector annual reporting, but it fails to understand why the different departments and statutory authorities are so varied. It goes back to the very nature of the public sector. The Public Service is a unique organization and to say that its report will fall into a pattern with all other public authorities is clearly selling this Parliament short. I believe the Government recognizes that and that is why it has not specified details and left to prescription in the future what the contents of the departmental reports will be.

I ask the Treasurer whether there is not some way he could consider securing for the Parliament the minimum reporting standards included in the Public Service Act at the present time so far as the Public Service Board is concerned, rather than wiping that all away. That is what will happen when the Governor in Council declares this department to come under the new Annual Reporting Act. The existing provisions will be wiped away with no guarantee about the adequacy or otherwise of those that will take their place.

Mr WILLIAMS (Doncaster)—I support the remarks of the honourable member for Balwyn. The Public Accounts and Expenditure Review Committee of the previous Parliament of which I had the honour to be a member, prepared a review on auditing and drew attention to the exact points that the honourable member for Balwyn has

mentioned. It drew attention to the responsibilities of the Public Service Board and stated that those responsibilities are:

ensure that the public service is so organized and staffed as to be capable of operating efficiently and economically:

This Parliament is entitled to reports from the Public Service Board which demonstrate how it has improved management organization and staffing procedures throughout every Government department and instrumentality in this State. I would want a report from the Public Service Board on what has been done to improve the conduct, co-ordination and supervision of work performed by Government departments. I want to know what has been done to eliminate unnecessary work and procedures. I want to know what has been done to improve staff training programmes.

Regrettably, there is still no clarity about the responsibility of the Public Service Board in the conduct of Government administration in Victoria. The Public Service Board in theory is our top Government department. It should be the right arm to the Department of the Premier to ensure that the weak departments improve their operations. There are some very good departments in this State but regrettably we have some very poor ones which reflect badly on those responsible for their operations.

In the Bland inquiry into the Victorian Public Service back in the 1970s—regrettably I do not believe the views of Sir Henry Bland have still been fully implemented to this day—he made clear what he thought were the responsibilities of the permanent department heads. As with the Army, good soldiers are only as good as their generals. If a department has not a good permanent head it will not have good officers. The primary function of a permanent department head is managerial, not to give Ministers political advice, or public relations advice or any other non-managerial advice. His primary responsibility is to improve the managerial functions of his department. It is the responsibility of the department head to organize his department and to devise the necessary apparatus and harness his personnel resources to ensure that—

The ACTING CHAIRMAN (Mr Stirling)—Order! I must bring the honourable

member for Doncaster back to clause 8 as amended.

Mr WILLIAMS—I implore the House to support the amendment put forward by the honourable member for Balwyn. Honourable members are entitled to much better reporting from the Public Service Board than is being indicated in this clause.

Mr CAIN (Premier)—On clause 8, the honourable member for Balwyn is concerned that the Public Service Board may be required to report at a lesser standard than is presently the case under the Public Service Act. That is not the case. This Bill provides minimum standards and minimum requirements in respect of matters upon which it demands or requires a department or body to report. To the extent that section 18 of the Public Service Act to which the honourable member for Balwyn refers goes further than clause 8 of the Bill, that remains in effect the law. The board is still required to perform the reporting functions that are in excess of those required in clause 8 of the Annual Reporting Bill. Every year it is required under section 18 of the Act to fulfil certain functions. In this case the requirements of the Public Service Board are no less than is presently the case. They are more because under clause 8 of the Annual Reporting Bill it must report in respect of certain matters in a certain way.

The other point I want to make is that there are no intentions on the Government's part to in any way, by any proclamation, under clause 4 cut across the independence and the special role this State requires to be played by the Public Service Board, the Auditor-General and the Director of Public Prosecutions. They may be said to be three bodies that stand in a particular position.

The Bill seeks to require higher minimum standards where the Government acts under clause 4 and that should be supported by the Committee.

Mr RAMSAY (Balwyn)—I thank the Premier for his explanation of this point. I am still concerned and the Committee should be reassured that the reference to "prescribed information" in clause 10—which is tied inextricably with the clause before the House—would refer to section 18 of the Public Service Act. I notice in an earlier clause in the Bill—if I may have the

indulgence of the Committee to refer to it because it ties in closely—clause 5 of the Bill sets out provisions of this Act to prevail over provisions of any other Act. Clause 5 makes it clear that this Act will prevail over any other Act and the Committee would want to be assured that the provisions of section 18 of the Public Service Act concerning the Public Service Board report are secure to this Parliament and there is no opportunity for the Government of the day to prescribe lesser information if for some reason of its own it saw fit to do so.

Mr JOLLY (Treasurer)—I support the remarks of the Premier. Annual reporting before Parliament is designed to ensure that minimum standards are adhered to. There is no intention whatsoever of trying to undermine in any way the Public Service Board. The requirements are as specified in the Public Service Act. They will be adhered to, but there may be additional information required by the Government to present to Parliament a more comprehensive set of information than is currently presented to Parliament about the Public Service Board.

The clause, as amended, was agreed to, as were clauses 9 and 10.

Clause 11 (The financial statements)

Mr JOLLY (Treasurer)—I move:

Clause 11, line 13, omit "give a true and fair view of" and insert "present fairly".

As honourable members will be aware, the Annual Reporting Bill was presented to Parliament during the autumn sessional period and has been laid on the table over that time to enable organizations to have the opportunity of commenting on aspects of it. Since the presentation of the Bill, the Economic and Budget Review Committee report on the Audit Act has been presented to Parliament.

This made it clear that rather than the reports giving a "true and fair view" that the appropriate wording was to "present fairly". During that period which has elapsed since the introduction of the Bill, the Auditor-General indicated that the words "present fairly" are a more accurate representation of the requirements that should be adhered to with annual reporting. It has also been noted that the private sector

of the economy is moving toward this standard. For those reasons, I have placed the amendment before the Committee.

The amendment was agreed to, as was a consequential amendment, and the clause, as amended, was adopted, as was clause 12.

Clause 13 (Relevant Minister may require additional information)

Mr RAMSAY (Balwyn)—I consider the Committee should be clear about the intention of the Government in clause 13. There is a provision for the relevant Minister to direct the public body to include such additional information in an annual report as he considers necessary in the public interest.

Under the definition of a "public body", I am thinking particularly of the Public Service Board and the Auditor-General. Is it the intention of the Government that this clause should apply to those two bodies? Does the Government wish the Parliament to give the Premier, in this case, the specific statutory right to direct the Auditor-General or the Chairman of the Public Service Board to include specific information in the report?

Mr JOLLY (Treasurer)—It should be noted that this clause refers to "additional information" and in no way is trying to reduce the amount of information that comes before Parliament. If the Minister requires additional information, it must be expressed in writing rather than by verbal direction. As all honourable members are aware, all Ministers are fully accountable to Parliament, are subject to questions and are required to explain all matters relevant to their area of responsibility.

Obviously there has been no particular consideration given to whether the Public Service Board would be required to provide additional information to Parliament in the public interest, but certainly the power is there for the Minister to direct such information to be made available.

Mr RAMSAY (Balwyn)—In response to that, there is a problem and I urge the Minister to examine it between here and another place. The independence of the Public Service Board and the Auditor-General is important and to have them caught up in this omnibus clause concerning directions from the Minister may be an unintended inclusion in clause 13. It may be in the interests of Parliament and Victoria that

some amendment to the clause is made concerning those two bodies.

Mr JOLLY (Treasurer)—I consider there to be a great deal of protection to the Public Service Board on this issue. As I have already stated, any direction must be given in writing. The Minister concerned—the Premier—is subject to questions in Parliament and, if the Chairman of the Public Service Board so desires, he can refer to the fact that the written request was given by the Premier for the information and set out the reasons expressed in the written communication from the Premier.

The clause was agreed to, as was clause 14.

Clause 15 (Treasurer may give exemption)

Mr JOLLY (Treasurer)—I move:

Clause 15, line 23, omit "Treasure" and insert "Treasurer".

It is obvious the Government is looking for more "Treasure" but "Treasurer" is a more appropriate term.

The amendment was agreed to.

Mr RAMSAY (Balwyn)—I move:

Clause 15, after line 27, insert the following:

(3) Sub-section (1) (b) shall not apply in relation to the preparation of an annual report by a public body in any case where, before an order under section 4 (1) is made in relation to the public body, the public body was required by or under any other Act to prepare an annual report or annual financial statements for the purpose of laying that report or those statements before Parliament.

The amendment, if adopted, will ensure that any public bodies that are presently required to report to the Parliament should continue to report to the Parliament after they become subject to the provisions of the Bill, at a standard at least the equivalent of that which presently exists. Clause 15, as it presently reads, gives the Treasurer the right to grant an exemption to a public body in respect of any provision in the Bill relating to the contents of an annual report.

If the clause, as it presently stands, is carried, the Committee would give the Government and the Treasurer the right to bring under the Bill any public body that is presently reporting under its own legislation. The terms of that legislation will be superseded by the requirements of the Bill

and the Treasurer would be given the power to introduce any exemption as he sees fit.

The Committee should ensure that the standards contained in the present legislation should exist as a minimum. If there is some aspect of the provisions in that legislation which, in the view of the Government, are either no longer required or no longer suitable, the amendment to the particular legislation is a matter that should come before the Parliament rather than simply be given to the Treasurer to amend by way of exemption as he sees fit.

The amendment, if adopted, would ensure that those standards that presently apply will be the minimum standards applied in the future unless a specific amendment is brought to the Parliament for consideration. The Opposition urges the Government to adopt the amendment. It is not an attempt to redirect the thrust of the proposal contained in clause 15. It would not be unreasonable, as standards are developed for annual reporting in the future, for the Treasurer to make a specific arrangement for a public body because of the variation that occurs between public bodies. However, the amendment should be adopted to safeguard the statutory requirements that already exist.

Mr JOLLY (Treasurer)—Although at this stage the Government is not prepared to accept the proposed amendment, it will be given further consideration while the Bill is between here and another place.

The Government does not accept the proposed amendment because there are circumstances in which it is possible that even though clause 15 (1) (b) could be applied where certain exemptions are made in respect of the contents of the annual report, those standards may be preferable to the standards that presently exist in legislation.

Until the organization is prescribed by the Governor in Council, the legislative requirements would apply in respect of the small number of departments and public bodies already reporting. There is no vacuum in respect of the time in which the organizations are prescribed in order to carry out the principal provisions of the Bill. The Leader of the National Party is not worried about the vacuum because the vacuum does not exist. It should be noted that the Government is not prepared to accept the proposed amendment, because there

may be circumstances allowing for some exemptions to the general standards where those exemptions may be better than the standards that presently exist in legislation.

Mr RAMSAY (Balwyn)—The Opposition will not press the proposed amendment on the undertaking given by the Treasurer that the Government will examine it while the Bill is between here and another place. There is general agreement that the proposal to upgrade the annual reporting of public bodies is a good idea.

The proposed amendment seeks to ensure that the existing standards are maintained. The Treasurer suggested that some aspects of the existing legislation might not be as appropriate as the new ideas that he will bring forward by way of prescription. That may be so, but it will be the judgment of the Treasurer that will be imposed on the Parliament without reference to the Parliament.

Discussions should be held on the proposed amendment while the Bill is between here and another place. The amendment could be reworded in a more effective form, if that is required. However, if some of the existing provisions are to be eliminated, that elimination must be performed by the Parliament rather than by the Treasurer as he sees fit.

Mr ROSS-EDWARDS (Leader of the National Party)—The National Party urges the Treasurer to examine the existing reporting provisions in the legislation and ask himself whether those provisions are suitable or not.

Mr Jolly—In most cases they are non-existent!

Mr ROSS-EDWARDS—The provisions were not enforced by the former Government and they have not been enforced by this Government. Is there anything wrong with the present requirements? The Treasurer must accept the blame for the way those provisions have been administered. The Treasurer must address himself to examining the suitability of the present requirements. If the honourable gentleman does not do that, the National Party will have to consider voting for the proposed amendment when it is in another place.

Mr ROWE (Essendon)—It is clear from the comments of the Leader of the National

Party that he does not understand the existing provisions. Eleven Government departments do not have any statutory requirement to report to the Parliament.

Mr Ross-Edwards—They are not affected. You were not listening, you were asleep again.

Mr ROWE—I was listening. However, it is clear that the Leader of the National Party does not understand what has been happening in Victoria for the past three decades. Many of the public authorities that have been created do not report to the relevant Ministers and they do not report to the Parliament.

The Bill, when passed, will ensure consistent reporting requirements and it will place the Parliament in a position where it can oversee all of these provisions. The Leader of the National Party has missed the argument in terms of what provisions presently apply. There are regulations in existence in some legislation. However, the vast majority of departments are not required to report to the Parliament. Where reporting requirements do exist, there is no consistent standard between either public authorities or Government departments.

The Government is putting forward a minimum standard that all departments, public bodies and authorities, across the board, will be required to report to the Parliament.

Mr Ross-Edwards—It will be easier for some.

Mr ROWE—It will be easier for some, but the introduction of the standards will be phased in, and the Treasurer has indicated that it could be four years before they are all completely phased in. Public bodies will be grouped together; departments will make one group and public bodies will form another. Superannuation funds may form another group of bodies. The standards will be phased in over a number of years.

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

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

PENALTIES AND SENTENCES (AMENDMENT) BILL

The debate (adjourned from April 21) on the motion of Mrs Toner (Minister for Community Welfare Services) for the second-reading of this Bill was resumed.

Mr MACLELLAN (Berwick)—The proposed legislation, which is a further effort in converting penalties to penalty units, continues the good work of the previous Attorney-General, the Honourable Haddon Storey, is not opposed by the Opposition. Indeed, the careful restructuring of penalties into penalty units is a course that should be further extended into other areas. Undoubtedly, the Government will undertake that continuing work, this Bill being a further stage in that development.

I commend the Attorney-General for continuing with that work. The public will benefit from it once a level of consistency is obtained as it will then be possible for adjustments of penalties to be made in a rational atmosphere rather than in the heat of the moment. The heat of the moment can often be in response to public demand, as members of Parliament perceive it, with higher penalties for this or that offence being called for as time and circumstances demand. However, unless consistent standards to judge those penalties exist, fairly absurd results occur, for instance, a person driving through a red light—which has become famous in our community—receives a lesser penalty than a person littering by dropping something from a motor car. I use that as an illustration of the difficulties which we got into as a Parliament and community in attempting to produce a rational basis.

The penalty units initiated by the Honourable Haddon Storey were the best way forward without having to have some magisterial committee to judge the relative merits of all offences. It is better to do it stage by stage and, as public acceptance and understanding of the implications of penalty units occur, it will be appropriate for more parts of the law to be reflective of that standard approach.

The schedules to the Bill are daunting; I assume they have been carefully examined?

Mr Cain—There are two amendments.

Mr MACLELLAN—It has been beyond my wit to sufficiently examine them, I was

not anticipating any amendments. I would not doubt that there could be amendments to a Bill of this complicated nature and that should not be scored against the Government or the draftspersons because the preparation of this sort of proposed legislation has usually been referred to the Statute Law Revision Committee in years past and would normally have been examined by that committee as an all-party exercise to ensure that all references were appropriate.

It is not necessary to burden the Legal and Constitutional Committee with that work, but there may be occasions when it is appropriate for the House not merely to debate the Bill, as it is doing tonight, but to treat it differently and send it to that committee for more careful examination.

In these initiating stages, whether the measure is passed with or without the amendments of the Government, it can be expected that practitioners would draw attention to any anomalies that may develop. Parliament has to rely largely on the good work of private practitioners and the Law Institute of Victoria to present anomalies as they may occur through the practice of the courts. It is difficult to predict every outcome of every situation that may arise in the conversion from a range of financial and complementary alternative gaol sentences to penalty units.

Penalty units is a wide and sensible system to adopt. The Opposition welcomes the Bill, particularly the decision of the Government to continue the work of the former Attorney-General who initiated this programme.

Mr JASPER (Murray Valley)—The National Party supports the Bill. The second-reading speech on the Bill was presented by the Minister for Community Welfare Services and the National Party has noted the changes being made in the sentencing of prisoners and in the removal of the imposition of hard and light labour. The principal Act dates back to 1864 and the National Party is happy that the legislation is being revised to meet the changing attitudes of the community and the need for better terminology in describing the punishment that is being meted out to offenders. I emphasize a sentence in the second-reading speech:

A person should go to prison as punishment not for punishment.

I can understand the trend of the Minister's thoughts: Apparently people are punished by being sentenced to go to prison but once they get there they are not being punished at all. The Minister would have difficulty selling the idea to the community. At National Party meetings, it was hard to sell to members of the National Party the idea that prisoners, people who are sentenced to gaol, were not going to prison as a punishment.

The National Party is not suggesting that the terminology of hard and light labour should be retained. However, people are sentenced to prison because they have committed offences and once they are placed in prison they should serve some form of punishment.

The maximum fine that can be imposed in a Magistrates Court is being raised from \$1000 to \$10 000 or, in default, two years' imprisonment. This increase provides a correlation between the fine or imprisonment that may be imposed. The amendment has been recommended by separate committees that have examined amendments to sentencing and penalties provisions and the National Party supports this change.

The main purpose of the measure is to implement the introduction of penalty units for offences. The system was commenced in 1981 when, as the Deputy Leader of the Opposition said, the former Attorney-General, the Honourable Haddon Storey, initiated legislation to change the amounts contained in legislation to a concept of penalty units. This is the second stage of the conversion and will align fines or penalty units with prison sentences.

The Deputy Leader of the Opposition made the point that, in determining the accuracy of the changes to penalty units, one would need to examine each Act individually. I am informed by the Law Department that Acts have been changed to bring monetary amounts into line with penalty units and that revisions have been made to many of the penalties as well to bring those penalties, where applicable, to more realistic levels. The National Party understands the need for those changes.

I would be pleased if the Attorney-General would confirm that included in the

measure is a revision of all Acts administered by the Attorney-General and those Acts administered by the Minister of Public Works. I notice also that one Act is under the jurisdiction of the Minister for the Arts. It relates to the National Gallery of Victoria and replaces the expression \$50 with a penalty unit of two. I ask the Attorney-General to advise when it is contemplated that the next step, stage 3, will be implemented whereby Acts administered by other departments will be changed from monetary penalties to penalty units.

I hope that efforts have been made in this measure to get the best possible correlation between fines in the form of penalty units and prison sentences. I note that, even with the dramatic increases in some penalties, the courts and magistrates still have flexibility and discretion when imposing fines for particular offences. That is as it should be. The National Party strongly supports the principle that a magistrate should be the final arbiter when deciding the actual penalty to impose.

The maximum amount of \$1000 that a Magistrates Court was able to impose in situations where no fine was stipulated for a particular offence made it difficult for magistrates to align that monetary amount with a gaol sentence. In some cases magistrates were of the opinion that the maximum of \$1000 was totally inadequate for some offences and was unrealistic.

They obviously had the only alternative, that of a gaol sentence. Therefore, raising the maximum amount to \$10 000 in the Magistrates Court, makes it a viable option for magistrates and a viable option to short-term imprisonment. It will probably make it more viable to be able to impose a much higher monetary policy in lieu of a gaol sentence.

The National Party supports the Bill and I assume, as has been mentioned by the previous speaker that the amounts in Schedule One and Schedule Two have been transposed into the Bill to reflect accurately the actual amounts or the penalties that are applicable in particular cases. The National Party supports the introduction and the extension of the penalty units and trusts that this will be extended to all other Acts where there are monetary penalties for other Government departments in Victoria.

Penalties and Sentences (Amendment) Bill

Mr CAIN (Attorney-General)—I thank the two previous speakers for their support of this measure. It is correct, as the honourable member for Murray Valley suggested, that the Bills administered by the Attorney-General and Public Works are included. With this correction, some of the responsibilities that previously existed with the public works portfolio have now been transferred to the Minister of Transport, such as the Ports and Harbors Division, and other bodies associated with public works.

I cannot give a firm commitment as to what the timetable for some future measures will be. This matter does not take priority to the preparation of other matters. I will try to obtain some indication from the Parliamentary Counsel as to where the next instalment lies and advise the honourable member.

The motion was agreed to.

The Bill was read a second time and committed.

Clauses 1 to 10 were agreed to.

Clause 11 (Magistrates' Courts jurisdiction)

Mr CAIN (Attorney-General)—I urge the Committee to vote against the clause. This clause deals with section 56 (1) of the Magistrates' Courts Act 1971 and seeks to amend that provision. There is a later new clause to be inserted in substitution for section 56 (1) of the Magistrates' Courts Act.

The clause was negatived.

New clause

Mr CAIN (Attorney-General)—I move:

Insert the following new clause to follow clause 10:

'AA. For section 56 (1) of the Magistrates' Courts Act 1971 there shall be substituted the following subsections:

"(1) Except where otherwise expressly enacted, where a Magistrates' Court convicts a person for an offence and—

(a) the offence is punishable on summary conviction by a term of imprisonment;

(b) the Court is not empowered to impose a fine for the offence; and

(c) the Court thinks the justice of the case will be better met by a fine than by imprisonment—

the Court may impose a fine on the person.

(1A) Where a Magistrates' Court imposes a fine pursuant to sub-section (1) the following provisions shall apply:

(a) The fine shall not exceed 100 penalty units;

(b) Subject to paragraph (a), the limitations as to maximum fines set out in paragraphs (a) to (e) of sub-section (1) of section 9 of the Penalties and Sentences Act 1981 shall apply;

(c) The Court shall make an order in accordance with section 10 of the Penalties and Sentences Act 1981 for imprisonment in default of payment.".'.

This is re-enacting the language of the penalties and sentences provisions of general discretion that the court is given to impose a fine in substitution of those matters that are set out in the clause, in any circumstances where a court sees fit, provided there is not some express provision in an Act that precludes the exercise of that discretion. It has been a well-entrenched and well-used section in our courts over a long period. It is based on the concept that the courts should be given the maximum discretion in determining penalties, subject, as I say, to some expressed enactment by the Parliament to the contrary.

Mr MACLELLAN (Berwick)—The Opposition welcomes this amendment. It seems that it will have the effect of keeping more people out of prison and having monetary penalties where the court believes that is the appropriate response. With overcrowded prisons that seems a sensible and wise move and one that ought to be supported.

Mr SALTMARSH (Wantirna)—I strongly support the proposal if the intention is to reduce the number of people who otherwise will serve sentences in prison. I raise one concern that has been expressed by magistrates from time to time, that the types of provisions that are now being made may not go far enough; certainly some areas of motor car offences do not come into this particular clause, but it illustrates what I wish to say. A number of these young people who are taken before the courts and convicted are unable to pay substantial fines and are in a position of injustice compared with a young person committing a similar offence, but who is able to pay the fine.

Therefore, many more people in the lower socio-group are serving sentences in prison. It is a question of basic justice within society that we need to be addressing. This

amendment is seeking to provide alternatives in order to keep more people out of prisons, and I would like to see the Government move more strongly into the area where people may be dealt with unjustly because of the lack of economic resources to pay the fines and thus are faced with a prison sentence.

Mr CAIN (Attorney-General)—I should make it clear in regard to the matter raised by the honourable member for Wantirna, that this provision does not offer any departure, or should not be seen as some new policy, to substitute fines where imprisonment is considered as a penalty.

It is, rather, indicating in the language of the Penalties and Sentences (Amendment) Bill what is already the accepted practice. I do not want it to be thought that there has been a dramatic departure from what has been the practice in the courts.

Mr Maclellan—But it will be reinforced in the courts because it is in the Bill.

Mr CAIN—That point is well made. It will be reinforced. It will reinforce the fact that the Parliament's view is that it is appropriate that fines be substituted for imprisonment where the courts believe it is desirable. That is, as I say, expressed in the terms of the Bill for the purposes of application.

There is, I believe, for those who cannot pay the fines, some discretion the courts can exercise. As a matter of practice, Magistrates Courts seek not to impose large fines which they believe cannot be paid and which have to be met, by default, by imprisonment. There is generally some discreet inquiry as to the capacity to pay penalties of that kind.

Mr JASPER (Murray Valley)—I seek some clarification although I believe the Attorney-General has probably clarified the point fairly accurately. I assume the amendment to the Magistrates' Courts Act brings into line the raising of the maximum fine that can be imposed by a Magistrates Court with other amendments made in the Bill. As I understand it, the maximum amount of a fine will be increased from \$1000 to \$10 000 and that is being expressed in penalty units. The only difference, as I see it, is that the Magistrates' Courts Act provides for a maximum penalty of \$1000 or twelve

months' imprisonment and, after amendment, the maximum will be \$10 000 or two years' imprisonment. I simply seek clarification that the amendment will bring the Magistrates Courts' Act into line with the other amendments in the Bill.

The new clause was agreed to, as was Schedule One.

Schedule Two

Mr CAIN (Attorney-General)—I move:

Schedule Two, page 16, omit item 25.

Schedule Two, page 16, omit item 32.

The amendments were agreed to, and the schedule, as amended, was adopted.

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

ADJOURNMENT

Human tissue donations—Ventilation for jury pool rooms—Assistance to bush-fire affected family—Closure of country Supreme Court hearings—Queen Elizabeth Geriatric Centre—Fire protection services—Breaches of Environment Protection Act—Sunbury High School—Bishopsgate Insurance Aust. Ltd

Mr WILKES (Minister for Local Government)—I move:

That the House do now adjourn.

Mr WHITING (Mildura)—I raise with the Minister of Health a matter I raised at question time today. Following the passing of the Human Tissue Bill it was decided that, rather than having a programme to encourage members of the public to offer to make donations of kidneys to the Australian Kidney Foundation, the proposed donations should apply to all human tissue, both regenerative and non-regenerative, and that appropriate cards should be circulated with driver licence renewals throughout the State.

In my question, I referred to a news release of the Minister dated 8 April 1983, in which the honourable gentleman said that he and the Minister of Transport had agreed to the proposal and would be making the appropriate arrangements to have the Motor Registration Branch, in a short time, issue

cards seeking signatures of persons prepared to donate tissue. The release also states:

Mr Roper said the donor cards will be ready for distribution through the motor licencing system within the next few weeks and will be posted along with renewed licences.

"However, if your licence will not be renewed for some time, these cards will be readily available to the public from the Health Commission, local community health centres and hospitals."

By chance, I had occasion to contact the office of the Australian Kidney Foundation in Melbourne recently to check whether that had been happening. I did so because I renewed my motor car driver's licence for the period from 31 July 1983 to 31 July 1986 but no card accompanied my renewed licence. Therefore, I presume that that is what has happened with a large number of licence renewals recently. Honourable members will also recall that drivers whose licences expire on even numbered days of the month are now required to renew their licences for six years rather than three. Presumably, all those people who have renewed their licences within the past couple of months, for either three years or six years, will not be sent tissue donation cards for at least another three or six years.

If that is so, it is up to the Minister, because of some failure between him and the Minister of Transport to get the cards out within a reasonable time, to try to obtain more publicity for the proposal, so that people can be encouraged to sign donor cards indicating that, if they are involved in fatal accidents, tissue from their bodies that may be of use to large hospitals or for research purposes can be so used and can be readily available without the need for the hospital or the research group involved to find the will of the deceased person before being able to prove that the person is a willing donor of tissue to a suitable cause. If it were necessary to locate the will, it may be too late for the tissue to be used. If every person is carrying a donor card it will obviously be much easier for the police or ambulance people attending accidents to advise the hospital concerned that a willing donor is available and appropriate action can then be taken at the time.

I ask the Minister to make further information available to the public, particularly those people who did not receive advice with

the renewal of their motor car driving licences, and to ensure that some other opportunity can be provided for them to carry signed donor cards.

Mr NORRIS (Noble Park)—The matter I wish to raise with the Attorney-General concerns a tale of woe experienced by my wife when she attended jury service recently. To quote Rumpole of the Old Bailey, my wife is “She who must be obeyed.” This question relates to the inadequate facilities that exist in the jury pool rooms at the County Court, and I am talking about the new County Court building. When one is called for jury service, it is quite possible for one to spend three days in jury pool rooms waiting to be balloted. One can spend from 9.30 in the morning into the late afternoon in the same room.

As honourable members would be aware, smokers smoke in those situations, and possibly they smoke more than they normally would because they are nervous. However, that causes inconvenience for those who do not smoke because there is no provision in the pool room for non-smokers, and there has been no effort to separate smokers from non-smokers—it is only one room. To force non-smokers to be shut up all day in the same room as smokers is not good enough in this day and age.

The Government has conducted a successful “No-Buts” campaign, and I believe this matter is worth bringing to the attention of the House. The building to which I refer is modern and, naturally, the windows cannot be opened. My wife told me that, occasionally, to escape the fumes; non-smoking females, went into the ladies’ toilets to get some fresh air! That is how bad the atmosphere was in the jury pool room. When my wife complained about the situation to the attendant, she was told that she was lucky to be in a room that had an extractor fan installed, because some pool rooms do not even have such fans in them.

This is a modern building, but it was constructed in such a way that some of those pool rooms do not even have fans in them. My wife was instructed not to leave the pool room. She could not go out into the corridor because, due to a fault in the design of the building, that is the only area in which counsel can consult with clients and witnesses and other members of the public can congregate, so that people in the jury pool

room were not able to even go out into the corridor area.

Separate facilities ought to be provided for smokers and non-smokers so that non-smokers do not have to put up with that sort of atmosphere from 9.30 in the morning until late in the afternoon. If no separate facilities can be provided, proper air-conditioning or ventilation systems ought to be installed in those rooms.

As a postscript, I add that, on the second day, my wife was balloted onto a jury—she thought it was delightful because, when she entered the courtroom, she was able to breathe fresh air—but the accused man challenged her and she was put back into the jury pool room.

Mr SALTMARSH (Wantirna)—Since the Minister for Police and Emergency Services is not present in the House, I shall direct my matter of concern to the attention of the Attorney-General. It relates to the recent tragic Ash Wednesday bush fires. A constituent of mine tells a rather sad story. Some years ago, when he was only a young man of eighteen years, he and his fiancée were married. They have had two children and, during this time, struggled to establish their family. They struggled to save funds for a deposit to purchase a house, which they were able to purchase in the Dandenong Ranges area. Shortly after they had moved and settled in to the house, the wife became extremely ill and, shortly after, died as a result of the illness.

Because of the financial situation of this young man, who was still struggling to pay for the house and care for the children, the young man’s parents offered the family temporary accommodation at their house in Glen Waverley. It was during the time that this young family was living at Glen Waverley that the bush fires occurred and the house was destroyed. This young man has now met another woman, whom he wishes to marry, and he was hoping that he would be eligible for compensation for the loss of the house in the Dandenongs. However, he now finds that, because of the interpretation of the regulations, the house was no longer regarded as that man’s principal place of residence and he is not eligible for any assistance under the Bush-Fire Appeal arrangements. This seems to me to be an injustice. It was clearly the principal place

of residence of this man and his young family, who were temporarily residing with the man's parents because of the economic and social circumstances and the need for family support following the death of his wife and mother of their children.

Although a request for information has been made about this young man being able to seek assistance, he has been told yet a second time that the property does not fall within the category of a principal place of residence and, therefore, he is not eligible for assistance.

This seems to be a case where some compassion and understanding ought to be shown for the situation of the young family moving out for understandable reasons—to find support with his intended family. Now, after the tragedy of the bush fires, that family is not eligible for assistance through the Bush-Fire Appeal fund. I ask the Attorney-General to determine whether there can be an urgent reconsideration of this case in an attempt to provide a compassionate response to assist this young family.

Mr McGRATH (Lowan)—I draw the attention of the Attorney-General to recent reports that some Supreme Court hearings in country Victoria are to be cancelled and that some sittings are to be completely abolished. I refer specifically to Supreme Court hearings at Horsham, where there has recently been strong speculation that the sittings in that area are not to continue. I received a letter from the Shire of Dunmunkle advising me that it has written to the Attorney-General on 8 August and that it supports the City of Horsham in its request, which was also conveyed to me, that he at least accept a deputation to discuss the matter before a firm decision is made by the Government on the discontinuance of Supreme Court sittings at Horsham.

I have also received correspondence from a firm of solicitors at Hamilton, Melville Orton and Lewis, which has also indicated its concern that the Hamilton Supreme Court hearings would close. That firm also expressed concern about the Supreme Court hearings held at Hamilton.

A Government decision was made on 1 January to close some 48 Magistrates Courts throughout country Victoria, and this has certainly placed a large number of country communities at a disadvantage, and that situation will be compounded if it is the

policy of the Government to now discontinue Supreme Court hearings in country Victoria. The communities will be placed at a further disadvantage, and police officers, solicitors, barristers, defendants and other members of the public will be required to travel long distances—to Ballarat, Bendigo or some other central point—to attend Supreme Court hearings.

My constituents believe justice ought to come to the people, and that people should not be required to travel many hundreds of miles, in some cases, to attend Supreme Court hearings.

Mr Cain—It is not hundreds of miles.

Mr McGRATH—If anyone who lives near the South Australian border had to attend a Supreme Court hearing at, say, Ballarat, that person would have to travel hundreds of miles to do so.

I ask the Attorney-General whether it is the intention of the Government to discontinue Supreme Court hearings in country areas. I should like the honourable gentleman to outline to the House tonight whether that will be the case and, if that will be the policy, I respectfully ask and prevail upon the Attorney-General to receive deputations from the communities concerned so that they can put forward their cases on behalf of the local community before any action is taken by the Government.

Mr F. P. SHEEHAN (Ballarat South)—I direct a matter of concern to the Minister of Health and I refer to a hostel for elderly citizens which is proposed to be built in Ballarat. An article which appeared in the Ballarat *Courier* on Saturday, 13 August 1983 refers to the proposed Queen Elizabeth Geriatric Centre at Sebastopol which is to house 67 people. The article states:

The State Government was holding up the start of work on the proposed Queen Elizabeth Geriatric Centre hostel at Sebastopol because it refused to accept its "traditional responsibility" to contribute to running costs, it was claimed yesterday.

The claim was made by the Opposition spokeswoman on elderly citizens' matters, Mrs Gracia Baylor, who visited Ballarat yesterday.

Mrs Baylor, seen here inspecting the site for the hostel with Mr Tom Evans, MLA, said the Ballarat community would contribute \$1 million towards the \$2.5 million project.

The balance would be paid by the Federal Government.

"The State Government does not have to contribute one cent towards the construction costs," she said.

It appears from the article it is totally unreasonable for the State Government not to be involved. I would be interested to hear the Minister's view on this matter as confusion may have arisen on this question as a result of the recent unhappy circumstances surrounding the over-running of the budget at the Queen Elizabeth Geriatric Centre. It has been thrown up as a side issue, and it occurs to me that the confusion may have been manufactured.

I direct the attention of the Minister to this point in the hope that any confusion which may arise can be alleviated and that all in the Minister's power will be done to ensure the hostel's early commencement.

Mr EBERY (Midlands)—I direct a matter to the attention of the Minister for Police and Emergency Services and I refer to the debate on the fire protection services on 31 March 1983 where he moved an amendment:

That no decision should be reached on integration of the management structures and administration of services section of the Country Fire Authority and the Metropolitan Fire Brigades Board until the time allowed for public comment has expired, a final report has been prepared by the Management Consultancy Division of the Public Service Board and that report has been made available to the Parliament.

The Minister then delivered an address to the rural conference of the Victorian branch of the Australian Labor Party on 30 July 1983 in which he referred to the Public Service Board inquiry into the proposed integration of these two services. He said that:

Victoria needs integration so that our firefighters can be liberated to go about their business on our behalf with the utmost economy and efficiency.

This is completely opposite to the amendment that he moved in this House in March. He also said:

If we were starting anew, we would not have our present outrageous proliferation of independent and largely unco-ordinated structures and incompatible equipment.

The Minister should be aware of what equipment the Country Fire Authority and the Melbourne Metropolitan Fire Brigades Board have, because this equipment is used by both the board and the authority. I do

not believe the Minister, when speaking on the amendment, told everyone in Victoria, "Wait until we have the final report of this consultative committee," yet he has gone to Stawell and said, "We are going to integrate these services." He clearly said that Victoria needs integration of the services. Therefore the Minister stands condemned for his comments.

It seems the Minister has two sets of standards which are incompatible. He then went on to refer to, "vested interests and entrenched prejudices." I wonder what the Minister means.

It is impossible to achieve the simple and rational arrangements in their entirety. The Government has a lack of understanding in this very sensitive area until it understands what the Country Fire Authority has been doing for the long time that it has served this State.

The SPEAKER (the Hon. C. T. Edmunds)—Order! I direct the honourable member to ensure that he is not debating item No. 10, Orders of the Day, General Business. He has been fairly close to doing so, and I suggest he be careful or he will be ruled out of order. It is not the time to raise the matter in the context in which item No. 10 is listed.

Mr EBERY—I appreciate your ruling, Mr Speaker. The point I am making is that the Minister presented an amendment to the House, and the comments he made at the conference at Stawell on 30 July are incompatible with that amendment. The morale in the fire brigades is at a very low ebb because of the comments made by the Minister during that address to the Victorian Labor Party Conference at Stawell. The comments have not helped the Country Fire Authority in Victoria.

The SPEAKER—The honourable member's time has expired.

Mr JASPER (Murray Valley)—I raise a matter for the attention of the Minister for Police and Emergency Services. The Minister will be aware that last year I brought to his attention the problems that confront State Emergency Service and Country Fire Authority personnel when they are involved in clean-up operations after road and other types of accidents where emergency services are involved and the members may be

in breach of the Environment Protection Act.

Last year the Minister wrote to me indicating the matter was being investigated and that he was hoping a report would be prepared which would indicate where emergency personnel would be able to receive protection from prosecution under the Environment Protection Act.

I wrote again to the Minister in July of this year asking what progress has been made on the matter. The Minister replied that a booklet had been produced entitled "Guidelines for decision making and combatant action for incidents involving environmental hazards—a guide for emergency personnel". According to the information supplied to me, the booklet was provided to a number of organizations, including most of the emergency services organizations, indicating what actions they would take in emergencies where clean-up operations were being undertaken and particularly where they may be in breach of the Environment Protection Act.

I ask the Minister to inform the House, although this booklet provides guidelines for emergency services personnel, what protection is provided for these personnel in emergency situations to protect them against possible prosecution under the Environment Protection Act.

Mr REYNOLDS (Gisborne)—I raise a matter with the Minister for Police and Emergency Services, who is acting for the Minister of Education. It concerns a problem at Sunbury High School where a library and class-room wing was built eight years ago. It is currently a two-storey building with provision for a third storey. On top of the second floor, pillars protrude that will take the third storey, and the roof is temporarily covered with malthoid. Eight class-rooms and toilets for males are to be located on the third floor. At present the boys must use toilets that are far removed from that wing.

During the eight years that the malthoid roofing has been in position, it has cracked, twisted and opened up and leaks when it rains. Because the water lies in a trough, it cannot disperse for several days until it evaporates, so the roof leaks for two or three days at a time after rain. It has been repaired many times in recent months but extensive damage has been caused to class-rooms on

the first floor and to the library on the ground floor. Water also leaks around the electrical fittings, and that is dangerous.

There are ten relocatable class-rooms on the site and it would be opportune for the Minister to instruct his department to build the third floor. It is always said that finance is the problem. The school council has received advice from the regional director that to repaint and provide covered ways to the relocatables and to repair the roof of the library wing would cost \$28 000. That sum would go a long way towards providing the third storey, the provision of which would release the relocatables for use in another area. To repair the roof and carry out maintenance on the relocatables would be penny wise and pound foolish, but that would be in line with the past performance of this Government.

I ask the Minister to instruct the regional office to reconsider the matter because the \$28 000 would be better spent elsewhere. I have received representations from Mr Ziggy Steudle, the president of the Sunbury High School Council, and from Mr Don Hampshire, the President of the Sunbury High School Parents and Friends Association, and I support the request made by them.

The SPEAKER (the Hon. C. T. Edmunds)—The honourable member for Gippsland South has one and a half minutes.

Mr WALLACE (Gippsland South)—The matter I raise for the attention of the Premier relates to the failure of Bishopsgate Insurance Australia Ltd. The underlying problem is that anyone can get control of an insurance company and divert the proceeds to his own use. One of my constituents was insured with the failed company. He had a fire in his truck which caused damage of approximately \$8000 and he was told to have the truck repaired. The truck was repaired and just before he was to pick it up the company went broke, so this man is left with no insurance and it looks as if he will lose his house. He is in a terrible situation, through no fault of his own.

The SPEAKER—The honourable member's time has expired.

Mr CAIN (Attorney-General)—The honourable member for Noble Park raised a question concerning the jury pool room at either the Supreme Court or the County

Court. It concerned the discomfort caused to those waiting in the pool room by the smoke that is exhaled by smokers. I received a similar complaint recently in respect of either a jury pool room or a jury room, and I was advised that an extractor would considerably relieve the problem. I will inquire whether that would satisfy the needs in respect of the room in which Mrs Norris was subjected to the problem for some time.

The honourable member for Lowan raised the matter of the Supreme Court continuing to sit at Horsham. The Chief Justice is considering the commitment the court makes to circuits generally. I discussed the matter with him in the past eight or nine days, and the question of whether some of the circuit courts should continue to be serviced as frequently as at present is under consideration. The Chief Justice will reduce, and in some cases eliminate, visits to country towns for the remainder of this year, except where urgent criminal business is pending. That should be seen as separate and distinct from the consideration of the over-all policy concerning circuit attendances. The action to be taken in respect of the remainder of this year is in an endeavour to meet some of the pressing needs of the Supreme Court in Melbourne where the waiting lists are longer than is desirable. In country areas, litigants are heard much more quickly than they are in the city.

Mr Whiting—Not in all country areas.

Mr CAIN—I challenge that, with respect. I do not think there is any Supreme Court where litigants wait longer from setting down to trial than in Melbourne. For the remainder of this year, we are seeking to recognize that the limited resources should be devoted to the areas of greatest need. If urgent criminal matters are pending in circuit towns this year, the Chief Justice will provide a judge to try those cases; in other words, persons on serious criminal charges will not have their trials delayed because of the desire to make a further judge or judges available in Melbourne.

The honourable member for Lowan also referred to the closure of Magistrates Courts in some country areas. I think he said that 48 had closed; in fact, 51 were closed over a period. Those closures were based on the criterion of the business that was being conducted in those courts; an arbitrary 50 hours a year sitting time was the benchmark. It

was astonishing to learn that a significant number of courts had sat for not even half that period: Some sat for only 22 or 23 hours in a year.

The other point that should be made is that persons who are appearing before those courts, on the best information available, are not generally locals. They have come from other towns or cities. There are a large number of traffic cases of which the defendants are not from the local area although the police may be. I make it clear that the move is not designed to reduce court facilities in any way, but in the case of those Magistrates Courts, there is a wastage of the time of magistrates and clerks. They may be sitting for 2 or 3 hours a day once a month and the rest of the day is totally wasted.

It has been a carefully planned programme and consideration has been given to the distance that is involved and which Magistrates Court will remain open. Hard data have been supplied from the Clerk of Courts on the number of cases and the nature of cases. I believe it is the policy that has to be implemented having regard to all the circumstances but with a desire to allocate the available resources in the most advantageous way.

The honourable member for Gippsland South referred to the matter of Bishopsgate Insurance Australia Ltd. It may well be argued that the powers that exist in regard to the requirement of insurers and insurance companies are not adequate. That is probably fair comment. I doubt that any control or authority exercised over insurance would be able to prevent what is alleged occurred in this particular case. I am not sure how you can prevent actions of this kind. No legislation, no checks, no restrictions will prevent those sorts of actions and it must be recognized that that sort of behaviour cannot be controlled by preventive legislation. People will behave in that way in the conduct of any business. I do not believe the Parliament can do anything by imposing laws to prevent that conduct. It presents that kind of difficulty.

Mr ROPER (Minister of Health)—The honourable member for Mildura raised the question of the donation of organs following up his remarks in question time today. The Government is concerned to encourage the donation of organs by members of the

community, as I mentioned, at question time. It is pleasing indeed that the honourable member for Mildura adopts a similar attitude towards that policy. The Government is concerned to work with all the organizations, such as the Australian Kidney Foundation, who maximize those donations and it will continue to do so. We are heartened by the initial response to the material that has been sent out and hope that that response continues. It is the Government's intention to back up that response by public relations activity, when the money is available, to encourage people who will not be receiving a form through the mail system to apply for one, and the Government will be doing that not only in the metropolitan area but also in the rural areas. Given the cost factor, it will be done through the print media rather than the electronic media. I thank the honourable member for his support on that matter.

In relation to the matter raised by the honourable member for Ballarat South, the Government is well aware of the situation at the hostel at Sebastopol and suggests that the Honourable Mrs Baylor, the Liberal Party spokesperson for matters relating to elderly persons, should have availed herself of the material available before she talked in Ballarat last week-end. The facts of the matter are that, since March this year the Health Commission has received three separate letters from the Queen Elizabeth Geriatric Centre, each of which has suggested that there is a different cost to operate that particular centre. On 25 March we were told that there would be a cost of \$95 000, a deficit that would have to be met by the commission and that was considered. It was countermanded by a letter of 12 April of this year in which Mr Walter, the manager of that centre said:

The Board of Management, at its meeting held on Monday, 11 April 1983 resolved that the Health Commission of Victoria be advised that the Queen Elizabeth Geriatric Centre will not require any additional State funds to operate the 67 bed hostel at Sebastopol.

The operating costs will be met totally by the Department of Social Security Personal Care Subsidy and Patients' contributions.

On that basis, the commission wrote saying:

... the commission, in view of the extreme limitations on funding, cannot give any undertaking of future financial support for this project.

We were therefore surprised to receive a letter on 5 August from the centre, stating that the centre was no longer able to give an assurance that it could meet the operating costs from the fees and personal care subsidies and saying that there now would be a cost in the order of \$160 000 a year, which was somewhat different from the cost stated in the April letter and the \$95 000 of the March letter.

This is supposedly a well run well-organized geriatric centre. The reason given was the reduction that had had to occur in staff and services at this centre, but nothing in the earlier correspondence suggested any subsidy from the main hospital, and the 38-hour week. According to the centre, the costing on the 38-hour week is \$11 700—which is somewhat less than the \$160 000 shortfall they suggested. We need to examine this correspondence carefully, especially as before the officers of the commission had a chance to process this letter and reply to it, the Honourable Mrs Baylor and the honourable member for Ballarat North were busy on the mound, if you like, at Sebastopol, pitching. It would appear that their ball had unravelled during its flight because you cannot have a situation where a reputable hostel has three separate figures in relation to the running of a facility in the space of six months. In that time nothing has changed in relation to pensions, or the personal care subsidy that would justify those three separate letters. If there had been, this Government might well have been prepared to look at the particular situation.

I add that it has always been the arrangement in hostels throughout the State—and honourable members from country areas who have them would be aware—that they are regarded normally as self-funding organizations. Often the Health Commission provides assistance towards things such as furnishings and the fitting out of a particular centre—there have been such grants provided—but not towards the running costs of these centres. I certainly shall take up with the centre the fact that it cannot get its figures right on this as it has not been able to get its figures right on the deficit.

I have asked for the advice of the commission on the letters from the workers of the centre in relation to the competence of

management and the management committee of the centre. That matter is currently under review by the commission, given the view of the people who work at the centre that the management is not competent. All I can say is that the correspondence in relation to this particular hostel this year does not give one great heart or confidence.

Mr MATHEWS (Minister for Police and Emergency Services)—The honourable member for Wantirna drew to my attention the predicament of a bush-fire victim whose circumstances are such that he seems to have slipped between the guidelines as they have been laid down and as they have served satisfactorily to resolve the needs of an overwhelming majority of those who were disadvantaged as a result of the Ash Wednesday fires.

As the honourable member will be aware, the responsibility for reaching judgments in those sensitive and often immensely complex matters has been entrusted by the Government to the bush-fire appeals trust committee headed by Mr Neil Smith. I take this opportunity of placing on the public record that this State owes Mr Smith an enormous debt of gratitude, one greater than we can ever hope to adequately repay. I have found that Mr Smith and his fellow trustees have been consistently generous in their interpretation of the guidelines that have been given, and have dealt with the utmost sensitivity with the various special cases that from time to time have been referred to them. However, I will take back to him the case that the honourable member for Wantirna now raises and I feel confident in giving the honourable member an undertaking that his representations will be dealt with in the same meticulous way as has characterized the conduct of the trustees from the outset.

The honourable member for Midlands quoted from the first two or three pages of a speech I made recently to my party's country conference in Stawell. He drew from his quotations the conclusion that I had in some way damaged the morale of the Country Fire Authority by my remarks on the that occasion and, similarly, that my remarks on that occasion were contradictory to the amendment I moved in a debate currently still the subject of a motion on the Notice Paper.

I am amazed that the honourable member for Midlands could have drawn such a conclusion even from the short part of the speech which he appeared to have read. If the honourable member had read to the end of the speech, he would have come across the passages which I quote to him which he will see resolve the queries he has raised with me. I stated:

Let me, before I conclude, make three last points clear, beyond all possibility of doubt, ambiguity or misinterpretation.

First, within their respective organizations, at an operational level, the C.F.A. and the M.F.B. have each developed highly efficient and effective fire combating systems. I would not wish you to leave here with the impression that there is simply a litany of expensive mistakes to be remedied. Our quarrel is not with our firefighters or the magnificent work they do on our behalf, but with the irrational context in which they are forced to operate.

Secondly, the courage and self-sacrifice of our firefighters has won them the admiration and gratitude of all Victoria's people, but it cannot confer on their organization an immunity from the hard questions which other departments and instrumentalities currently are being required to answer.

As a Government, we came to office pledged to eliminate waste and mismanagement wherever they can be identified. We cannot excuse ourselves from subjecting the fire services to the same searching scrutiny which is being applied to the public sector as a whole.

Thirdly, the only decision taken in regard to integration by the Government to date, is to conduct an investigation. Which, if any, of the recommendations of the Final Report the Government accepts, and how ultimately we proceed, are matters for the future. For the present, our opponents have chosen to make integration the subject of a great debate. It is for us to make sure that we are the winners.

The honourable member for Murray Valley raised the longstanding issue of the concern felt by members of the combating agencies, the Country Fire Authority and the State Emergency Service in particular, at the way in which their members have sometimes in the past been considered to stand at risk of prosecution under the Environment Protection Authority Act in circumstances where they are required to carry out the cleaning-up operations after there has been, for example, a tanker spill or some such similar incident which leaves pollutants in substantial quantities lying around when normally they would be hosed into a nearby waterway.

That has been held by EPA inspectors to be contrary to the provisions of the Act. When I took over the portfolio, I found the matter was the source of constant exacerbated relations between the combating agencies and the EPA. A process of consultation between the EPA and the combating agencies was put in train which I am advised has led to a solution totally satisfactory to both sides expressed in the document "Guidelines for Decision-making and Combatant Action for Incidents Involving Environmental Hazards—A Guide for Emergency Personnel". The honourable member asked what assurances of protection against prosecution from provisions of the Act are enjoyed by people who in good faith adhere to the terms of the guidelines.

I can only repeat that the guidelines reflect a solution totally satisfactory to all the parties involved in the negotiations. It is the view of the parties involved in the negotiations that there is no need for legislative amendment to provide the sort of protection which he has in mind at this stage. If it should prove, as a result of further experience, that that is not the case and a legislative amendment is needed, we will take that in hand at the appropriate time. For the present, the guidelines represent a great deal of hard work, common sense, and good faith and they should be given a fair chance to prove their worth.

The honourable member for Gisborne drew my attention, as the acting Minister of Education, to the condition of Sunbury High School. Indeed, it seems to be appropriate that the honourable member should raise

this matter because clearly the condition of the school is prejudicial to the health and well-being of the students who go there and of the equipment and books in the library wing of the school. The honourable member made it hot when he attributed the condition of the school to inefficiencies on the part of the present Government.

Mr Reynolds—I did not.

Mr MATHEWS—The honourable member interrupts to say that he did not do so. However, he made clear reference to the incompetence of the current Government and I will take up the matter when the *Hansard* record of the honourable member is available to both of us.

The fact is that this school was half built under the Government of which the honourable member was a supporter at a time when the honourable member sat on the back bench behind the Liberal Minister of the day. I do not know whether this is the first time the honourable member has brought the matter to the attention of the House. I share his concern at the school being in this condition and I shall draw it to the attention of officers of the Ministry as soon as possible.

I hope the honourable member, who shows such zeal in the advocacy of public expenditure on the rectification of the difficulties which his Government left behind it in the case of the school, will show comparable zeal in suggesting new revenue sources to cover this when the Budget is discussed and that he will be less critical of revenue raising than has been the case in recent years.

The motion was agreed to.

The House adjourned at 11.9 p.m.

QUESTIONS ON NOTICE

The following answers to questions on notice were circulated—

DEPARTMENT OF COMMUNITY WELFARE SERVICES

(Question No. 47)

Mr JONA (Hawthorn) asked the Minister for Community Welfare Services:

1. Whether she intends to amend the composition, role or responsibilities of the Child Development and

Family Services Council; if so, what changes are contemplated?

Mrs TONER (Minister for Community Welfare Services)—The answer is:

The role, composition and responsibility of the Child Development and Family Services Council are currently being reviewed as part of an assessment of the sources of advice available to the Minister. When this assessment is completed, an announcement will be made.

IMPROVEMENT OF SPORTING FACILITIES

(Question No. 250)

Mr RICHARDSON (Forest Hill) asked the Minister for Youth, Sport and Recreation:

What action the Government is taking to improve sporting facilities in Nunawading and Waverley?

Mr TREZISE (Minister for Youth, Sport and Recreation)—The answer is:

1. Nunawading

1973-74—\$170 000 subsidy on \$1 for \$1 basis towards cost of Nunawading Community/Youth Centre

1976-77—\$80 000 subsidy on \$1 for \$1 basis for Eley Park Community Centre

1982-83—\$30 000 towards netball complex Vermont South on \$1 for \$1 basis

2. Waverley

1980-81—\$50 000 \$1 for \$1 subsidy and \$40 000 loan for Glen Waverley High School Community Sports Centre

1981-82—\$250 000 \$1 for \$1 subsidy for Gladeswood Neighbourhood Centre

BASKETBALL FACILITIES

(Question No. 251)

Mr RICHARDSON (Forest Hill) asked the Minister for Youth, Sport and Recreation:

What action the Government is taking to improve facilities for basketball in the outer eastern suburbs of Melbourne?

Mr TREZISE (Minister for Youth, Sport and Recreation)—The answer is:

Funds have been contributed towards the cost of the following facilities which include basketball courts.

<i>Facility</i>	<i>Subsidy</i>
	\$
Carrington Park Family Leisure Centre	147 000
Croydon Leisure Centre	250 000
Doncaster Recreation Centre	250 000
Glen Waverley High School Community Sports Centre	50 000
	(plus \$40 000 Loan)
Kilsyth Sports Centre	131 500
Nunawading Community Centre	170 000

IMPLEMENTATION OF FINDINGS OF NATIONAL HEALTH AND MEDICAL RESEARCH COUNCIL

(Question No. 338)

Mr WILLIAMS (Doncaster) asked the Minister of Labour and Industry:

What steps he is taking to implement the findings of the National Health and Medical Research Council with regard to the human carcinogenic properties of vinyl chloride and of health hazards to workers engaged in the production of vinyl chloride and its conversion to polyvinyl chloride?

Mr CRABB (Acting Minister of Labour and Industry)—The answer is:

Part I: The Poisons Branch of the Health Commission is in the process of introducing Carcinogenic Substances Regulations under the new Poisons Act. The Regulations are in draft form at present, and subject to further scrutiny within the Health Commission but the thrust of the Regulations is along the lines of the Draft Model Regulations proposed by the National Health and Medical Research Council (photocopy of which is appended). There is under these Model Regulations a requirement for a licence to be issued in order to use a scheduled carcinogenic substance and for the concentration of any Carcinogenic Substance to be maintained at a level below that recommended as a Threshold Limit Value, as published by the N.H. & M.R.C.

Part II: Within Victoria at present there are two firms manufacturing Polyvinyl Chloride from Vinyl Chloride monomer. Each firm carries out environmental monitoring at the periphery of its plant, and each worker has personal monitoring apparatus. In no case has the level exceeded the N.H. & M.R.C. level over recent months. Furthermore since Cancer has become a notifiable disease, I have set up a Working Party to examine the relationship of occupation to cancer incidence and registration. Any postulated links between cancer and very low levels of occupational exposure to Vinyl Chloride monomer may be investigated within the people of Victoria if all cancers are notified and registered. Special skills in epidemiology and biostatistics are necessary for such investigation. In this way,

the effectiveness of this occupational protection against Vinyl Chloride can be assessed, and the workers can be certain of the lack of risk resulting from the stringent control of Vinyl Chloride monomer in the workplace.

NATIONAL HEALTH AND MEDICAL RESEARCH COUNCIL

Report of the Eighty-fifth Session—June 1979

Appendix XIX—Model carcinogenic substances regulations.

Part 1: Definitions

Unless otherwise specified:

1.1 **CARCINOGENIC SUBSTANCE** means a substance scheduled in these regulations or any mixture containing a carcinogenic substance.

1.2 **DESIGNATED PERSON** means every person authorized by management to enter an area where a carcinogenic substance is used.

1.3 **ESTABLISHMENT** means any shop, premises, laboratory (Whether used for research, investigation or test purpose or otherwise), place or factory and associated area where a carcinogenic substance is used.

1.4 **NO EXPOSURE** means that the presence, in the breathing zone of any designated person, of any carcinogenic substance, shall be undetectable by an analytical technique approved by the Competent Authority, or shall not exceed the level recommended in the National Health and Medical Research Council guide *Hygienic Standards For Atmospheric Contaminants*.

1.5 **OCCUPIER** in relation to an establishment means the person, partnership, association or corporation occupying the establishment.

1.6 **SEALED SYSTEM** means a manufacturing process engineered in such a way that neither respiratory, skin or oral exposure of a person to a carcinogenic substance can occur during normal manufacture or handling.

1.7 **USE** means the manufacture, storage, sale, distribution or handling of a carcinogenic substance and includes any process in which a carcinogenic substance may occur as an intermediate.

1.8 **WORKERS REPRESENTATIVE** means any individual who, if necessary, can prove to the satisfaction of the Competent Authority that he represents the designated persons.

Part 2: Licences to use carcinogenic substances

2.1 No carcinogenic substance shall be used in accordance with the terms of a licence issued by the Competent Authority.

2.1.1 Except with the permission of the Competent Authority no carcinogenic substance shall be used other than in a sealed system.

2.1.2 The licensee shall ensure by the best practicable means that using a carcinogenic substance will not result in exposure of any individual.

2.1.3 The number of designated persons shall be minimal compatible with good working practices.

2.2 Within 3 months of these Regulations being gazetted, every occupier who uses any carcinogenic substance, who has used or is likely to have used any such substance during the 12 months preceding the date of gazettal of these Regulations or an occupier who proposes to use a carcinogenic substance shall, as applicable.

2.2.1 Advise the Competent Authority in writing, of the details of the previous use of such substances.

2.2.2 Submit to the Competent Authority, written documentation as to any need, or continued need to use a carcinogenic substance.

2.3 If a licence is refused, the occupier shall advise the Competent Authority in writing of the means whereby such substances in his possession or control will be disposed of and by what date.

2.4 Prescribed conditions required before granting a licence to use a carcinogenic substance shall be as follows:

2.4.1 Any occupier applying for a licence to use a carcinogenic substance shall provide in writing to the satisfaction of the Competent Authority.

2.4.1.1 Certification that it is not practicable to replace the use of a carcinogenic substance by a non-carcinogenic substance.

2.4.1.2 Advice as to the physical state of the carcinogenic substance together with the chemical composition of any mixture of which a carcinogenic substance is part.

2.4.1.3 Details of the use of the carcinogenic substance and the proposed number of designated persons.

2.4.1.4 A written submission if the detailed methods to be employed concerning the health and safety aspects of the use of the carcinogenic substance including:

labelling of containers and receptacles;

measures relating to the storage and security of carcinogenic substances;

measures relating to containment of leakages or spillages or contamination of the workplace;

measures to prevent exposure by any route of entry to the body;

measures relating to monitoring of the workplace to ensure that no exposure occurs;

measures relating to decontamination and working facilities and amenities;

measures to monitor the health of designated persons including, as appropriate, medical examinations and epidemiological investigations and reporting thereon;

measures to record, in respect of each designated person, the nature and insofar as is practicable, the extent of exposure to a carcinogenic substance including estimates of duration of such exposures and the airborne concentration in the designated

persons breathing zone. All such records shall be available to the Competent Authority;

measures to ensure that no carcinogenic substance escapes into the environment beyond the work-site in excess of any level fixed by the Competent Authority.

2.5 Notwithstanding any other provisions in the Regulations the Competent Authority may, in considering an application—

(a) require the applicant to carry out an approved analysis of a mixture containing a carcinogenic substance and to report thereon to the Competent Authority;

(b) require a representative sample of the carcinogenic substance to be supplied, at no cost to the Competent Authority, by the applicant.

2.6 At times of renewal of licences or at any other time, the Competent Authority may require such information as it considers necessary and as is relevant to the purposes of these Regulations.

Part 3: Code of practice

3.1 The Competent Authority may require the occupier.

3.1.1 To draw up a code of practice concerning safety and health aspects of use of a carcinogenic substance and may require the said code of practice to be drawn up in consultation with Workers Representatives.

3.1.2 To institute measures to review and amend as appropriate the code of practice in consultation with the designated persons or Workers Representatives.

3.2 Such a code of practice shall be shown together with these Regulations, and where necessary explained to each designated person.

3.3 The Competent Authority may require the occupier to submit any proposed change to the code of practice.

Part 4: Duties of occupiers

4.1 It shall be the duty of any occupier to comply with all the provisions of the code of practice approved for that carcinogenic substance.

4.2 It shall be the duty of occupiers to inform all persons who may be exposed of the risks of health constituted by exposure to the carcinogenic substance in use and the precautions to be taken to avoid such exposure.

4.3 An occupier shall maintain a record of the names of all designated persons. These records shall be available for inspection by the Competent Authority.

4.4 Where any exposure or contamination of any person by a carcinogenic substance has occurred or is reasonably thought to have occurred, that person shall be informed by the quickest possible means and such and occurrence shall within seven days be reported in writing to the Competent Authority.

Part 5: Duties of employees

5.1 It shall be the duty of any designated person to comply with all the provisions of the code of practice approved for that carcinogenic substance.

5.2 No person other than a designated person shall enter an area in which a carcinogenic substance is in use.

Part 6: Exemptions

The Competent Authority may grant exemption to any of the foregoing.

Part 7: Restrictions

7.1 It is an offence to use any carcinogenic substance except in the terms of the licence.

7.2 Where the Competent Authority is of the opinion that a carcinogenic substance, label or container contravenes, or fails to comply with, the Regulations, it may order its seizure, detention or disposal to its satisfaction.

The Competent Authority may require records, referred to in these paragraphs, to be kept for a minimum of 40 years. The records shall be kept by the occupier or by the Competent Authority should the Competent Authority so agree or so require.

The Schedule

Scheduling of carcinogenic substances

The list of substances scheduled is derived from a two stage judgemental process.

1. A Working Party, composed of persons expert in chemical carcinogenesis, sifted all available information relevant to evaluation of carcinogenic activity of chemicals. Criteria used for judgment were epidemiological evidence of induction of neoplasms and experimental induction of tumours in animals. On this basis carcinogenic chemicals were assigned to two groups:

(a) chemicals shown unequivocally to produce malignant neoplasms (strong evidence of carcinogenicity);

(b) chemicals for which evidence of carcinogenicity is based solely on the appearance of such neoplastic lesions as lung adenomas or hepatomas in mice ('weak evidence' of carcinogenicity).

From amongst 'strong evidence' carcinogens, chemicals were recommended to the sub-committee for possible inclusion in the Schedule.

2. A sub-committee considered these recommendations in the light of scientific, industrial and public health interests and the implications of scheduling specific compounds. Upon this basis a list of compounds 'scheduled' for the purpose of the Model Carcinogenic Substances Regulations was prepared.

Betanaphthylamine
4 aminobiphenyl
4 Nitrobiphenyl
Benzidine
2-Acetyl Aminofluorene

Alphanaphthylamine
 3.3 Dichlorobenzidine
 Beta Propiolactone
 4.4 Methylene Bis-(2 Chloroaniline)
 Methylchloromethyl ether
 Bis chloromethyl ether
 4 Dimethylamino azobenzene
 N Nitrosodimethylamine

ANSWERS TO QUESTIONS ON NOTICE

(Question No. 755)

Mr WILLIAMS (Doncaster) asked the Minister of Housing:

Whether any instructions have been issued regarding the preparation of answers to questions on notice; if so, what are the details of such instructions; if not, whether such instructions will be issued and details provided to Parliament?

Mr CATHIE (Minister of Housing)—The answer is:

The only instructions issued are that the questions be answered as fully and as quickly as possible.

However, this question has now been superseded by Q.2068 which has been answered and appears on page 3495 of 23 March 1983 of *Hansard*.

HEALTH COMMISSION STAFF

(Question No. 998)

Mr A. T. EVANS (Ballarat North) asked the Minister of Health:

1. What specific jobs are planned for the 182 additional staff for the Health Commission for which funds were allocated in the recent State Budget?

2. What will be the total cost, including all accretments, of employing these additional 182 people in 1982-83, 1983-84 and 1984-85?

Mr ROPER (Minister of Health)—The answer is:

1. A total of 242, not 182 offices were provided for following the 1983-84 budget submissions on staffing. These were provided for as follows:

(a) 127 offices were created;

(b) 14 offices were provided through redeployment;

(c) Employment of 60 students nurses pursuant to section 4 (1) (k) of the Public Service Act 1974;

(d) Employment of 25 trainee Mental Retardation Aides pursuant to section 4 (1) (k) of the Public Service Act 1974;

(e) 2 positions were provided for under the Mental Health Act;

(f) 14 positions were established to service the Sunshine Community Health Centre and will accordingly be attached to public hospitals.

Details of the classification and location of the above-mentioned positions are outlined in Appendix A as attached.

2. The total cost including all accretments, of employing these additional people in 1982-83, 1983-84 and 1984-85 are set out in the table below:

('000)

	1982-83	1983-84	1984-85
Salary cost	*1	3856 ³	3948 ³
Accretments	129 ²	388 ⁴	449 ⁴
Total Cost	*	4234	4397

Notes:

1. This cost will be dependent upon the finalisation of recruitment action.

2. Other than salary cost, it was estimated that an additional cost of additional vehicles would be approximately \$129 000. Other associated costs cannot be identified at this stage due to point 1 above.

3. It should be noted that the above costs have been calculated on the following basis:

1983-84—Incumbents receiving the minimum existing salary prescribed for the classification.

1984-85—Incumbents receiving the second increment of the existing salary range for the classification.

4. Accretments calculated as annual running costs including estimated vehicle expenses, stationery expenses etc.

MINISTRY OF HOUSING INSTRUCTION MANUALS

(Question No. 1425)

Mr WILLIAMS (Doncaster) asked the Minister of Housing:

1. What are the titles of all instruction manuals issued by departments, authorities and agencies within his administration?

2. How frequently these manuals are updated?

3. Whether a copy of each such manual is available in the Parliamentary Library; if not, why?

Mr CATHIE (Minister of Housing)—The answer is:

1. Instruction manuals have been produced or are in course of preparation within the Ministry's Housing Service Division and Development and Property Division.

Details are:

(a) Maintenance Supervisor's Manual—has been produced.

(b) Tenancy Branch Procedures Manual—draft prepared.

(c) Housing Services Practices and Procedures Manual—in course of preparation.

(d) Development and Property Division—Instruction manuals in course of preparation.

2. No fixed revision periods. Manuals have been and will be revised as deemed necessary.

3. Copies of completed manuals will be available at the Ministry's Library for access as required. Copies could be forwarded to the Parliamentary Library if requested.

HEALTH COMMISSION INSTRUCTION MANUALS

(Question No. 1506)

Mr WILLIAMS (Doncaster) asked the Minister of Health:

1. What are the titles of all instruction manuals issued by departments, authorities and agencies within his administration?

2. How frequently these manuals are updated?

3. Whether a copy of each such manual is available in the Parliamentary Library; if not, why?

Mr ROPER (Minister of Health)—The answer is:

The answer to this question is confined to instruction manuals issued within the Health Commission.

1. The following manuals are issued—

Medical Officers Manual

Drug Information Profiles

Drugs of Abuse Profiles

Pharmacopoeia

Induction Manual

Policy and Procedures Manual

Staphylococcal Infection in Hospitals

Antibiotic Guidelines

2. These manuals are updated as required.

3. It is unlikely that copies of these manuals are available in the Parliamentary Library as they relate specifically to Health Commission and medical staff and professionals in the Health Field.

FLYING OF STATE FLAG BY DEPARTMENT OF YOUTH, SPORT AND RECREATION

(Question No. 1833)

Mr WILLIAMS (Doncaster) asked the Minister for Youth, Sport and Recreation:

1. What steps have been taken to ensure that State flags are flown each day on all flag poles on Government buildings within his administration?

2. If no steps have been taken, why?

Mr TREZISE (Minister for Youth, Sport and Recreation)—The answer is:

The State Government supports the flying of the Victorian flag on all State buildings, and my Department is aware of this policy.

MISLEADING INFORMATION ON NUTRITION AND DIET

(Question No. 2048)

Mr WILLIAMS (Doncaster) asked the Minister of Health:

Whether he is taking any action to stop misleading and untrue information on nutrition and diet from being given to the Victorian public; if so, what action; if not, why?

Mr ROPER (Minister of Health)—The answer is:

The following activities are currently assisting in combating misleading and untrue information on nutrition and diet being given to the public—

1. Nutritional policies developed by the Commonwealth Department of Health, the Heart Foundation and the National Health and Medical Research Council are being promulgated by officers of the Health Commission of Victoria.

2. The Dietitians Registration Act 1981 has recently been gazetted. This Act is concerned with ensuring that only fully qualified dietitians are registered in Victoria. This will ensure that the highest possible standard of advice is being given to the public.

3. Active support is being given to all bodies active in Nutrition Education. Recently, I opened a seminar given by the Dairy Industry Authority. The topic for this seminar was the question of foods sold in school canteens.

4. The Food Bill currently before the House will provide a legislative means for the prevention of false and misleading advertising, labelling, etc. on a national basis.

5. I also support the Community Education campaign currently being conducted by the dietitians of the Public Health Division. Through the staff of the Early Childhood Development Programme, the aim of "The Healthy Habit Campaign" is to alert the public to the issues relating to nutrition and health.

QUESTIONS ON NOTICE DIRECTED TO MINISTER OF HEALTH

(Question No. 2086)

Mr WILLIAMS (Doncaster) asked the Minister of Health:

1. What are the details of arrangements for the answering of questions on notice directed to him with

respect to responsible officers on his personal staff and/or within departments, agencies or authorities within his administration charged with the duty of—(a) examining the question asked; and (b) preparing the answer?

2. Whether he has sought any reports on the large number of questions on the notice paper addressed to him which remain unanswered; if not, why?

3. Whether he has instigated any measures to facilitate the answering of questions on notice, if not, why?

Mr ROPER (Minister of Health)—The answer is:

1. The preparation of answers to questions on notice directed to me is the responsibility of the appropriate line division within the Health Commission. These answers are co-ordinated by officers of the Commission's Central Administration area.

2. Reports informing me of the status of all outstanding questions are prepared periodically.

3. The method of answering such questions was reviewed when this Government took office. A more streamlined system was subsequently introduced and the new procedures are monitored regularly.

QUESTIONS ON NOTICE DIRECTED TO DEPARTMENT OF YOUTH, SPORT AND RECREATION

(Question No. 2102)

Mr WILLIAMS (Doncaster) asked the Minister for Youth, Sport and Recreation:

1. What are the details of arrangements for the answering of questions on notice directed to him with respect to responsible officers on his personal staff and/or within departments, agencies or authorities within his administration charged with the duty of—(a) examining the question asked; and (b) preparing the answer?

2. Whether he has sought any reports on the large number of questions on the notice paper addressed to him which remain unanswered; if not, why?

3. Whether he has instigated any measures to facilitate the answering of questions on notice, if not, why?

Mr TREZISE (Minister for Youth, Sport and Recreation)—The answer is:

1. The notice papers are perused by the Executive Officer Administration, who refers any questions relating to agencies within my administration to the appropriate statutory authority or division of my Department for preparation of a draft answer.

2. I have been advised by my Department that the number and complexity of questions asked by the honourable member have placed a great strain on the ability of staff to respond with their usual promptness.

Nevertheless, all questions asked by him concerning my administration have now been replied to.

3. I am satisfied that the arrangements outlined above are satisfactory.

MINISTRY FOR POLICE AND EMERGENCY SERVICES PURCHASES

(Question No. 2284)

Mr WILLIAMS (Doncaster) asked the Minister for Police and Emergency Services:

With reference to the answer given by the Honourable the Minister for Community Welfare Services on 17 November 1982 in response to question No. 605:

1. Whether the majority of requisites of departments and/or authorities and agencies within the Minister's administration were purchased from Victorian-based manufacturing and/or service industries?

2. What submissions were made to the State Tender Board during 1981–82 in accordance with Regulation 84, Treasury Regulations 1981 for approval to purchase goods, stores and/or services costing in excess of \$2000 on behalf of departments and/or authorities and agencies within the Minister's administration from—(a) Victorian; (b) interstate; and (c) overseas manufacturers and suppliers?

Mr MATHEWS (Minister for Police and Emergency Services)—The answer is:

1. It is not possible to furnish details of where all goods, stores and/or services originate or are manufactured when purchase orders are issued by my Ministry or by agencies and authorities within my administration.

2. 140 submissions were made to the State Tender Board during 1981–82, in accordance with Regulation 84 of the Treasury Regulations. The value of goods and services purchased with Tender Board approval, by origin, was as follows:

	\$
(a) Victoria	1 038 991
(b) Interstate	85 877
(c) Overseas	1 180 874
(d) Not Known	1 102 671

FILES RELATING TO HOUSING COMMISSION HOMES IN BALLARAT

(Question No. 2329)

Mr A. T. EVANS (Ballarat North) asked the Minister for Housing:

Whether he will lay on the table of the Library the files relating to the letting and accepting of contracts to build Housing Commission homes in and around the City of Ballarat?

Mr CATHIE (Minister of Housing)—The answer is:

The following information is an overall summary of recent relevant contracts for family housing in Ballarat.

During 1982–83, three types of housing contract have been let in Ballarat:

1. House and land packages—designs submitted by the tenderer on land also offered by the tenderer;

2. Design and construct—designs submitted by the tenderer on specific blocks of Ministry-owned land; and

3. Standard Ministry housing—standard Ministry designs on specific blocks of Ministry-owned land.

1. House and land package contracts

Tenders are called State-wide for an overall budget on a six-monthly basis. The house and land program aims to extend the range and diversity of rental housing stock available to the Ministry. As such, the tenders are not directly comparable with each other due to the wide variety of locations at which land is offered. This differs from the other programs for which prices are sought for a fixed number of units in specific locations.

The number of offers submitted by each tenderer depends on availability of land and capacity of the builder. Selection is dependent on the housing demand and the number of suitable offers in each location.

Assessment and selection are carried out by a panel consisting of 2 representatives nominated by building industry groups and 2 Ministry officers. Criteria for selection include: suitability of site location, access to services and facilities, value for money in house type and design, viability of the tenderer.

In the September 1982 house and land tender call, 202 offers were received from 17 builders for houses in Ballarat, and 85 of these tenders were accepted from 15 builders. In March 1983, 259 offers were received from 18 builders, and 37 of these tenders were accepted from 10 builders.

2. Design and construct contracts

Tenders were called in November 1982 for 10 houses on Ministry land in Wendouree. The assessment panel consisted of 1 building industry representative and 2 Ministry officers. Eight tenders were received and the contract was awarded to the lowest tenderer who also offered the best value per square metre, and reasonable designs.

3. Standard Ministry housing

Tenders were called in March 1983 for 10 standard houses on Ministry land in Sebastopol. Assessment was carried out by the Ministry and the contract was awarded to the lowest of 8 tenderers, who also offered the best value in cost per square metre.

The lists of recommended acceptances for the September 1982 and March 1983 tenders for the house and land package program are available to the honourable member and also in the library.

The only relevant files are specific files made up for each contract after the selection of the tenders. The information in these files would not relate to the "letting and accepting of contracts", but if the honourable member needs further information relating to particular contracts this can be made available.

TENOSYNOVITIS

(Question No. 2357)

Mrs PATRICK (Brighton) asked the Minister for Youth, Sport and Recreation:

1. What action is being taken to rectify the problem of tenosynovitis caused by the layout of the keyboard on the visual display unit and the chairs at the Totalizator Agency Board building, 1 Queens Road, South Melbourne?

2. How many operators at the board are afflicted with tenosynovitis?

Mr TREZISE (Minister for Youth, Sport and Recreation)—The answer is:

A total of 820 operators are currently employed by Totalizator Agency Board in its Telephone Betting Centres, and following six years of operations with the present conditions, the board has experienced during the last fourteen months, 38 cases of repetitive injuries which have been subject to workers' compensation claims.

While generally referred to as repetitive strain injuries, cases have been diagnosed as different conditions including—

- (a) Carpal tunnel syndrome
- (b) Tenosynovitis
- (c) Tennis elbow condition
- (d) General arthritic condition
- (e) Other degenerative conditions

The board is concerned at the emergence and incidence of these complex problems which are not confined solely to Totalizator Agency Board operators.

As a result of this concern, the board has engaged a full-time Occupational Health Nurse who liaises with a medical clinic which operates as the Board's doctors.

Professional advice has emphasised that solutions to a repetitive injury syndrome are not found simply in the physical work environment (chairs, keyboard, layout, etc), but rather found in an examination and study of the total relationship between people and their work, which includes addressing organizational (industrial relations) sociological, behavioural and physical problems.

Following this advice, the Board has commenced a multi-disciplined evaluation of the Telephone Betting centres, with specific reference to repetitive injuries.

This comprehensive evaluation is being carried out in joint consultation with the Federated Clerks' Union and includes the following areas of examination:

Ergonomics
Risk Engineering
Physiotherapy
Occupational Therapy
Occupational Medicine
Organization Psychology
Occupational Hygiene
Health and Safety Management

ANSWERS TO QUESTIONS ON NOTICE

(Question No. 2362)

Mr JONA (Hawthorn) asked the Minister for Community Welfare Services:

What is the reason for the delay in answering question No. 47 asked on 27 April 1982 and when she intends to provide an answer?

Mrs TONER (Minister for Community Welfare Services)—The answer is:

The answer sought has now been provided. The delay is regretted and was due to a combination of factors involving workloads, procedures and personnel changes within my Department.

ENTRY TO PRIVATE PREMISES

(Question No. 2411)

Mr WILLIAMS (Doncaster) asked the Minister for Community Welfare Services:

1. Which departments, agencies and authorities within his administration have right of entry to private premises to—(a) interrogate and/or arrest persons; (b) inspect and/or seize documents, records, land and objects growing, built or otherwise located thereon; (c) sell or otherwise dispose of anything so seized; (d) discontinue or otherwise interfere with an individual's civil rights to benefits, services or any other privilege as a result of such entry; or (e) impose any penalty or other sanction for breach of the law?

2. What are the broad details of such powers, indicating their legal basis?

Mrs TONER (Minister for Community Welfare Services)—The answer is:

Within my administration no departments, agencies and authorities have the right of entry to private premises for any of the purposes specified. However, officers of the Department of Community Welfare Services have statutory authority to enter private premises in specific circumstances. Those powers are as follows:

Community Welfare Services Act 1978

Section 30—entry to approved childrens homes and examine documents ((b) inspect)

Section 67—entry and inspection of home ((b) inspect)

Section 79—entry and inspect to ascertain if any child employed ((b) inspect)

Section 94—entry, examination and inspection of Youth Training Centre or Hostel ((b) inspect)

Section 171 (3)—Warrant of apprehension for return of trainee from parole ((a) arrest)

Section 197 (4)—Warrant of apprehension for return of prisoner from parole ((a) arrest)

Community Welfare Services Regulations

Division 1A Part V Regulation 44—inspections ((b) inspect)

Division 1A Part VI Regulations 63—visit ((a) interrogate)

Childrens Court Act 1973

Section 35 (4)—Probation officer may enter residence of probationer ((a) interrogate)

Section 41 (3)—Supervision orders ((a) interrogate)

Penalties and Sentences (Community Service Orders) Regulations 1982.

Regulation 16 (c)—permits visit by authorized officer ((a) interrogate).

(Question No. 2414)

Mr WILLIAMS (Doncaster) asked the Minister for Police and Emergency Services:

1. Which departments, agencies and authorities within his administration have right of entry to private premises to—(a) interrogate and/or arrest persons; (b) inspect and/or seize documents, records, land and objects growing, built or otherwise located thereon; (c) sell or otherwise dispose of anything so seized; (d) discontinue or otherwise interfere with an individual's civil rights to benefits, services or any other privilege as a result of such entry; or (e) impose any penalty or other sanction for breach of the law?

2. What are the broad details of such powers, indicating their legal basis?

Mr MATHEWS (Minister for Police and Emergency Services)—The answer is:

1. The Victoria Police, the Metropolitan Fire Brigades Board and the Country Fire Authority have certain rights of entry to private premises for some of these purposes.

2. Victoria Police

(a) The police have right of entry to private premises for the purpose of effecting an arrest under the Crimes Act and several other statutes. These rights of entry are generally vested in police officers—

(i) in accordance with an apprehension warrant;

(ii) in relation to a serious indictable offence; or

(iii) when in hot pursuit of a known offender liable to arrest under the law.

The police have no lawful right to enter private premises for the purposes of questioning another person.

(b) There are a number of statutory provisions which empower the police to enter and search private premises without a warrant in specific circumstances. There are numerous statutory provisions which empower the police to enter and search private premises under a warrant.

(c) The most common examples of police powers as to the selling or disposing of seized articles relate to goods seized under a warrant of distress, drugs disposed of pursuant to the Poisons Act and liquor sold in accordance with a court order.

(d) The police have no power to enter private premises to discontinue or otherwise interfere with an individual's rights to benefits, services or any other privilege as a result of such entry.

(e) The police are empowered to enter private premises for the purpose of executing court orders, including orders imposing penalties or sanctions.

Metropolitan Fire Brigades Board and the Country Fire Authority

(a) Neither of these agencies has the right of entry to private premises to interrogate and/or arrest persons.

(b) Both of these agencies have the right of entry to private premises for the purpose of ascertaining any contravention of the law relating to the prevention of fires or to the protection of life and property in case of fire or to the abatement of fire dangers.

The agencies are also empowered to search private premises where a fire has occurred and to take possession of any materials which may assist in proving the cause of the fire.

Country Fire Authority brigades are empowered, in certain circumstances, to enter private premises to remove fire hazards and to clear firebreaks.

(c), (d) and (e). These agencies have no rights of entry in relation to these categories.

The powers of the Country Fire Authority and the Metropolitan Fire Brigades Board in relation to entry of private premises are contained in the Country Fire Authority Act and the Metropolitan Fire Brigades Act respectively.

(Question No. 2415)

Mr WILLIAMS (Doncaster) asked the Treasurer, for the Minister for Industrial Affairs:

1. Which departments, agencies and authorities within his administration have right of entry to private premises to—(a) interrogate and/or arrest persons; (b) inspect and/or seize documents, records, land and

objects growing, built or otherwise located thereon; (c) sell or otherwise dispose of anything so seized; (d) discontinue or otherwise interfere with an individual's civil rights to benefits, services or any other privilege as a result of such entry; or (e) impose any penalty or other sanction for breach of the law?

2. What are the broad details of such powers, indicating their legal basis?

Mr JOLLY (Treasurer)—The answer supplied by the Minister for Industrial Affairs is:

1. and 2. None. The Ministry of Industrial Affairs does not engage in any of the practices referred to.

ANSWERS TO QUESTIONS ON NOTICE

(Question No. 2483)

Mr WILLIAMS (Doncaster) asked the Treasurer, for the Minister of Labour and Industry:

In respect of questions on notice Nos. 820, 1022, 1183, 1461, 1463, 2247, 2262, 2277 and 2426:

1. Whether he is aware of the limitation of 200 pounds sterling set by the Minister of State Treasury in the Parliament of the United Kingdom as the maximum permissible cost associated with the answering of questions; if so, whether it is expected that the cost of answering any of the above questions would exceed the Australian equivalent of this amount indicating which questions?

2. Whether the Minister will answer these questions within the next 10 sitting days of Parliament; if not, whether he will provide an explanation to the Parliament?

Mr JOLLY (Treasurer)—The answer supplied by the Minister of Labour and Industry is:

1. Not until the honourable member brought it to my attention in this question and in relation to the second part, I am not prepared to commit resources to determining the estimated cost of answering individual questions on notice.

2. No. The questions will be answered as soon as possible, given the priorities of my Department and the resources available.

(Question No. 2497)

Mr WILLIAMS (Doncaster) asked the Minister for Community Welfare Services:

In respect of questions on notice Nos. 592, 603, 604, 1287, 1291, 1293, 1572, 1657, 1659, 1828 to 1830, 2099, 2275, 2276, 2356, 2375 and 2411:

1. Whether she is aware of the limitation of 200 pounds sterling set by the Minister of State Treasury in

the Parliament of the United Kingdom as the maximum permissible cost associated with the answering of questions; if so, whether it is expected that the cost of answering any of the above questions would exceed the Australian equivalent of this amount indicating which questions?

2. Whether the Minister will answer these questions within the next 10 sitting days of Parliament; if not, whether she will provide an explanation to the Parliament?

Mrs TONER (Minister for Community Welfare Services)—The answer is:

1. I was unaware of the limitation until the honourable member brought it to my attention in this question.

I am not prepared to commit resources to determining the estimated cost of answering individual questions on notice.

2. No. The questions will be answered as soon as possible, given the priorities of my Department and the resources available.

MULTI-LINGUAL HEALTH INFORMATION

(Question No. 2522)

Mr RICHARDSON (Forest Hill) asked the Minister of Health:

What action the Government has taken since April 1982 in the production of multi-lingual health information and the development of multi-lingual advice services, indicating the particular publications and their areas of distribution respectively?

Mr ROPER (Minister of Health)—The answer is:

From the commencement of the 1982–83 publications program, the Health Commission implemented a policy of producing public information material in eight languages other than English. These are—Italian, Greek, Spanish, Serbian, Croatian, Turkish, Arabic and Vietnamese.

Attached is a list of multi-lingual publications produced by the Health Commission since April 1982 and their areas of distribution respectively.

Distribution of pamphlets occurs through the Infant Welfare Service, the School Medical Services, the Early

Childhood Development Program, hospitals and health centres, local government and some libraries.

In addition to the attached publications, three pamphlets relating to sexually transmitted diseases are currently in the process of production in the above-mentioned eight languages. They are—

1. V.D. General.

2. V.D. Information Sheet No. 1—the facts in respect of non-specific urethritis, gonorrhoea and genital herpes.

3. V.D. Information Sheet No. 2—the facts in respect of syphilis, warts, pubic lice, scabies and trichomonas.

Some Community Mental Health Centres produce certain multi-lingual information and also have such material from the Department of Social Security available to their patrons. Also, an information booklet, "About Intellectual Handicap", is currently being prepared. This booklet is to be published in a number of languages and will provide basic information concerning mental retardation and the services available.

Following a report on the "Mental Health Problems of Migrants", the Mental Health Ethnic Advisory Committee was established in November 1981. The Committee, which is comprised of officers of the Mental Health Division and representatives of various community based ethnic groups, was formed to consider ways of improving mental health services to migrants. It has given attention to the question of multi-lingual publications and the types of material needed within the mental health field.

Progressively, as new publications are produced and existing ones republished, it is intended to produce all Health Commission public information material in at least the above-mentioned eight languages.

There are a number of migrant and religious agencies which provide interpreting/translating services in conjunction with other services (social/welfare, education, etc.). In most instances, these organizations are subsidized with public money. Some of these agencies are—

1. Australian Greek Welfare Association.

2. Australian Jewish Welfare and Relief Society.

3. Islamic Society of Victoria.

4. Church of All Nations.

5. Ecumenical Migration Centre.

6. Co – As – It

In addition to these partly subsidized agencies there are a number of private interpreting/translating agencies.

<i>Publication</i>	<i>Italian</i>	<i>Greek</i>	<i>Spanish</i>	<i>Serbian</i>	<i>Croatian</i>	<i>Turkish</i>	<i>Arabic</i>	<i>Vietnamese</i>	<i>Other</i>
Immunization Information			×	×	×		×		Maltese
Immunization Schedule	×	×	×	×	×	×	×	×	Maltese
Poliomyelitis	×	×	×	×	×	×	×	×	
Tetanus	×	×	×	×	×	×	×	×	
Measles	×	×	×	×	×	×	×	×	
Rubella	×	×	×	×	×	×	×	×	
Hepatitis	×	×	×	×	×	×	×	×	
Sabin vaccine			×						Yugoslav
Food For You Two (diet for pregnant and nursing mothers)	×	×	×	×	×	×	×	×	
Teaching Baby about Food	×		×			×	×	×	

Publication	Italian	Greek	Spanish	Serbian	Croatian	Turkish	Arabic	Vietnamese	Other
Orange Juice							×		
Breast Feeding	×	×	×	×	×	×	×	×	
Exercising during Pregnancy			×			×	×		
Prenatal Care			×				×		
Ten Months 2 Years Diet			×						Yugoslav
Care of Cows Milk			×						Polish
Hygiene									Polish
Diarrhoea	×	×	×			×	×		Maltese
"Keep Them Cool" (Child Safety)	×	×	×	×		×	×	×	Polish
Boiled Water						×			
Sterilisation of Utensils						×			
Ears and Hearing	×	×	×			×	×		
Do you Want to Know About Your Child's Hearing?	×	×	×	×	×	×	×	×	
Care of the Pre-School Child			×						
Fitness to Begin School	×	×	×	×	×	×	×	×	
Teeth	×	×	×	×	×	×	×	×	
Dental Decay	×	×	×	×	×	×	×	×	
Clinical Instruction Sheets—Dental Health Services	×	×	×	×	×	×	×		
Post-Operative Instructions—Dental Health Services	×	×	×	×	×	×	×		Chinese, Cambodian
Pediculi Notice—Family Health Service	×	×	×		×	×	×		French, German, Dutch, Maltese
Foreign Language Cards—Family Health Services		×	×		×	×	×	×	French, German, Maltese, Latvian, Macedonian
Letter: "Parent to Contact Sister at School"—School Medical Services	×	×			×	×			
Multi-Lingual Notice—"Signing of School Medical Card"	×	×	×			×			French, German, Dutch, Maltese, Yugoslav
Sections of St Nicholas Newsletter									Yugoslav
Certain discussion papers on guardianship legislation	×	×							
Public Information leaflet—Changes in the Hospital Changes System	×	×	×	×	×	×	×	×	

DEPARTMENT OF AGRICULTURE EXPENDITURE

(Question No. 2604)

Mr DICKINSON (South Barwon) asked the Minister for Local Government, for the Minister of Agriculture:

1. What overtime payments were authorized and made to all categories of public servants within the Agriculture Department in respect of the 1983 bushfire emergency?

2. What steps have been taken to calculate the total overtime expenditure so that adequate provisions can be made in the event of future national disasters which would affect the department?

Mr WILKES (Minister for Local Government)—The answer supplied by the Minister of Agriculture is:

1. Overtime payments totalling \$27 446 were authorized and paid to officers and staff of the Department of Agriculture in respect of the 1983 bushfire emergency.

2. The total overtime worked by staff of the department in the 1983 bushfire emergency has been recorded, and will be available as a guide in relation to any future similar disaster. However, the amount of overtime required to be worked will depend on the nature, extent and duration of the disaster.

**DEPARTMENT OF YOUTH, SPORT
AND RECREATION FORMS**

(Question No. 2661)

Mr WILLIAMS (Doncaster) asked the Minister for Youth, Sport and Recreation:

Whether he is taking action to ensure that all forms issued by departments, authorities and agencies within

his administration conform to the requirements of social relevance and language comprehension in 1983; if so, what action; if not, whether he will take such action?

Mr TREZISE (Minister for Youth, Sport and Recreation)—The answer is:

Forms issued by the agencies within my administration are under constant review. However, if the honourable member knows of any particular form he considers should be revised from the viewpoint of social relevance and language comprehension in 1983, I would be happy to receive his advice.

Wednesday, 17 August 1983

The SPEAKER (the Hon. C. T. Edmunds) took the chair at 11.5 a.m. and read the prayer.

QUESTIONS WITHOUT NOTICE

INVESTIGATION OF MEMBER

Mr KENNETT (Leader of the Opposition)—I refer the Minister for Police and Emergency Services to the question I asked him yesterday about police investigations at the Titles Office. I now ask the Minister whether he is aware that properties, which were the subject of police interest, are two properties in Union Street, Brunswick, one property in Union Road, Ascot Vale, one property in Northumberland Road, North Sunshine, and farming land in the Kerang district.

Mr MATHEWS (Minister for Police and Emergency Services)—The Leader of the Opposition asked me at question time yesterday if I would confirm that members of the drug and fraud squads had called on the Titles Office to pursue investigations in regard to Mr Landeryou. At that time my answer was that I had no knowledge of the matter.

I have since sought the advice of the Chief Commissioner of Police and he tells me categorically that no such inquiries have been made. He can offer no explanation which might justify in any way the question that the Leader of the Opposition raised with me.

I believe this is a matter of very grave concern to the Parliament and one about which all decent honourable members of the Parliament would feel a sense of extreme concern. It is intrinsic in the nature of the police and emergency services portfolio that any honourable member of the Parliament can, at question time, inflict grave damage on the reputation of any member of the community by raising a question such as that which I was asked yesterday by the Leader of the Opposition.

Mr Kennett—Answer the question.

Mr MATHEWS—The Leader of the Opposition interjects by saying, “Answer the

question”. The answer to the question is that there is no basis whatsoever for the scurrilous accusations that the Leader of the Opposition aired in this House yesterday. What I say to the honourable member is this, Mr Speaker: It is open for any member of the House at question time on any day to prostitute the forms of the House, as the Leader of the Opposition did yesterday, by raising with me a question for which there is no basis whatsoever in fact in the certainty that that question will then be printed in the newspapers and reported by the media. This can be done in the confidence that no Minister for Police and Emergency Services can be aware of all the proceedings in which the police are engaged at any given time and, therefore, cannot respond on the spot with the sort of categorical denial that I am now in a position to give him.

In other words, the hare that the Leader of the Opposition started yesterday and the smear that he voiced yesterday has had 24 hours to run and it is in the nature of the thing that it can never be caught up with again.

Mrs Patrick—You are breaking my heart.

Mr MATHEWS—The honourable member for Brighton says that I am breaking her heart. She should give some consideration to the feelings of the Landeryou family when they read about this sort of question.

Mr Leigh—You didn’t mind doing it to some of ours!

Mr MATHEWS—The honourable member for Malvern has an image problem of his own. I understand that the honourable member is now known in Liberal Party circles as the “Big W”—wimp, wet and wanker rolled into one; the man that got the Liberal Party to change its pre-selection procedure overnight.

The SPEAKER (the Hon. C. T. Edmunds)—Order! I have allowed the Minister to develop his answer at some length, but I now ask him to conclude his reply to the question.

Mr MATHEWS—I thought better of the honourable member for Polwarth, who is interjecting, than to describe my remarks as “bluster”. The honourable member’s reputation is as much in danger as that of any member of the public by this sort of procedure. Parliament should not become a place

for the pursuit of invincible malice without foundation, as it was made yesterday.

YOUTH TRAINING CENTRES

Mr ROSS-EDWARDS (Leader of the National Party)—I refer the Minister for Community Welfare Services to the prison officers' strike that took place last week-end and the set of circumstances that applied to Turana and other youth training centres. I refer to the most extraordinary circumstances under which the young people were sent from the training centres with \$20 and a return rail ticket and were wished "good luck" on their way. No doubt the Minister was a party to that action. Will the Minister give a firm undertaking that she will never again be a party to such a disgraceful affair?

Mrs TONER (Minister for Community Welfare Services)—In replying to the question from the Leader of the National Party, I will comment on some of the media reports regarding the matter. On the week-end of the strike when the youth training officers joined the prison officers, I, with the administration of the Department of Community Welfare Services, carefully considered the consequences for young people in Victoria's institutions. Depending on the use of members of my administration as volunteers, the training centres were to remain manned to a limited degree.

The Government in no way subscribes to locking up young people and children for a long time. The risks of leaving the children to go home or to go to relatives at the week-ends were carefully weighed up. Each week-end many children from the institutions go to their homes or the homes of relatives. Officers were instructed to make contact with the persons concerned in caring for the children during their leave.

The young children from the reception centre were supervised on their homeward way and they all returned safely. Many of the children from the youth training centres were sent by public transport, that is, those who were not picked up, by parents or relatives and they were given \$20 for pocket money.

It was precisely the same practice that the former Minister for Community Welfare Services adopted.

Mr Jona—That is not so.

Honourable members interjecting.

Mr JONA (Hawthorn)—On a point of order, I draw attention to the fact that the Minister for Community Welfare Services has just alleged that the former Minister took a course of action that he did not take.

The SPEAKER (the Hon. C. T. Edmunds)—Order! That is not a point of order; it is an explanation.

Mrs TONER (Minister for Community Welfare Services)—I remember very well the shadow Minister saying the same thing in this House.

Mr Jona—They were selected people, and you know it. It was with cause. Withdraw the incorrect statement!

Honourable members interjecting.

The SPEAKER—Order! I ask the House to come to order and I ask the honourable member for Hawthorn to cease interjecting.

Mr Jona—Tell the truth!

The SPEAKER—Order! If the honourable member for Hawthorn believes otherwise, there is action that he can take as a member of this place. I ask the Minister for Community Welfare Services not to attempt to debate the subject.

Mr Jona—State the facts truthfully.

Mrs TONER—Having examined carefully past practice in similar situations, I discussed with my chief administrators and officers of my department the best means of ensuring the safety of young people. We made the decision with the limited staff that we had to keep the high risk children in the centres precisely in the same way that the former Minister did.

Mr Jona—That is not true—you are misleading the House.

The SPEAKER—Order! I warn the honourable member for Hawthorn for the first time and I ask him to cease interjecting in this manner.

Mrs TONER—Having carefully evaluated the risks to the children concerned and to the community, we made the judgment that we did. In fact there were three children who ultimately did not return. That is a problem. Of the children who were maintained in the centre under supervision of volunteers and the limited staff available, seven escaped. That gives an indication of the risks that the community might have been exposed to had we kept many children locked in without proper supervision. The

results of that action bear out that the decision that we made was the correct and proper course of action.

ROYAL SOUTHERN MEMORIAL HOSPITAL

Mr HOCKLEY (Bentleigh)—Will the Minister of Health explain the problems that have been discovered to exist at the Royal Southern Memorial Hospital in South Caulfield and inform the House of the action he has taken to improve the administration of that hospital?

Mr ROPER (Minister of Health)—I am well aware of the interest of the honourable member in that hospital and in hospital management. While the great mass of hospitals work within their budgets—and the honourable member for Benambra says that there is no hospital in the State that is not experiencing difficulties—I draw attention to the situation at the Royal Southern Memorial Hospital and action that has been taken to overcome those difficulties.

Last year, after a series of industrial disputes, a report was prepared setting out the number of actions that needed to be taken at the hospital if its management were to be improved and if the kind of problems that has persisted there over many years were to be overcome.

That report was made available to the hospital in June of last year. There were some improvements, but not all actions were taken.

In the middle of this year I became aware of further difficulties at the hospital and, on examining the file, I discovered that an independent arbitrator sent to the hospital had found a number of poor practices at the hospital. He also suggested a system of organized sickness arrangements amongst some staff. I immediately asked the commission to arrange for Dr Ian Brand, who is a consultant with the commission, and also the manager of the Preston and Northcote Community Hospital, to inspect the hospital and to look at its management. He discovered that a lot had not been done following up the 1982 report and, more importantly, found real problems of management at the hospital that went right to the top of that hospital. He discovered, for

instance, that the part-time medical director was being paid for a total of the equivalent of 18.9 sessions a week, which is 9.5 days a week. He found that in 1982–83 this person received \$99 265.40 from the hospital and a full-time person would have received \$48 000.

We were very concerned about that, especially when that particular person also treated 317 private in-patients and would have received payment for those, and also saw 2000 out-patients for which he also received payment.

Dr Brand suggested that action should be taken in relation to this matter and Professor Nayman has left the service of the hospital. It was also discovered that all doctors—and this is without the doctors' knowledge—were being paid at the rate of a director of a division at a major teaching hospital. I am assured that the doctors were not aware that they were being wrongly paid, but they were all being paid at far higher rates than they should have been.

The honourable member for Forest Hill may not be concerned about public administration. We certainly are. Dr Brand also discovered an abuse of time cards and overtime and the need for changes in that. He also discovered that one worker in the domestic services area had been involved in gross irregularities and, indeed, in some 26 weeks was late for work on 51 occasions, without any record of any warnings or discipline, and also that that person was significantly paid thousands of dollars in penalty payments.

The domestic services supervisor has also had his position terminated and Mr Atkins, from the Preston and Northcote Community Hospital, has been brought in on a temporary basis. He has contrasted the overtime of the two hospitals and in the same period there was six times the overtime at the Royal Southern Memorial Hospital than there was at the Preston and Northcote Community Hospital. He also discovered inadequate minutes of the board and he has made a number of recommendations. The manager, Mr Stitfold has gone on leave for eight weeks, and Mr Henry, the Deputy Manager of the Royal Women's Hospital, is currently working there.

I have arranged to meet with the acting manager and also with the president of the board, Mr Benjamin.

Mr McGRATH (Lowan)—On a point of order, Mr Speaker, it appears that the Minister of Health is quoting from a document. I should like to know whether he is prepared to table the document.

The SPEAKER (the Hon. C. T. Edmunds)—Order! There is no point of order. I ask whether the Minister is prepared to make the document available, if he is using a document.

Mr ROPER (Minister of Health)—I have handwritten notes and honourable members can certainly have access to those if they wish.

Mr McGrath—It is supposed to be a question without notice. How do you have handwritten notes?

Mr ROPER—Because of the seriousness of the matter and the suggestion that the question would be asked, I prepared myself. I shall be meeting with those two gentlemen either later today or tomorrow to ascertain what further action needs to be taken to ensure that hospitals are properly managed and to ensure that the problems that have been revealed at this hospital are overcome permanently. This is an unfortunate situation and I thank Dr Brand and Mr Henry for the time and effort they are putting in to overcome the problems.

INVESTIGATION OF MEMBER

Mr MACLELLAN (Berwick)—Is the Premier aware that the Honourable W. A. Landeryou attended a meeting of the Board of Management of the Storeman and Packers Union that was held in June 1982, which was two months after his purported resignation from the union; that Mr Landeryou's name was registered in the attendance sheet in the space provided for the president; and that he received a standard meal allowance paid by the union to union officials attending the meeting? Has the Premier had discussions regarding these matters with Mr Landeryou and informed both Mr Black and Mr Balmford about the details of those discussions?

Mr CAIN (Premier)—I made my position in regard to these matters quite clear yesterday. I am awaiting receipt of information and advice regarding the matters

that have been referred to both Mr Black and Mr Balmford; when I get that advice, I will consider it and I will make some comment at that time, not before.

SOUTH GIPPSLAND AMBULANCE SERVICE

Mr WALLACE (Gippsland South)—Can the Minister of Health inform the House whether the report on the South Gippsland Ambulance Service has been finished and when it will be tabled?

Mr ROPER (Minister of Health)—We have been concerned about problems in the South Gippsland Ambulance Service and I have arranged to see Mr Simms, who carried out the inquiry, about that and other matters. I will be discussing the matter with him and I will report those discussions to the honourable member because of his interest in the ambulance service.

MOUNTAIN PYGMY POSSUM

Mr REMINGTON (Melbourne)—Can the Minister for Economic Development—

Mrs Patrick—You have got your hand in your pocket!

Mr REMINGTON—I am glad the honourable member for Brighton is fascinated—glad, but not flattered. Can the Minister for Economic Development inform the House if it is the Government's intention to provide a reserve for the protection of the mountain pygmy possum?

Mr CATHIE (Minister for Economic Development)—As part of the Government's commitment to the development of alpine areas in a balanced fashion, with attention also being paid to both the development and conservation aspect, an area of the western slopes of Mount Higinbotham will be excised from the ski resorts as a reserve for the mountain pygmy possum. Extensive trap and habitat surveyors have confirmed that the western slopes of Mount Higinbotham are a prime habitat for this very rare animal which is found in few other localities—in fact, it is found exclusively in alpine areas.

Mr Jasper—One can ski around them.

Mr CATHIE—The honourable member for Murray Valley may well have to need to skate around the possum, but that is his

concern. Protection of the habitat will be ensured by the creation of a reserve which will exclude activities incompatible with conservation of the species. Boundaries will be established in consultation with the Fisheries and Wildlife Division of the Ministry for Conservation, which will be involved with future development of the area. Conservationists as well as a number of ski-ing organizations, including the Land Conservation Council have demonstrated strong support for this concept.

EXPENDITURE CUTBACKS IN PUBLIC HOSPITALS

Mr LIEBERMAN (Benambra)—In view of his statement yesterday that hospitals in Victoria could cut spending without affecting services if they tried, will the Premier now give a personal guarantee that there will be no cuts in health services and, if not, why not?

Mr CAIN (Premier)—I believe I made clear yesterday the Government's attitude to both public hospitals and the public sector generally, and I do not propose to qualify what I said. It is incumbent upon all public organizations to take steps to be more cost effective and efficient in all of the services they deliver.

As long as the Government is in office, I intend to ensure that that occurs. I do not think it is realized by the Opposition that the Government is in the present situation because of the economic downturn which the Liberal Party contributed to in this country during the past 27 years.

Honourable members interjecting.

Mr CAIN—In fact, I shall qualify that: The Liberal Party did not just contribute; it caused it. The Liberal Party deliberately wound down the economy of this State and the present Government is now paying the price. The fact is that the resources available in sum total to this State, to the Government and the public sector are less than they used to be, and Governments and the people of Victoria need to recognize the situation that exists. The present Government has set a good example in this State by requiring the public sector to be more efficient.

Mr LIEBERMAN (Benambra)—On a point of order, the Premier is debating the question. If he is not prepared to give his

word—the Opposition knows it is not worth anything at all—

The SPEAKER (the Hon. C. T. Edmunds)—Order! This is not an opportunity for raising a point of order and then attempting to debate the matter, and the honourable member would be well aware of that. I ask the honourable member for Benambra to raise his point of order.

Mr LIEBERMAN—The question asked of the Premier is simple and requires only a simple answer. I have listened carefully to the Premier's answer so far, and I suggest that he is debating the question and avoiding the issue.

The SPEAKER—Order! There is no point of order. I remind honourable members that I will be the arbitrator on whether a Minister is debating the subject.

Mr CAIN (Premier)—The Government has found itself in the present situation because of the incompetence of the Liberal Party over the past 27 years. What the Government is now doing is inheriting and reaping the harvest on that incompetence and inefficiency.

The Government is ensuring that those organizations, and others, are run more efficiently than has been the case in the past.

NURSING SERVICES

Mr HASSETT (Dromana)—My question is addressed to the Minister of Health. Can he inform the House what steps are being taken to properly assess nursing requirements in Victoria?

Mr ROPER (Minister of Health)—The Government is concerned at reports from a variety of hospitals and from discussions with the Trades Hall Council and the Royal Australian Nursing Federation that there are problems in some hospitals because of extra burdens being placed on nursing staff and concern that nursing staff is not equally distributed from one hospital to another depending on work load. Instead, the distribution of staff is done largely on an historical basis rather than a needs basis and some hospitals have more staff than others.

As a result of a proposition put by the federation through representatives of the Trades Hall Council in discussions I have had with them, it has been agreed to set up a major inquiry into developing guidelines

on which to base the staffing requirements in the nursing field. That inquiry is necessary because the former Government had never bothered to develop guidelines for nursing requirements in this State, although it had been in office for 27 years. The distribution of nurses has been done in a willy-nilly fashion and has not necessarily been service-related.

The Government believes the development of guidelines is extremely important because it will be concerned not only with nursing numbers but also nursing duties and the burdens placed upon nursing staff because of the way hospitals are managed and administered.

In many instances the medical staff does not properly understand the demands that are made because of certain requirements and nurses have pressures placed upon them quite wrongly.

The inquiry will be chaired by Mr John McLelland, who is the Manager of the Geelong Hospital and also a member of the Victorian Nursing Council. Nursing administrators and representatives of the two major unions in this field, the Royal Australian Nursing Federation and the Hospital Employees Federation, will be involved, along with the medical profession and the Victorian Hospitals Association, which has supplied Dr Whiting as its nominee.

Mr EBERY (Midlands)—On a point of order, Mr Speaker, question time has become a farce because the number of questions asked and lengthy answers given today have made it a series of Ministerial statements. Under those circumstances, Mr Speaker, I believe you should rule that Ministers should answer the questions.

The SPEAKER (the Hon. C. T. Edmunds)—There is no point of order.

Mr ROPER (Minister of Health)—I understand that the Opposition is not interested in the availability of nurses. Because of the important role that the medical profession plays, we have asked the Australian Medical Association to supply a representative, and Dr Whiting has been recommended. We believe the committee will produce guidelines which are sorely needed in respect of nursing requirements in this State, and we look forward to working with the various nursing organizations

to ensure that the nursing role in public hospitals is more valued than it has hitherto been.

PETITIONS

The Clerk—I have received the following petitions for presentation to Parliament:

Disqualification of drivers' licences

TO THE HONOURABLE THE SPEAKER AND HONOURABLE MEMBERS OF THE LEGISLATIVE ASSEMBLY IN PARLIAMENT ASSEMBLED:

The Petitioners whose names appear below, and signatures, humbly and respectfully pray that:

"The penalty provisions of section 318 of the Crimes Act No. 6231 be amended to provide for the total disqualification of drivers licence and a penalty sentence to be in excess of 12 months, for offences related to misdemeanours in particular, culpable driving of a motor car".

Your petitioners as in duty bound will ever pray.

By **Mr Newton** (22 866 signatures)

Grants to non-Government schools

TO THE HONOURABLE THE SPEAKER AND HONOURABLE MEMBERS OF THE LEGISLATIVE ASSEMBLY IN PARLIAMENT ASSEMBLED:

on the subject of

FUNDING OF NON-GOVERNMENT SCHOOLS

The humble petition of the undersigned electors of the State of Victoria respectfully sheweth our concern at factual evidence which sheweth that in the year 1981 the sum of \$1611 per pupil attending Catholic secondary schools was applied in salaries, administration, maintenance, interest and other recurrent costs, of which \$1191 was provided by way of Commonwealth and Victorian Government grants.

Your petitioners therefore pray for the continued maintenance and eventual increase of governmental basic *per capita* grants to non-Government schools irrespective of whether supplementary grants are also made on the basis of need, in order to provide freedom of choice to parents in the education of their children.

Your petitioners in duty bound will ever pray.

By **Mr Williams** (1250 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:

Consumer Affairs—Report of the Council of Consumer Affairs for the year 1982–83—Ordered to be printed.

Members of Parliament (Register of Interests) Act 1978—Summary of Returns, June 1983 (No. 1)—Ordered to be printed.

SELECT COMMITTEE DOCUMENTS

Mr WILKES (Minister for Local Government)—By leave, I move:

(a) That the Clerk be authorized to transfer to the Keeper of Public Records, all documents which were laid before any Select Committee of this House more than 75 years ago and which have not been tabled in the House, on the condition that they remain the property of the House; and

(b) That Mr Speaker be empowered, after consultation with the Printing Committee, to authorize in respect of any such documents—(i) access; and (ii) reproduction and/or publication for educational or historical purposes.

In explanation of the need to move this motion I provide the House with the following information.

The transfer of certain original papers presented to this House to the Public Record Office has brought to notice other documents, including Select Committee working papers, which have not been presented to the House but which in accordance with custom have been retained in the custody of the Clerk in perpetuity. These documents are currently stored in the Parliament building and cover the period as far back as the early 1850s. As far as can be ascertained the documents have never been published.

It has been recommended by the Clerk and endorsed by Mr Speaker that these valuable records should be transferred to the Keeper of Public Records for safe-keeping, so as to ensure their preservation. In the light of advice from the United Kingdom House of Commons the only way such documents can properly pass from the direct care of the Clerk is by the authority of the House itself.

The motion gives an ideal opportunity to set up machinery to allow these documents to be released or published for historical or educational purposes. However, because

these documents are not strictly public documents but records of long defunct committees and because they may conceivably contain some legally actionable material which adversely reflects upon individuals, it is desirable that they not be released during the lifetime of persons mentioned therein. On the advice of the Keeper of Public Records, it is considered wise to have a 75 year embargo against release.

In respect of documents that qualify for release, it is desirable that Mr Speaker be empowered to authorize publication after consultation with the Printing Committee, the most appropriate committee to assist and advise him on the matter. In granting approval Mr Speaker, for example, might require that any extract or copy be fair and accurate in line with the present practice which relates to certain tabled documents which are reproduced with Mr Speaker's approval.

I thank all parties who have already informally indicated their support on this matter and I commend the motion to the House.

Mr JONA (Hawthorn)—The Opposition supports this motion and is very happy with the wording of it. The motion clearly explains not only the course of action to be taken but also the conditions under which you, Mr Speaker, will be able to make available certain documents which have not been made available since responsible Government in this State, going back to 1856. The motion refers to only Select Committees' documents and papers that have not been presented previously to the Parliament. They are the documents and papers that have not been published. This motion will provide the necessary authority from the Legislative Assembly in respect of, presumably, Select Committee reports that came to the Legislative Assembly only, and I presume the Legislative Council will handle its own mechanism for Legislative Council Select Committee reports and papers.

Mr Wilkes—I am not certain about that. I think it applies to documents from committees of both Houses.

Mr JONA—That were presented in this Chamber.

Mr Wilkes—Yes.

The SPEAKER (the Hon. C. T. Edmunds)—It is “in this House”, which is the Legislative Assembly.

Mr JONA—I shall say a few words in support of the motion that has been moved by the Leader of the House, in respect of its history in recent years, which has now led to this third stage of some progressive moves by the officers of this Parliament under the direction and guidance of the Speaker, the Printing Committee and other appropriate committees of this House. The first stage began ten or fifteen years ago. Up until that time papers which had been tabled in this Parliament, which were public documents and reports going back in some cases to 1856, were filed in various parts of Parliament House, some in the northern part of the building, some in the southern, and some in offices which are now occupied by some members of Parliament. About fifteen years ago these documents were brought together and were stored in a central location in the basement of the building.

During the 1970s a rationalization of these documents took place and excess copies of the documents were made available to various libraries, universities and other appropriate centres around Victoria and interstate. These of course were documents which could have been made public because they had been presented to the Parliament. The distribution of excess copies, instead of having them stored in Parliament, gave far greater community access to them and has proved successful.

Sufficient copies were retained at Parliament House and remain here and are being well preserved for future reference by members of Parliament and officers of this House.

The second stage began in 1980 when this House, through its officers, embarked on proposals to transfer original public papers which had been presented to the Legislative Assembly to the Public Record Office which had been established in the early 1970s.

This transfer was completed over a period of about a year and, although that seems a long time, one can imagine the quantity of documents that were involved, bearing in mind that they cover the entire period from 1856 to 1970. Any honourable member who has served on a Select Committee will know that there is more paperwork involved in a Select Committee than the formal report

itself. There are also copies of submissions and accompanying papers which constitute an enormous volume of paperwork.

The third stage is represented by the terms of the motion. In transferring the original public documents to the Public Record Office, the question arose as to the preservation and possible accessibility of Select Committee documents which had not been made public in the past—despite requests—because they had not been presented to Parliament. The motion gives authority to the Speaker to transfer records to the Public Record Office and, under certain conditions, to enable public access.

This whole exercise, including the third stage—I refer to that particularly because it is covered in the motion by the Minister—has been complex and strenuous, and has required careful scrutiny and planning. The efforts of those involved should not go unnoticed. I refer particularly to the Clerk of the Legislative Assembly, Mr John Campbell, and the Clerk of the Papers, Mr Peter Bramley, and others who worked under their direction in perusing, sorting out and identifying those documents that had not been presented to Parliament and those documents that had been presented. Their efforts made possible the presentation of the motion before the House which will presumably be carried. For the first time since 1856 the motion will allow the making available to historians of important views, thoughts and submissions that hitherto have never been made public. For the record, I draw attention to some of the subjects that are covered by the submissions which go back to 1850 and 1860 and to which previously even the nation's greatest historians have never had access.

I am sure the Minister of Education, who is not in this place at present, will be interested in a report of a Select Committee in 1862–63 about the claims of school teachers. It might be interesting to see what the submissions contain. What happened, of course is that a report from the Select Committee was made public and tabled in Parliament. Therefore, everyone had access to it. However, no one has ever examined the sort of submissions that were made by school teachers in 1862–63. Anyone writing the history of the Victorian Education Department—

Mr Hann—Are you filibustering?

Mr JONA—I am not filibustering. It is worth while making reference to some of the documents involved. I do not intend to be rushed. The motion may not be of interest to the National Party, but it is of enormous interest to the history of the State. In 1862–63 there was a Select Committee report dealing with the claims of prospectors. A large number of submissions were made by prospectors of the day which reveal a tremendous amount of interesting information about early gold discoveries that have not been made public and recorded in the history of this State.

The Minister for Community Welfare Services has her problems at present, but she might be interested in the evidence submitted by prison warders and others in a report to a Select Committee dealing with penal discipline in 1856–57, which was one year after this Parliament was established and Victoria became a sovereign State. I seek the pardon of the National Party, but I consider that it is worth referring to the sort of documents that are covered in the motion.

Mr HANN (Rodney)—The honourable member for Hawthorn has gone to considerable trouble in making his contribution. The National Party does not see the necessity for such detail because the matter was agreed to previously by all parties in discussions with the Leader of the House. It makes sense and is important to ensure that the documents are recorded and protected in a safe place. The Keeper of Public Records is the appropriate person to do so.

The accessibility of the documents is a matter that the House had to consider and the Printing Committee, which has not met on many occasions over the past number of years, will now have something quite important to do in examining the documents and determining which documents should be released for the historians, who appear to be so close to the heart of the honourable member for Hawthorn.

The National Party supports the motion moved by the Minister for Local Government and believes it will relieve some of the pressure on storage facilities at Parliament House. Obviously some of the documents that have been presented to committees over the years, and which have not been made public, will be of use to historians. Other

documents are probably quite useless, but one needs to store them as well.

The National Party supports the motion.

Mr STIRLING (Williamstown)—The motion will certainly be welcomed by the people of Williamstown. The area has two historical societies and the Williamstown Historical Society is an extremely progressive organization. Its chairman, Mr Howard Whittaker, spends most of his time researching history and the part Williamstown played in the development of Victoria.

I was interested to note that in 1861 a Select Committee examined improvements to navigation. Honourable members will be well aware that during the gold rush period in the 1850s considerable congestion arose in Hobson Bay in the Port of Melbourne area because of the large shipping population which brought gold seekers to our shores. Often the crews of the ships deserted in pursuit of gold and ships were docked for many months unable to obtain crews to take them back from whence they came.

The honourable member for Hawthorn made reference to an inquiry into prisons. During the 1850s and 1860s, the entire prison population was located in five prison hulks at Williamstown. The hulks added to the congestion in the port and the documentation which arose out of the Select Committee inquiry must contain mountains of information which would be most welcome to those interested in the history of Williamstown.

A Select Committee established in 1895, which would be of interest to the Minister of Health, examined the State monopoly in manufacturing tobacco. No doubt there would be a considerable amount of interesting material associated with that Select Committee. In 1899 a Select Committee examined the possibility of a national anthem being sung by members of Parliament.

In 1886, a Select Committee was established to examine sheep dip and swing-gate inventions. Many inquiries were dealt with by Select Committees. I have referred to the improvement in navigation, which was dealt with by a Select Committee. I have referred to prison hulks. Five prison hulks were situated at Williamstown—the *Success*, the *Deborah*, the *Sacramento*, the *Lysander* and the *President*.

In the mid-nineteenth century the resident population of Williamstown was approximately 3500. However, the floating population on the prison hulks was numbered in the thousands of persons. At that time, the infamous Captain Price, who had been transferred from Norfolk Island, was the commandant of the prison hulks.

In 1857, there was an uprising by the convict population, which resulted in the murder of Captain Price and the subsequent execution of seven convicts. At the time, it was feared that there would be a general mutiny of the convict population. Groups of volunteers were formed and arms were handed to the volunteers to quell the uprising. However, when the volunteers were banded together, they discovered there was no ammunition for the arms they had been supplied with. However, the uprising was quelled.

The provision of documentation on the incidents I have referred to would be most welcome by interested persons.

Mr MACLELLAN (Berwick)—The motion suggests that those records that are more than 75 years of age might be transferred to the custody of the Public Record Office and that you, Mr Speaker, may be empowered, through the Printing Committee, to authorize access, reproduction and/or publication of those documents for educational or historical purposes.

However, why should those documents be restricted in terms of their educational or historical significance? I should like the House to be given a reason why there should be any real limitation placed on access to documents to be used only for educational or historical purposes. That would appear to place a burden upon you, Mr Speaker, and the Printing Committee to have to consider whether a document will be used for educational or historical purposes. It would place a burden on the applicant wanting to reproduce or to publish any part of that document to have to establish that the purpose for wanting to do so is for educational or historical purposes.

It may not be difficult; the applicant may assert the reason and you, Mr Speaker, through the Printing Committee, may accept it. However, why bother to restrict it in that way at all? Why claim that these are valuable, base record documents of the Colony of Victoria and the State of Victoria up to

1901? If the personal reputation of somebody is at stake through the publication of defamatory material, the Printing Committee should concern itself with that aspect only. The Printing Committee should not be concerned with the bona fides of somebody wanting access to documents for reproduction and printing for educational or historical purposes.

Why should the Printing Committee concern itself with the motives of the applicant if the material sought is non-defamatory and simply part of the historical records of the State and the Parliament? Although there was prior consultation between the parties on the motion, the proposals contained in the motion have been varied. I would have been assisted if I had known and had the opportunity to discuss with my party the exact motion and its implications.

This is principally a second-reading debate and I suggest that you, Mr Speaker, and the Printing Committee might consider repeating the process of this motion by wiping out the limiting provisions and stating that the Printing Committee may give access, for whatever reason, where the material is non-defamatory and that where the material is defamatory, access to the material will not be provided until sufficient time has elapsed and the problem no longer arises.

The motion specifies documents that were laid before any Select Committee of this House more than 75 years ago. However, if somebody wants access to a document that was laid before any Select Committee of this House 65 years ago, why should that person have to wait another ten years? That person might want access to that document merely because that person is interested in the subject. That person should not have to paper over either his or her excuse by saying, "I am doing a thesis for this" or, "I am submitting my essay and it is important that I have access to that information." The Printing Committee should not have to bother itself with those types of reasons for access to documents.

Unless there is some good reason that lurks behind the restriction, access should be given to all material that is non-defamatory. I accept the recommendation of the Public Record Office that 75 years is a good working rule, but somebody who wishes to obtain access to a document produced 65

years ago and which is non-defamatory should not have to wait another ten years to obtain access to that document.

If the document is sitting underneath either this House or another place, the Parliament would be no better off if silverfish nibbled at that document for another ten years because the Parliament had decided on a 75-year rule. The motion should be broader and authorize you, Mr Speaker, and the Printing Committee to convey material that is more than 75 years old away from the House to the Public Record Office. All parties are willing to entrust you, Mr Speaker and the Printing Committee to act on behalf of the House to provide the public with access to material that is of a non-defamatory nature and is of a lesser age than 75 years. I am not suggesting that Parliamentary staff should have to fish through vast quantities of material that might be there to find the one missing document. However, if it is important enough to somebody to obtain the material, why should you, Mr Speaker and the Printing Committee not be free to provide access to somebody for that material for printing or whatever if the material is non-defamatory?

Applicants should not have to fill in a form, which requires them to say, "I want it for educational purposes", or "I am doing a course and I want it for the historical society" and presenting some case to the Printing Committee with which the committee has to concern itself.

I urge you, Mr Speaker, to take on board my comments and to examine whether the Parliament could not reasonably and sensibly entrust the Printing Committee to send documents, which were laid before any Select Committee of this House more than 75 years ago, to the Public Record Office and to have the power to grant access to material of a lesser age than 75 years.

The Printing Committee should be concerned only with whether the material sought is defamatory. Nobody could expect more of the Parliament than that it should restrict access to material of a defamatory nature, but that it grant the fullest access that it can to the citizens of this State to all the material that they have good reason to

want, whether it be for educational or historical purposes, or whether it be because people are interested in the material.

Mr WILKES (Minister for Local Government)—I thank the honourable members for Hawthorn and Williamstown and the Deputy Leader of the Opposition and Deputy Leader of the National Party for their constructive remarks on what the honourable member for Hawthorn described as a major step forward. I point out to the Deputy Leader of the Opposition that no limitation on access exists. The limitation is on the reproduction and/or publication of a document or documents for educational or historical purposes.

You, Mr Speaker, and the House, through the three political parties that were involved in the discussions regarding this motion, may decide to extend the provisions in line with the good suggestion of the Deputy Leader of the Opposition. I strongly suggest that you, Sir, may decide to take that step in the not-too-distant future.

The motion was agreed to.

The SPEAKER (the Hon. C. T. Edmunds)—I thank the House for its acceptance of the motion. It is hoped that the material to be provided as a result of the motion will be another tool to enable historians to examine unpublished material that is of interest to the community.

PENALTY INTEREST RATES BILL

For **Mr CAIN** (Attorney-General), Mr Wilkes (Minister for Local Government) moved for leave to bring in a Bill to amend the Supreme Court Act 1958, the County Court Act 1958, the Property Law Act 1958, the Transfer of Land Act 1958 and the Magistrates' Courts Act 1971 with respect to the payment of interest on certain unpaid monies and for purposes connected therewith.

The motion was agreed to.

The Bill was brought in and read a first time.

VERMIN AND NOXIOUS WEEDS (REORGANIZATION) BILL

Mr SIMPSON (Minister of Public Works)—I move:

That I have leave to bring in a Bill to amend the Vermin and Noxious Weeds Act 1958.

Mr MACLELLAN (Berwick)—Will the Minister indicate how the Bill will amend the Act and for what purpose?

Mr SIMPSON (Minister of Public Works) (*By leave*)—The purpose of the Bill is one of reorganization.

The motion was agreed to.

The Bill was brought in and read a first time.

MEDICAL PRACTITIONERS (CONDITIONAL REGISTRATION) BILL

Mr ROPER (Minister of Health) moved for leave to bring in a Bill to amend the Medical Practitioners Act 1970 with respect to conditional medical registrations.

The motion was agreed to.

The Bill was brought in and read a first time.

SUPERANNUATION (FUND CONTRIBUTIONS) BILL

The debate (adjourned from May 31) on the motion of Mr Simpson (Minister of Public Works) for the second reading of this Bill was resumed.

Mr RAMSAY (Balwyn)—The Bill amends the Superannuation Act and the Pensions Supplementation Act in the interests of the State Superannuation Fund and the many contributors and pensioners who are now, or will be in the future, recipients of benefits from the fund. It is a technical amendment of some complexity and it is important that the House understands the nature of the complexity.

As honourable members look forward into the future, little doubt exists that the costs of sustaining the State Superannuation Fund on the consolidated revenue of Victoria will continually increase. In the not-too-distant future, serious questions will need to be asked about superannuation in the public sectors, and it is important that the House has some understanding of the pressures the fund is currently under.

The Economic and Budget Review Committee currently has a commission to examine public sector superannuation—the 34 superannuation funds that come under the public sector—and the House will await

with interest the report from the committee. In some ways, it is unfortunate that the House should be asked to make technical amendments to any legislation covering superannuation in advance of the receipt of that report. However, the nature of the problem that the fund currently faces needs to be tackled and the Government proposals to do so are encapsulated in the Bill.

When a contributor retires and becomes a pensioner, he is entitled to receive some of his entitlement in the form of a lump sum. Generally, approximately 30 per cent of the total pension entitlement is converted to a lump sum. The remainder of the pension continues to be paid by way of fortnightly pension payments. Under the Act, that payment is indexed and increased from time to time with movements in the cost of living.

The money for the lump sum payment is provided by the State Superannuation Fund, although, under the terms of the Act, a portion of the lump sum becomes a cost on the consolidated revenue. The practice has been for the consolidated revenue not to pay the portion of the lump sum to the fund at the time the lump sum was taken out, but to continue to contribute into the fund an amount of money equal to the pension payment that would have been contributed as though the lump sum had not been taken. Because the amount of money paid across on a continuing basis is not indexed, the fund has found itself being unpaid in terms of the movements in cost, pensions and interest rates.

The net result is that over the years since this situation began to develop, \$134 million is owed to the Superannuation Fund by the Consolidated Fund and in the way in which it works this has effectively been loaned by the Superannuation Fund at a mere 6 per cent a year. Last year, \$49 million was paid out by the Superannuation Fund in lump sum payments, which now has become a debt from the Consolidated Fund to the Superannuation Fund.

This inequity from the Superannuation Fund could have been overcome in several ways: There could have been a requirement where a pension is taken in a lump sum for the Consolidated Fund to contribute that lump sum directly in a lump sum itself to the Superannuation Fund; a more reasonable rate of interest could have been struck

on the outstanding money; or the payments could have been made from the Consolidated Fund to the Superannuation Fund in continuing pension payments and indexed similarly to the indexation of pension payments paid by the Superannuation Fund.

The Government has chosen to adopt the third alternative. It is a practice that exists already in the South Australian and Tasmanian State superannuation funds. The Treasurer has stated that the cost to the Government in the first year of operation, the financial year 1983-84, will not be very large, in the vicinity of \$75 000. In adopting this technique, the House should ask the Treasurer to state what the forward estimates are for the additional burdens to be placed on the Consolidated Fund for future years.

As I mentioned earlier, it does lead one to consider carefully the future responsibilities of the Consolidated Fund for the State Superannuation Fund. I am afraid that, in one sense, the \$75 000 may be misleadingly low for what the real obligation is that the Consolidated Fund is being asked to face up to in this measure.

The alternative to facing up to the obligation is to say to all pensioners of the State Superannuation Fund that, in future, superannuation lump sum entitlements may well be diminished; in fact, they certainly would be diminished. I do not believe a decision can be made now because any adjustment to superannuation funds that in some ways may jeopardize the interests of contributors in the future must be examined on the broadest scale to ensure that the Superannuation Fund is as generous as it reasonably can be and is as equitable as it should be between the various sections of the public sector and that it is kept generally in line with superannuation arrangements throughout the community.

Public Service superannuation benefits should provide fairly and equitably for retirement entitlements, entitlements to which employees would have contributed significantly, but those benefits, as they are supported by contributions from the Consolidated Fund, should not be the pace-makers for superannuation benefits for the whole community.

In the context of these general remarks, the Opposition is prepared to accept the measure. The Opposition is waiting with

great interest for the report of the Economic and Budget Review Committee on superannuation, particularly public sector superannuation. The Government should minimize any further changes to public sector superannuation until that report has been made public and the Parliament has been able to give it proper consideration.

Mr ROSS-EDWARDS (Leader of the National Party)—The National Party supports the Bill. It has been explained in some detail by both the Minister of Public Works and the honourable member for Balwyn and I will not repeat the technicalities. It means a Government contribution of \$75 000 to ensure that lump sum payments are maintained. The figure is \$75 000 this year. No doubt, if the Treasurer were present in the House he would be able to give an estimate of what it will cost in the second year, the third year, and so on. He probably has done some calculation on this. I hope Parliament is not giving him a blank cheque at this stage.

If the Bill is not passed, lump sum payments both today and presumably in recent months would not have been of the expected amount. The Treasurer is waiting on a report from the Economic and Budget Review Committee on superannuation generally. The State is facing serious problems because obviously public servants and employees of statutory authorities are being paid more superannuation than the State can afford.

This situation has built up over the years. The fund is too generous. Those remarks could well be applied to the Parliamentary Superannuation Fund also. This matter needs public debate. In the future, the Government may well have to cut its cloth according to measure.

Once a commitment is made to a public servant, I do not perceive how it can be reduced. However, it may have to be stated that from a particular date, say 1 January 1984, future benefits will be different because the State has been carried away in the past in its endeavour to provide superannuation benefits. In this, the former Government must take the responsibility of increasing superannuation benefits in both pension and lump payments sum to amounts that are causing great embarrassment to the Government of the day.

The State has to bite the bullet. When that day comes, decisions will be taken that will cause industrial problems, but Parliament and the Government of the day must put their mind to this issue urgently.

Mr IHLEIN (Sandringham)—The Bill is an important measure. It will benefit contributors to superannuation funds who will receive lump sum payments. Since May 1966, persons in receipt of pension benefits have had rights that they could exercise to convert a portion of superannuation pension benefits into lump sum entitlements. This sum was paid from the Superannuation Fund and the Consolidated Fund continued to pay the full pensions appropriate to the Government's contribution to the Superannuation Fund with only a proportion being paid to the pensioner having regard to the amount of the pension conversion.

At the time, the interest rate being paid was 6 per cent. Obviously, it was then in line with market rates and it was an equitable arrangement. It was assumed in 1966 that the Superannuation Fund would lose by the interest of 6 per cent a year on the portion of the lump sum taken out that relates to the Government's share of the pension. The procedure that operates between the State Superannuation Board, the pensioner and the Consolidated Fund is that payments are made by the board to pensioners and these payments are updated according to movements in the consumer price index.

However, no updating applies to the amount paid by the Government in respect of the pension when it is converted. As a result, growing inequities occur between pension entitlements and lump sum payments. With the over-all increase in interest rates, which have been experienced in recent years, the Superannuation Fund is deprived of income as a result of the 6 per cent rate adopted in 1966. This means that the recompense that is given to the Superannuation Fund at the rate of 6 per cent was correct in 1966 but is no longer adequate to meet the commitments of that fund.

The question was asked by the honourable member for Balwyn whether the \$75 000 figure is appropriate costing. In responding, I would like to make two comments. The first is that the Government was faced with three options in this area on how

to proceed. The costing of those proposals were considerably different and, indeed, the Government did not adopt a nil cost option, which was open to it. The costing has been prepared on a proper actuarial basis by advisers to the Government in the Department of Management and Budget, who have been involved in superannuation matters.

The options available to the Government were, firstly, to recalculate the amount of lump sum at current interest rates which would result in a reduction in the lump sum paid to pensioners. The Government believed that was an inappropriate way to handle the matter and ruled that proposal out.

The second option that was available was for the Government to make up the interest loss to the fund by paying to the fund on future conversions a rate of interest equal to the current semi-Government private fifteen-year interest rate on new money, less 6 per cent on the present actuarial value of the Government share of future pensions cancelled by the conversion to lump sum calculated at 30 June each year. In other words, this existing 6 per cent provision would continue and be adjusted in line with that proposal. Obviously there are significant cost implications from such a proposal. It also has some features of complexity and transitional difficulties.

Clearly, in the terms of the cost implications and the complexity, the longer term nature of such a proposal, and also the transitional difficulties involved, this matter required substantial consideration by the Government and by Parliament. Accordingly, it would appear that that particular option for a much longer term is more appropriately handled by the inquiry being conducted by the Economic and Budget Review Committee.

The third option, which the Government has accepted, was for the Government to pay into the Superannuation Fund the amounts of supplementary pension which would otherwise be paid from the Consolidated Fund in respect of pension converted. Clearly we are talking about situations where a lump sum is currently taken and there is no need for a commitment *ad infinitum* resulting from that proposal.

It results in a cost to the Government, which has been actuarially assessed at \$75 000 for 1984, and it means that persons

who are now in need are able to be compensated appropriately.

On the issue of whether this matter should be referred to the Economic and Budget Review Committee, it is important to point out that there is universal agreement to this proposal. It does not have implications for other areas of superannuation reform and it does not have significant cost implications.

On all those grounds it is important, in the addressing of the obvious problem involved, for the particular people who are faced with the need to take a superannuation lump sum, that this matter be handled now and not be deferred. I point out that the Superannuation Fund is in agreement with the proposal, that the various employee associations are in agreement and that longer term arrangements that apply to future lump sum payments are able to be handled by the Economic and Budget Review Committee. In those circumstances, it is clear that the Government has acted responsibly in choosing not to inflict hardships on persons taking lump sum payments by reducing their amounts, as is the first option, and in choosing not to inflict high and immediate cost, as set out in the second option, but to take on board a proposal that will help those persons who are in immediate need to take their proper superannuation entitlements and to reflect current interest rates that apply in the market.

In looking at the implications of taking a no cost option in this situation, we would be considering a reduction in lump sum payments for spouses of 20 to 25 per cent. That is, rather than increase the payments in a lump sum form, we would be looking at a reduction in payments to spouses of 20 to 25 per cent. Reductions of that order are clearly not appropriate and I have no hesitation in supporting the Bill, given the options that were available to the Government on this matter.

Mr JOLLY (Treasurer)—As the participants in this debate have indicated, the measure is a technical but very important amendment to the Superannuation Act.

Firstly, I should indicate in respect of lump sum payments that, effectively, two-sevenths of the lump sum entitlement is met by the State Superannuation Board and five-sevenths by the Consolidated Fund.

The position of entitlements within the Public Service in respect of those who are covered by the State Superannuation Board's arrangements is that up to 30 per cent of entitlements can be taken as a lump sum.

That is the arrangement for the State Superannuation Board only. I should point out to all honourable members that, because of the *ad hoc* way in which superannuation has developed in Victoria, the entitlements by way of lump sum vary enormously from one fund to another. Of course, we are all aware that there are some 30 superannuation funds operating in the public sector in Victoria. Obviously, there is a need to rationalize the number of superannuation funds in the State and this is one of the issues that will be taken up directly by the all-party Parliamentary inquiry into superannuation. Members of that committee have already recognized, in the early stages of their deliberations, that the piecemeal development of superannuation in the public sector is undesirable. As I said, the 30 per cent entitlement applies to persons covered by the State Superannuation Board but it is not the entitlement for superannuants across the board.

The procedures used in the payment of lump sum entitlements are such that there is no direct payment from the Consolidated Fund to the beneficiaries. The arrangements, which have existed for some time, require the State Superannuation Board to pay out the lump sum in the first instance to the superannuants and the Consolidated Fund then effectively repays that loan. The way in which the repayment occurs is that the Consolidated Fund commits an amount equivalent to the pension entitlement each year and that amount is paid to the State Superannuation Board. As has been noted by other speakers in the debate, in the past the arrangements was that the contribution from the Consolidated Fund would be set in nominal terms—in other words, the effective pension payment from the Consolidated Fund to the board did not change in money terms.

As I indicated in my second-reading speech, the benefits to dependants by way of pensions were adjusted with the consumer price index. That meant there was an increasing burden on the State Superannuation Board. These arrangements have meant

that the board was earning an effective rate of interest of only 6 per cent. That is clearly undesirable in the present economic climate. Everyone is aware that in recent times there have been substantial increases in interest rates, particularly in the semi-Government area, where interest rates are at present around 14 to 15 per cent and they peaked at around 17 per cent. It is obvious that the State Superannuation Board has not been getting a satisfactory deal because it has been earning an effective interest rate of only 6 per cent rather than the market rates from time to time.

The arrangements suggested by the Bill—that the effective repayment from the Consolidated Fund be the pension payment adjusted with the consumer price index—already operate in two other Australian States, South Australia and Tasmania. During the course of this debate, questions have been raised about the cost to the Consolidated Fund of those arrangements and, of course, the total cost of superannuation payouts to the Consolidated Fund. In dealing with that issue, it is necessary to examine the options that were facing the Government when it decided to introduce the Bill.

I should also point out to honourable members that in the early days after the election of the Cain Government I gave an undertaking to the persons covered by the State Superannuation Board, in response to a number of questions asked in Parliament, including a question from a member of the National Party, that there would be no reduction in the amount of lump sum payments to persons covered by the scheme; in other words, that we would retain the *status quo*.

In my view, this is the appropriate position to adopt and, if there are to be any fundamental changes in superannuation entitlements, they should flow from the all-party inquiry into superannuation in the public sector. That inquiry is not dealing only with the State Superannuation Board; it is dealing with all of the funds, including the Parliamentarians' superannuation fund. That all-party committee is vested with the responsibility of examining all superannuation arrangements in the public sector, not merely those of the State Superannuation Board. In those circumstances, it would be most inappropriate to reduce the lump sum

entitlement to persons covered by the board. That is the basic reason why the Government made the decision it did make and why the Opposition and the National Party have supported the proposition before the House.

There were other alternatives open to the Government. It could have decided not to change the arrangements, thereby forcing the State Superannuation Board to continue to earn a rate of interest of 6 per cent or to reduce the lump sum payments to superannuation beneficiaries. I should make it quite clear that I was informed by the board that unless the arrangements were changed it would have to make a decision that would result in a reduction in lump sum superannuation entitlements. The board based its judgment on the fact that it had received actuarial advice to the effect that it was inappropriate to maintain the present arrangements, which meant that the board was earning an effective rate of interest of only 6 per cent on its funds. The board advised me that lump sum benefits could be reduced by up to 25 per cent, which is a large reduction, unless there was a change in the arrangement between the Consolidated Fund and the board. Clearly, in those circumstances, it would have been inequitable to have forced the board to make a decision to reduce lump sum entitlements to 25 per cent before the all-party Parliamentary inquiry had had the opportunity of fully investigating the issue.

The second approach that was considered by the Government, and was rejected, was to pay the lump sum superannuation payout direct; in other words, when the lump sum entitlement fell due, it would have been possible for the Consolidated Fund to meet the payment directly rather than it being paid by the board and then paid back to the board from the Consolidated Fund over a longer period. The Government rejected that alternative for the reason given by the Leader of the National Party—the drain that would have been imposed on the Consolidated Fund. Victoria is faced with very tight financial circumstances at present and it would have been extremely difficult to meet the situation by paying the lump sum

entitlements directly out of the Consolidated Fund.

It would have been most inappropriate in the present economic and financial circumstances. I should now like to deal in particular with the issues raised by the Leader of the National Party concerning the cost to the Government of these arrangements.

As I indicated in the second-reading notes, there is a cost to the Consolidated Fund as a result of these arrangements. The increase in cost to the Consolidated Fund will be as a result of inflation. The Government is making a commitment, through this Bill to repay the effective loan on the basis that pension payments, at the starting period, are indexed before the consumer price index. So long as the consumer price index is increasing, additional funds are paid out of the Consolidated Fund. I stress that since the arrangements that have been in place from about 1976, when the 6 per cent interest rate applied, there has been an effective saving to the Consolidated Fund of the order of \$10 million.

If the arrangements had been put in place some time ago to ensure that pension repayments to the State Superannuation Board were indexed, it would have been a cost to revenue of some \$10 million, given the inflation performance during that period.

It is estimated that, as a result of the Bill, this financial year, the cost will be in the order of \$300 000 and, of course, so long as inflation continues, that amount will be increased in line with movements in the consumer price index. Therefore, if a slowing down of the inflation rate occurs, below the 10 per cent figure, the rate at which there is a drain on the Consolidated Fund will also slow down accordingly. This decision in itself will not have a substantial impact on the Consolidated Fund over a longer period.

I also indicate that the whole issue of costing will be closely examined by the Economic and Budget Review Committee, which will certainly examine the arrangements that have been introduced in this Bill.

With respect to the over-all cost of superannuation generally—the issue about which the Leader of the National Party is particularly concerned—I point out that one would need to examine the nature of the benefits

that are applied in the public sector in Victoria and compare them with the benefits that are available in the private sector. Again, these matters will be dealt with by the committee that is inquiring into superannuation.

Therefore, the Bill now before the House enables the Government to adhere to its commitment that there will be no reduction in lump sum entitlements to persons covered under the State Superannuation Fund. As I indicated, this entitlement is equal to 30 per cent of the total entitlement of beneficiaries who are covered by the fund. This will remove the element of uncertainty that has existed since the Government Actuary identified that the State Superannuation Board was effectively earning only 6 per cent on its funds in relation to the arrangement that had existed with regard to the Consolidated Fund. For that reason, the Bill ought to be passed and strongly endorsed by the House.

The motion was agreed to.

The Bill was read a second time and committed.

Clause 1 was agreed to.

Clause 2 was verbally amended, and, as amended, was adopted, as was the remaining clause.

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

The sitting was suspended at 1 p.m. until 2.4 p.m.

NUDITY (PRESCRIBED AREAS) BILL

The debate (adjourned from May 31) on the motion of Mr Cain (Premier) for the second reading of this Bill was resumed.

Mr RICHARDSON (Forest Hill)—The purpose of this Bill is to lawfully permit nudity in certain public places. I am not sure why I came to be in charge of this Bill for the Opposition.

Mr Mathews—We certainly would not make it compulsory for you!

Mr RICHARDSON—The prospect of the male members of this House embracing the spirit of the Bill in this weather defies imagination. It is interesting that the measure should be debated on a day such as today, which is a very brisk day. There is

a temptation to engage in a degree of levity over a Bill of this kind, particularly when one considers the honourable members opposite.

The Opposition believes the Bill will be an important piece of legislation when enacted. It is one that is bound to create a degree of controversy in the community. Many people really do not care one way or the other whether this Bill is introduced, debated and ultimately passed; others will be in support of it and have probably insisted on legislation of this kind; and there will be others who vigorously oppose the fundamental proposition that is contained in the Bill.

The proposal is not that areas should be prescribed for use exclusively by nudists. The areas to be designated as prescribed areas for nude bathing will be optional dress areas; that is, they will be available for use by clad and unclad bathers. Provision is made for times during which such areas may be used for nude bathing. There is a provision for the revocation or amendment of the notice of certain areas and for copies of notices to be published in newspapers. The Bill also provides that a person does not commit an offence by reason only of being naked in a prescribed area.

The Government referred the matter to an in-House committee which recommended that the role of the police in enforcing the law should be examined so that the sensitivity of the community and the difficulties that could be placed as obstacles to the police could be considered before the proposed legislation was drafted.

In the second-reading speech the Premier said:

However, I strongly concurred with the Committee's recommendation that it is not appropriate for the Government to require the police to become involved in selective policing . . .

I support that proposition. It would be unfair to the police if that were not the situation.

Mr Mathews—That is what was previously asked of them.

Mr RICHARDSON—I am giving the Government a pat on the back at the moment. I support the proposition that has been put by the Premier that it would be

unfair to require the police to make selective judgments. It is the responsibility of the Government to set down what the law is and to give the police clear guidelines on what they are required to do.

The law, if passed, will provide for the prosecution of persons who behave in an indecent manner in prescribed areas, and it will be an offence for a person to be naked in public other than in a prescribed area. Local government throughout the State was involved in the preliminary exercise that was undertaken. The Government invited municipalities to indicate whether certain areas might be designated as prescribed areas. That consultation was necessary. If it had not been undertaken, the Opposition would have objected strongly, but consultation should not finish there and I shall develop that point later.

Beach patrols will be conducted by local police to ensure the smooth running of the arrangements in prescribed areas, and it is comforting to learn from the Minister's second-reading speech that a review of the operation will be carried out at the end of the first season. That is the background for the proposed legislation, a description of what it involves and a description of how the matter will be policed.

One needs to examine whether it is necessary to introduce the Bill at all. Attitudes have changed over the years and one can recall the words of a popular song that go:

In olden days a glimpse of stocking was looked on as something shocking.

Mr Norris—Anything goes.

Mr RICHARDSON—The honourable member for Noble Park can never resist a feed line from a straight man. He is acting as the Laurel to my Hardy or the Alf Garnett to my Richard Burton.

Although community attitudes have changed, there is still some resistance from many sections of the community to changes in attitudes related to this Bill. Many in the community vigorously disapprove of the proposal. However, society generally believes in freedom of choice and the Opposition subscribes to the view that freedom of the individual is fundamental. Freedom of choice in a free society carries with it the need for exercising that freedom in

such a manner as not to give offence to others, nor to impinge upon the rights of others in the community, and so there has been hesitation over the years in reaching a decision on the matter of nude bathing in public places.

The Government has been critical of the previous Government for not acting when it was in government in the way that the Labor Government is acting now. The matter was considered periodically by the previous Government but was not proceeded with because in the considerations that were given there was a clear indication that this type of legislation would not be acceptable to the majority of people. The present Government has decided that it will proceed with this proposed legislation.

I presume that the Government has carried out some study of community attitudes and has reached a conclusion that the proposed legislation is acceptable to the majority of the community. No evidence is given in the Minister's second-reading speech to indicate what study was undertaken or what method was used to reach that conclusion. I presume the Government has carried out that exercise but, if it has proceeded with the Bill without being fully aware of the attitude of the majority of persons, it will reap a whirlwind in consequence.

My judgment is that the majority of the community will accept this proposition provided that the majority of persons are not inconvenienced by the consequences which will flow from the Bill.

Mr B. J. Evans—Do you mean we are allowed to do it in the country but not in the city?

Mr RICHARDSON—I do not think the observation made by the honourable member for Gippsland East logically follows my comments. According to the Bill, it will be the responsibility of the Minister for Local Government, that well-known nude bather, to decide which areas will be prescribed as nude-bathing areas. The question whether the Minister, respected gentleman though he may be, should have sole authority in this matter is open to debate and may be questioned by many in the community. It is here that the earlier interjection of the honourable member for Gippsland East becomes relevant. The Minister for Local

Government resides in Northcote in the metropolitan area.

Is it reasonable for the Minister for Local Government, given his metropolitan orientation, to be the one who will decide that there will be nude bathing on a particular beach, the bank of a river, on the bank of a lake or even in an area of bushland in the electorate represented by the honourable member for Gippsland East? The fundamental question of who has the ultimate authority is at the heart of what will become a controversy over this Bill. The Opposition's view is that the Minister for Local Government, honourable gentleman though he may be, should not have the responsibility and authority to make decisions on what areas will be prescribed areas in which nude bathing may be conducted.

It seems to the Opposition that the decision on whether an area anywhere in Victoria should be made available for mixed bathing of nude and non-nude bathers, a decision which affects the local community, ought to be made after close consultation with the local community.

Mr Wilkes—It will be.

Mr RICHARDSON—Of course it will be, but there is nothing in the Bill to ensure that. The Premier said in the second-reading speech that there has been consultation with local communities and that municipalities have been invited to suggest some areas which may be described as good places for skinny-dipping, but there is nothing in this Bill which provides a guarantee of consultation with local communities.

The Opposition firmly holds the view that if the Government intends to proceed with a Bill of this kind, it should proceed in a way that ensures the local community will be consulted by the Minister representing the Government on the matter rather than impose it on communities from the Ministerial level, here in Spring Street.

The most appropriate body to be consulted is the local municipal council in each place. I give notice that in the Committee stage of the Bill I shall be moving an amendment that the decision by the Minister should be made only after consultation with local municipal councils in the areas likely to be affected.

The Minister is saying in an aside that this is what will happen, but it is not written

into the Government's proposed legislation. There is no guarantee in the Bill that this necessary consultation will take place. The Government has taken a decision to proceed with this Bill. The Labor Party won the election; it is the Government. Governments are elected to govern and this Government has taken the decision that it will prescribe areas in which nude bathing may be conducted. It is for Government to make those decisions and it is for Government to bear the brunt of whatever criticism may flow from the decisions it makes.

The Opposition does not propose to obstruct the Government in the passage of this Bill but it does intend to move an amendment at the Committee stage which will ensure that if the Government accepts the proposal there will be proper consultation between the Government and the council representing the local community as to whether community areas should be prescribed as areas for nude bathing.

The Opposition does not believe one man or woman, a Minister alone, should have the authority to be able to impose that sort of decision on a community without proper consultation. The Opposition suggests that the Government should accept the proposition that that sort of consultation is reasonable, that the local community is entitled to that sort of consultation. The Opposition believes the Government should accept the proposal that there is a fundamental right of a community to be consulted before decisions are made which will concern that community in matters which may offend a number of people, or which might be viewed by a significant section of the community as being questionable in the moral sense.

It would be easy to make fun of the concerns of large sections of the community who would object to the proposals contained in this Bill. I do not intend to make fun of those concerns despite raucous interjections that we have heard from members of the National Party on this matter. It is an extremely sensitive matter which affects a large number of people in the community. I ask that the Government act responsibly in this matter, proceed with caution and with a degree of sensitivity that it has not always shown in its dealings with the community, and that the Government accepts the amendment which I shall move which

will ensure that the rights of the communities concerned will be protected and that communities will not have an arbitrary decision imposed upon them by one person, namely, the Minister for Local Government at the time.

Mr ROSS-EDWARDS (Leader of the National Party)—This is a very small Bill but important so far as the community is concerned. One could describe it as a "Mickey Mouse" issue and one of the issues on which this Government seems to be concentrating. There is the saga of Alcoa of Australia Ltd, which is of sixteen months' duration and now we are talking about nudity. I add that it is nudity and not nude bathing. There has been some misunderstanding about what the Bill is about. It is a sad state of affairs that the Parliament is spending time on this issue when important economic issues in this State have been neglected. The Government has blamed previous Governments for the financial position of Victoria. This lazy, incompetent, city-based Government is doing nothing about the continuing Alcoa situation.

That was for the benefit of the Minister for Local Government! There is not much to debate in the Bill; the issues are simple. One important question arises: Who decides where nudity can take place? It appears that the Minister for Local Government or the delegated Minister has that task. Many people—perhaps the majority—would go along with nudity or nude bathing. I presume the Bill is meant to be dealing with nude bathing. However, where is this to take place? It is like the rubbish dump; everyone says, "Not next to my place". The Minister of the Crown should not be the person to decide the areas in question. As has been stated, local government should make the decision.

Great play is made of the three arms of government, namely, Federal, State and local government. Here is a chance for the Government to place responsibility where it should be placed in the areas in question. Municipalities would be very much aware of local feelings on the issue. A Minister, who is remote from the scene of the designated area is not in a position to make a decision.

The National Party has received letters from various councils. Some want consultation and others want consent. It is the view of the National Party that if one has nudity in an area, one must have the consent of the local council. It is of no use having consultations. One knows what that means. It means one telephone call between the Government and an outside body and one has consultation. I disagree with my Liberal Party colleagues on the issue of consultation.

The thinking of the Liberal Party is along the lines of the thinking of the National Party, but the word "consent" is the key word rather than the word "consultation". If the word "consent" were used, the National Party would vote for the Bill.

Mr Wilkes—Are you opposing the Bill?

Mr ROSS-EDWARDS—In its present form; we want the involvement of local government. The issue is as simple as that.

Mr Wilkes—You are getting it.

Mr ROSS-EDWARDS—We are not getting any involvement. Perhaps the Minister has an amendment; I will be happy to study it in due course. We are not just presumably referring to Crown land; the Minister may designate an area. This raises some interesting legal questions and perhaps the Premier—in his capacity as Attorney-General—might make some comment on that. Surely if nudity is to take place on private property, one would need the consent of the owner of the land. That might appear to be obvious, but it is a point that should be clarified.

The National Party is concerned that if nudity takes place on Crown land, the municipality in question must provide its consent. The basic question is simple. Local government is the third arm of government. In recent years local government has been given more and more responsibility and it has handled it well. I ask the Minister for Local Government to give consideration in this case to accepting serious responsibility about where these areas should be.

Mr NORRIS (Noble Park)—I support the Bill. As my fellow Thespian from Forest Hill stated, the purpose of the Bill is to legally permit nudity in public places. I was surprised at some of the remarks of the Leader of the National Party. Possibly the Bill might represent trivia, but members of

the National Party went out of their way to cultivate and curry favour with members of nudist clubs in country Victoria and have been invited to nudist conventions and so on. Presumably their nudist colleagues would not find this to be a Bill of trivia.

The Bill reflects the enormous social changes in our community. My first job was at the Tivoli in Melbourne at the age of fourteen years. As you will remember, Mr Speaker, as I am sure you attended many of the impressive shows conducted at the Tivoli, one of the features of the shows was the unadorned ladies. As a callow youth of fourteen, I had a bad attack of acne—possibly brought on by the proximity of these ladies. Since the ladies were unadorned, they were not allowed to move a muscle once on stage. This was much to the delight of characters like Roy Rene, who would obtain pet mice and run them on the stage while the girls were supposed to be standing still.

In that era one had to have a skirt on one's bathers. Then came the bikini and the navel. My favourite newspaper in those days was the *Listener In* and if a photograph of a girl in a bikini appeared in the newspaper her navel was brushed out of the copy. Topless bathing is now commonplace.

Mr B. J. Evans—All that is good?

Mr NORRIS—The Bill reflects social change. Whether or not we like it, the Government is being realistic. For better or worse, there is a changing attitude in the community. If people wish to go about naked and unashamed, they have a right to do so providing it does not offend the sensitivities and rights of those who find such activities offensive. Those people who find such activities offensive should not be confronted by it. Surely members of the National Party agree with that. The second-reading speech of the Minister mentioned that the last Gallup poll taken on the subject indicated that 72 per cent of Victorians favoured the setting aside of places for nude bathing.

Mr B. J. Evans—How many were saying if they wanted one next door?

Mr NORRIS—I would not want one next door. Bairnsdale would be a marvellous place for a nude bathing area! Where are those secure places to be?

Mr B. J. Evans—Noble Park!

Mr NORRIS—Patterson Lakes might be a good spot; it might increase property values which are very depressed at present. People like Mr Jim Vickers—the square dance king—is President of the Quality of Life Association.

Mr Ross-Edwards—He is an expert on everything.

Mr NORRIS—Particularly his dosidos! Mr Vickers-Willis and members of the Quality of Life Association want nude bathing beaches all around the bayside area of Melbourne, including Albert Park, Brighton, Sandringham, Mount Eliza plus Point Impossible and Stanley Park on the west coast. I could not disagree more with the suggestion of Mr Vickers about where nude bathing beaches should be. He has some interesting theories about nude bathing that bear repeating, if honourable members will excuse the pun.

Mr Vickers claimed that the number of flashers at nude beaches in South Australia and Western Australia had “dropped off”.

The nudists associations are flogging a dead horse by agitating for an open slather on this issue. The Government has consulted with local councils on the issue and it has received varying responses. I have here some loose figures—like many of the figures that will be cavorting around the beaches. Approximately 170 municipalities responded and 6 municipalities showed no interest whatsoever in declaring optional dress beaches. One could not describe the response as being madly enthusiastic about the idea. I believe the Government has received a favourable response from the council responsible for Buckley Park Beach. Likewise, the Mildura City Council, which is responsible for bathing along a section of the River Murray, has also provided a favourable response. I feel sorry for the people who live in Adelaide because they have to drink water from the River Murray. The other shires which have provided a favourable response are the shires of Otway, Barrabool, and Numurkah. It is pleasing to note that all the municipalities responsible for the Port Phillip Bay beaches have shown no interest whatsoever.

From a personal point of view, I should hate to see a bayside beach set aside for nude bathing.

Mr B. J. Evans—It is good enough for the country but not good enough for the city?

Mr NORRIS—There are secluded areas in the country. The beaches of Port Phillip Bay are not given enough tourist promotion. These beautiful beaches are located close to the large metropolis of Melbourne and they should be reserved for the enjoyment of ordinary family bathing.

I know there are certain areas where normal bathing conventions are flouted. One area that comes to mind, although it does not have absolute nude bathing, but a lot of cavorting goes on, is the Kerferd Road beach. I have driven past slowly on several occasions! The Kerferd Road beach, located in Albert Park, is popularly known as “nipple point”. This is where the difficulty arises.

It has been claimed that nude bathing does not attract voyeurs and undesirables. However, I believe that nude bathing on a suburban beach would. There are many topless bathers in summer at the Kerferd Road beach and that beach does attract some exhibitionists. I believe the area does attract spectators and an undesirable element. I am not quite sure whether declaring that area a nudist beach would make much difference. If people wish to partake in nude bathing, a secluded beach would be fine. I know that the honourable member for Gippsland East would not want one in the area he represents. However, if people are keen enough to want to partake in nude bathing, they are keen enough to travel some distance to do so. Those persons would be keen enough to travel to an isolated beach to partake in nude bathing so as not to frighten the horses.

In the past confusion has reigned on dress requirements for bathing. The Bill, when passed, will permit nudity in certain public places and put an end to the confusion that has existed. In the past, members of the Police Force have not known whom they should prosecute for offensive behaviour. In the old days, girls were hauled off the beaches for wearing bikinis. Nowadays, topless bathing is common place. The Bill aims to straighten out a frayed law regarding police activities.

I believe there are nude beaches in Queensland. Indeed, I believe certain sections of the beach at Surfers Paradise are used for nude bathing. Not long ago, the

police raided one such area but the men who were naked were arrested and the women were not. In other words, the Queensland Police Force finds the male body more offensive than the female body. Some honourable members might agree with that!

In the explanatory second-reading speech, reference is made to public baths being designated on one day a week to allow freedom of choice for local residents. I am pleased to say that the councils in the area I represent have knocked back that idea. I believe at the Box Hill swimming pool one night of the week is set aside when screens are placed around the windows of the swimming pool and people can get their gear off and swim naked. I personally do not believe that is a madly desirable activity. It would be a different matter for a nudist club to hire a swimming pool. However, it would be nothing more than sheer voyeurism to have either an open night or an open day for optional dress bathing in an enclosed swimming pool.

Mr B. J. Evans—You are not very consistent in your argument.

Mr NORRIS—Why not? I do not see anything inconsistent about that. It is all right if a swimming pool is hired by either a group or a club for optional dress bathing and it is properly policed by that group or club and no members of the public are admitted. However, there is a difference if a municipal swimming pool opens its doors and allows anyone to swim naked in the pool on one day or night of the week.

Mr Steggall—That is in the Bill.

Mr NORRIS—I know, but it is up to the local councils to decide whether they will permit nude bathing in certain public places. I am pleased that the councils in the area I represent have said "No". I sincerely hope that members of nudist clubs and other persons who wish to swim naked and unashamed can find a spot where they can do so. I hope it is a secluded and isolated spot.

A good point was made in a letter published some weeks ago in the *Sunday Observer*. I refer to a letter from Dr Elizabeth Macmahon, who stated that her letter was in reply to a letter from Mr Jim Vickers. She maintained that the Quality of Life Association does not have the right to propagate the unqualified statement that beach

nudity is a healthy family activity when statistics prove that Australians have the highest incidence of skin cancer in the world. Dr Macmahon states that the "slip, slop and slap" promotion organized by the Australian Cancer Association, which is seeking the support of responsible community groups, should be supported in the avoidance of over-exposure to sunlight.

Mr B. J. Evans—They probably wear big hats.

Mr NORRIS—Big floppy hats. I support the Bill because it will clear up many of the anomalies that have existed in the past. I support the right of people to swim naked if that is what they desire. However, I wholeheartedly support the rights of persons not to be confronted by the sight of other persons indulging in their nude activities.

I hope they find a beach, but one that is isolated and a long, long way from the metropolitan area.

Mr DICKINSON (South Barwon)—As the member for South Barwon, I represent an area that embraces many of the finest beaches in the State, and I am well aware that approximately 6000 holiday homes are situated there. Over a number of years, I have submitted petitions to Ministers of the previous Government and have voiced criticisms of this Bill. We are living in a time when there are more important things that should be given higher priority than this issue.

The electorates in Geelong have a high incidence of unemployment and the smelter of Alcoa of Australia Ltd is situated on the Bellarine Peninsula. It is vital to that community that jobs in the area are maintained. People believe that the panacea for the introduction of this Bill will be a boost in tourism, and I will turn to that issue in due course.

In the Parliament in England, Edmund Burke once said:

Your representative owes you not his industry only, but his judgment and he betrays instead of serving you if he sacrifices it to your opinion.

Honourable members are aware that politicians are under no delusion that one cannot make legal many of the things that people want to do. However, if one looks at the trend in nudism, it is interesting to note that the Minister's second-reading speech does

not give honourable members the benefit of any of the research or reports referred to.

The Parliamentary Library contains certain works that people can search out. I have noted that in 720 BC, Greek athletes competed naked. Honourable members may be aware that homosexuality was a way of life in the Greek empire. When examining Australia, it may surprise some who know nothing about anthropology that, prior to the coming of the white man, the Aborigines went about naked in their wanderings. Their customs embraced lending their wives to people who came to their camps, and that was part of their culture. One can also mention Adam and Eve. Church leaders would have been remiss if they did not talk about the temptations that confronted people, and they have been handed down over the ages.

During this century, a growth in the popularity of nudism has been seen. Nudist camps have sprung up throughout Europe. In 1932 when nudism became a cult that was promoted by gymnasts—one by the name of Adolf Koch—Adolf Hitler—declared such activities to be undignified and an error of taste and he got rid of them. Nevertheless, a spread of nudist activity occurred in France in 1912, Switzerland in 1920, England in 1922 and the United States of America in 1926, and the earliest nudist club in Australia was established in about 1935.

It is understood from research conducted by Deakin University lecturer, Magnus Clarke, that the ratio of nudists in 1982 suggests that one person in 1000 indulges in nudist activities. What people do in their private swimming pools, whether they be in Monomeath Avenue, Canterbury, or in Ivanhoe, is a matter for their judgment and concern.

What concerns me is that South Barwon has some of the most outstanding beaches in the State and they are accessible to many people with young families. Those people have expressed concern at walking along the beach and being confronted by nude males who might suddenly spring out in front of them. Social nudity can be designated as a form of organized escapism in what is normally a textile-orientated world. One could reflect that the proposed legislation will not do the textile industry any good.

Many of the shopkeepers in the electorate I represent, particularly those in Torquay, have told me that quite a number of tourists come to the area and forget to pack their clothes. That is good for the local shops because the tourists can pick up last-minute items of clothing.

In the swinging 1960s, anyone who stopped others from doing what they wanted to do was called a wowser. C. J. Dennis defined a wowser as a person who mistakes the world for a penitentiary and himself as a warder. Honourable members should recall the paintings of Norman Lindsay when he depicted the beauty of the naked form, and those in this House who want to raise their eyes heavenward will see the beauty of some of the sculptures on the ceiling.

Historically, nudist clubs have had certain areas set aside for them, and no one has raised great objections to that. The Minister for Youth, Sport and Recreation is well aware of his attendance at the opening of a nudist colony in the electorate of Geelong North. Both he and the Minister of Forests took considerable interest in that community recreational activity.

Mr Shell—Why don't you talk about the Bill?

Mr DICKINSON—The honourable member for Geelong West knows a lot about this because he does a lot of doorknocking. If one cannot get their wood chopped in Geelong West, one should ring him and he will look after it. The elderly pensioners in the electorate of Geelong West would be concerned if they thought that their representative in Parliament was advocating permissiveness on the beaches around Geelong.

One of the matters that concerns all honourable members is that nudist activity on the beaches is a provocation to others who visit the areas looking for kicks. I illustrate that point by referring to a story one of my constituents told me. In Ocean Grove, a group of bikies arrived and said, "Where are the nudies; we want to go down and watch them".

If a lady was to be found naked on an empty beach by herself, the chances of her being raped would be quite high. Prior to my entering Parliament, I spent many years in Papua New Guinea. No tribes in that country walk around stark naked—not one.

I recall a young lady who sampled the sun baking with nothing on near Point Wom, which was not far from where General Adachi surrendered his sword to the Australian Army. When the lady was found on her own, she was pack-raped and murdered. An example has occurred in the inner Port Phillip area where a girl was found naked and pack-raped and murdered by a group of men.

From time to time, I have requested the Minister for Police and Emergency Services to establish a police station at South Barwon. Yesterday, I tabled a petition in Parliament signed by residents of South Barwon. It has no police station and has 6000 homes. The Police Force is spread out thinly along the coastline.

All honourable members are aware that the activity that is being condoned by this Bill will attract voyeurs and the mackintosh brigade. People will be tempted to spy on the beaches with their binoculars. In the second-reading speech, the Premier referred to a poll conducted by the *Age*. The only authority for the poll is page 218 of Magnus Clarke's book, *Nudism: Australia*.

The increased interest in nudism can, of course, be attributed to an increased production of glossy magazines and television programmes with which young people and adults are bombarded in this day and age. Nudity is even a common feature in advertising. The present Government has formed a committee to examine the future of and planning approvals for massage parlours.

I refer briefly to an extract from *The Masks of Hate* by David Holbrook who gave evidence in England to the Longford inquiry. At page 207, he said:

Today the exploitation of depersonalized sex for profit is one of the features of the modern scene which the truly liberal mind is supposed to endorse. Indeed, many left-wing people have even been persuaded that there are justifications for pornography, in terms of the release or rediscovery of "Eros" in the face of a deadening society. As soon as one questions the effects of pornography, the cry of "censorship" is raised—or one is accused of raising trifling issues, when much more serious ones are calling for attention.

Some honourable members have referred to the liberalized attitudes of the community. Some people say: "So what, I do not go to these beaches, I do not want to cramp the style of other people; I am not really

involved but maybe if someone else wants to do it he should be able to".

Mr McNamara—Passing the buck.

Mr DICKINSON—It really is passing the buck. In Europe, the socialist Governments of France and Yugoslavia cater for tourists by providing nudist resorts in the belief that naturism and socialism are concerned with the freedom of the individual. In Australia, four legal optional dress beaches are in New South Wales, three in South Australia, one in the Australian Capital Territory and one in Western Australia, which are said to attract about 5000 people a week.

In the Northern Territory, 3000 people signed a petition requesting such a beach. In Ocean Grove, in the electorate that I represent, 3000 people signed a petition saying that they strongly opposed any such activities taking place at Buckley Park Beach. In South Australia, the State Government was the pacesetter. Much of the ideas and thinking of other Labor Party Governments has come from the era in South Australian history when that State had a Dunstan Labor Party Government.

In Victoria, free-beach action groups applied pressure on the Labor Party to include the provision of optional dress beaches in its election promises. The second-reading speech of the Premier inferred that the former Government was not responsive to those requests. The former Government did not kowtow to a minority group and it did not say that it would set aside optional dress beaches.

People were prosecuted for nude or semi-nude bathing because it was against the law. That law had to be enforced. It is ridiculous to suggest that the Ombudsman, Mr Norman Geschke, should have wasted his time in sorting out complaints about those prosecutions. The people charged were breaching the law. If a law exists it has to be enforced. Even the current Minister for Police and Emergency Services has never indicated that the Police Force should turn a blind eye to an offence because the offender may lodge a complaint.

To some people, free beaches possibly may be attractive because nude bathing is illegal, because it is trendy or because it is fashionable. Magnus Clarke of Deakin University suggested that it may be a passing phase. He said that many people belonging

to nudist clubs sometimes join a club for four or five years, after which they follow new interests. They lose interest in nude bathing clubs. The debate is complex and a mass of contradictions. It can be summed up in the words of one naturalist:

To be naked can mean humiliating exposure, discomfort and shame, and whilst for some nakedness signifies liberation for them, it stands for a licentiousness which threatens traditional moral standards.

It is estimated that there are 15 million nudists in 22 countries of the world.

It is all very well for members of the Government party to support this measure. They do not have in the electorates that they represent about five or six areas which are unofficial nude bathing areas. I would be failing in my duty if I did not voice the reactions of ordinary people to a lowering of moral standards. Nude bathing may attract undesirable elements of society. I am assured by the Premier that this aspect will be monitored and I am pleased that it will.

An unfair advantage has been taken of some local municipalities. They were asked to express an opinion and I fear that the opinion expressed by those councils will be taken to signify the total approval of ratepayers of those municipalities whereas I believe that is not the case. Ratepayers should have the opportunity of participating in full and open discussion on these issues so that they may make their opinions known to their councils.

One of my constituents drew my attention to an article in the *San Francisco Guardian*. There are 50 nude bathing beaches on that part of the West Coast of the United States of America. It is interesting to note that many of the local ordinances established in that area are being ignored simply because people use unofficial areas for nude bathing. Several areas of beach are privately owned and they do not pose the problem that I am talking about. It is not known how many prosecutions have occurred in America for nude bathing offences. The *San Francisco Guardian* of 29 June 1983 reported the status of 51 nude beaches. The article states that there were 21 optional dress beaches and the figure has now reached 51. In the Golden-Gate National Recreation Area, law enforcement agencies report that few charges are laid unless there is overt action such as touching

or other complaints are made. In the main, other charges have been connected with drugs and public sexual activity.

Nudism at Fort Funstan is reported to be mostly for gay nudists. At a spot called "Devils Slide" at San Mateo county, often there are crowds of 2500 people on weekends, 60 per cent of whom are gay.

The Minister of Health may well interject. He already has the problem of working out the worries that this State may have with the introduction of the acquired immune deficiency syndrome—AIDS—and that is of considerable concern to Americans. The activities to which I refer pose considerable worries for the Government in San Francisco.

This sort of newspaper is typical of coastal newspapers and it could become a vehicle for such activities in the coastal area of South Barwon.

I would hate to think that people from the city came to the beaches of South Barwon just for kicks and to act as voyeurs; or that the mackintosh brigade or other people watched with binoculars and imposed on the privacy of people who believed they had a beach to themselves, but they did not because these areas would be open to all and sundry. The Government has a responsibility not only to listen to the will of the people, but to give the electorate of South Barwon—and I address this to the Minister for Police and Emergency Services—an upgrading of police facilities, which are most urgently required. I do not want to outline the number of people who have been molested and attacked in the coastal sand dunes of Torquay and Ocean Grove.

This Bill shifts the onus on local government to make some very serious decisions. I will make my constituents aware of what has taken place in this debate. It is not sufficient that we wash our hands of this matter and say that it is a local government responsibility. As legislators we have to be concerned for the welfare of future generations, and the undesirable elements that can exploit the lifting of these bans that have been imposed in the past may invite anti-social activity, which is to be avoided at all costs.

Mr McGRATH (Lowan)—My remarks will be reasonably brief, but I wish to take

up a couple of points made by the honourable member for Noble Park. He spoke at great length on how one has to move with social change, and he outlined things such as the "still nudes" at the Tivoli many years ago, skirts on the front of men's bathing costumes, how it got around to the topless bathing costume and it is now moving to the bottomless bathing costume. I ask the honourable member for Noble Park, through you, Mr Speaker, whether or not the ethics and the moral standards of our community have remained at the level they should be through all these changes. That is what it is all about.

Mr Gavin—What is the answer?

Mr McGrath—I would doubt whether the moral standards of our community are as high as they were 30, 40 years ago.

The honourable member for South Barwon made a reference to the Aborigines and how they travelled the country unclothed. I can assure the honourable member for South Barwon that that must have been before the time of the Noogoora burr long stem thistle.

This Bill is quite strange. It is brought in by the Premier and the Minister of Transport but it does not outline which Minister will have responsibility for its administration. It does not relate its administration to local government in any way but it seems that the Minister for Local Government is to be responsible for it.

The Bill is to permit nudity in certain public places, but the word "secluded" is not used in any part of the Bill. Honourable members have referred to prescribed areas for secluded nudity and have made reference to nude bathing in beach areas. The Bill does not refer to bathing or to a beach, but only "to permit nudity in certain public places".

The National Party is concerned about the over-all ramifications of this Bill. I have always believed that a female body, or indeed a male body, is much more attractive when it is covered rather than being displayed nude.

The honourable member for Noble Park mentioned the concern of 170 municipalities regarding this Bill. I believe that concern related more to their opposition to the Bill rather than to their concurrence. He

said that only six municipalities in Victoria showed any support for it.

A local municipality in the electorate I represent, the Shire of Dunmunkle, forwarded me a copy of a letter which it wrote to the Premier, which states:

Dear Mr Cain,

Re: Nudity (Prescribed Areas) Bill

The Municipal Association of Victoria has advised Council of the introduction into parliament of the above Bill.

This Council is disappointed that there is apparently no requirement in the Bill for the Government to advise or consult with the particular Council concerned before any area within its Municipal District is to be prescribed as an area to which the Act applies.

Council feels it is important that the Government does not gain the power to go right over the heads of the local Council in this matter. Some regard must be given to local opinion and Local Government is in the best position to provide this.

I believe that reflects the concern of those 170 municipalities to which the honourable member for Noble Park referred.

This Bill does not state that the prescribed areas should be secluded areas; it does not spell out whose responsibility it is. There are so many holes in this very small Bill that it seems inappropriate to be asking the opposition parties to be agreeing to it, and the National Party is within its rights in opposing it.

Dr COGHILL (Werribee)—I support the Bill. While I oppose the views of the honourable member for South Barwon, it is important that those views be put to the Parliament, as they are views of a significant, although relatively small part, of the population.

Mr Ramsay—How do you know that?

Dr COGHILL—I will come to how I know that. And equally, when the honourable member hears my remarks, he will be convinced by them.

Mr Richardson—You are going to listen to him and then ignore him, is that what you are saying?

Dr COGHILL—That is not what I am saying.

It would be hypocritical for members of this House, while sitting in this Chamber,

to oppose the measure, because we are sitting in a Chamber that is adorned by a number of bare-breasted angels and a significant number of male cherubs, whose genetilia are clearly exposed for all to see. I think it is obvious from our own observations that no honourable member or any visitor in the public gallery lost control of his or her emotions as a result of seeing these sculptures.

I am contributing to the debate, firstly, because I support the proposed legislation and was a party to the Government's introducing it and, secondly, because I support the declaration of a beach within the Point Cook National Park as a proclaimed area under the measure when it becomes operative. That proclamation has been a matter of considerable public discussion in the electorate I represent, particularly in the Werribee area and in the *Werribee Shire Banner* newspaper. I made the proposal for that proclamation on my own initiative and I have found it offensive that some people—not members of Parliament, others—have implied that I put forward the proposal under the influence or direction of some other person or persons. That certainly is not the case. It was my decision, announced after consultation with my colleagues in the Labor Party, particularly members of the local branch of the Labor Party, who supported the proposal after I put it to them.

The Bill arises, as others have said, from the recognition of the right to freedom of choice in this area of human behaviour. It is worth noting that freedom of choice is something that is held near and dear by what one might term as the right wing parties in governments throughout the world. In that context, it is quite peculiar to find that there are some members of the conservative parties in this place who are expressing reservations or, indeed, outright opposition to the proposals put forward by the Government. That is all the more so when one realizes that they are the very parties that assert that the Labor Party is somehow a doctrinaire group that seeks to regiment people and control their behaviour. Here we have exactly the reverse, in that a Labor Government is increasing the freedom of choice available to people within Victoria and that is being opposed by some members of the conservative parties in this State.

The Bill reflects a mature attitude to public nudity, whether it is at beaches, in

bathing areas or in other circumstances. This sort of mature attitude has long been recognized in art. Pieces of art in this building, in public galleries and in private collections throughout Victoria, Australia and the rest of the world portray the human body nude and it has been recognized as a thing of beauty. That is treated as a simple matter of course and with a mature attitude, rather than these forms of art being regarded as something pornographic or intrinsically erotic or being in some other way undesirable.

The Bill also recognizes an attitude that has long been recognized in places outside Victoria. As other honourable members have indicated, in Europe optional clothing beaches have been available for many, many years. The honourable member for South Barwon suggested that in France those beaches had been introduced by the Socialist Government. Of course, that is not so. Mediterranean beaches in France have been available as optional clothing beaches for a long time and that situation was created under conservative French Governments. I understand they are heavily and popularly used and they are used without any of the sorts of anti-social behaviour some honourable members seem to think would accompany the introduction of such beaches here.

These sorts of areas operate successfully in South Australia, Western Australia, Queensland—in the Noosa Heads National Park and possibly other places—New South Wales, the Australian Capital Territory and the Northern Territory. If one goes back prior to white settlement in Victoria, one realizes that the Aboriginal people managed to get on very well without much in the way of clothing, yet they managed to maintain a high moral standard.

As has been conceded by the honourable member for South Barwon and others, in Victoria we have already unofficially accepted a number of areas—bathing and others—where clothing is optional. A number of public beaches have been referred to and at a number of public swimming pools—I understand one of them is at Footscray and some friends of mine have used that on evenings when clothing is optional—in the metropolitan area they have one or more days a week on which clothing is optional. There are also a number of private clubs and resorts in this State

at which clothing is optional. I understand that one of them is in the Cobram area, in the electorate represented by the honourable member for Murray Valley.

The Leader of the National Party said that the proposed legislation could apply to private lands. It is the case that the measure could apply to private lands and that would be entirely appropriate in the case of private parks and resorts that presently operate in this manner in Victoria.

Mr Maclellan—But only with the consent of the owner.

Dr COGHILL—I do not think anyone would suggest that it would be otherwise than with the consent of the owner. There is no evidence from any of the places that are operating, either officially or unofficially, that optional clothing areas or beaches and nudity are associated with uncontrolled lust or with any increased levels of sexual offences or homosexual activity, although, of course, it should be remembered that under Victorian law we do not discriminate against homosexual activity.

The evidence from beaches and other areas that have been proclaimed officially is that, once officially proclaimed, they do not attract voyeurs and the other sorts of pervers who so concern opponents of the proposed legislation. There is no evidence that this or similar legislation either here or elsewhere would lead to increased levels of pack rape. The honourable member for South Barwon gave the impression that pack rape occurs only when a woman is found naked. If he carefully looks through the evidence of those offences he will find that this is not generally the case.

The honourable member for South Barwon also referred to the practices of the Aboriginal people before white settlement and he made some pretty wild assertions that should be refuted immediately. He suggested, for example, that it was the practice and custom of the Aboriginal people generally to lend their wives to visitors to their communities. I know of no evidence to support that assertion. It is most unfortunate that an honourable member of this place should make such an unfounded and damaging allegation against a people, whether they be Aboriginal people or any others. He also suggested that all Aboriginal people went around completely naked before white

settlement. Again, that is not true. The Aboriginal people had a whole range of different types of clothing and practices among the various communities throughout this country before the time of white settlement.

Equally important is the fact that, notwithstanding the practices of nudity in some communities, Aboriginal communities nonetheless retain a strict moral code and enforce it quite severely in many instances.

All of that confirms, in my mind—and I would say in the minds of all reasonable people—that there is no association between public nudity and increased levels of sexual or other offences.

In the second-reading speech on this Bill, which appears at page 4708 of *Hansard* on 31 May 1983, the Premier referred to a poll that had been conducted in 1976 and reported in the *Age*. The report indicated that 72 per cent of Victorians favoured the setting aside of secluded areas for optional dress beaches. The findings of that poll are confirmed by the findings of a poll that was conducted in the Werribee area. I would be pleased to make available full copies of the details of that poll to any persons who are interested, be it members of this place or any other person.

The poll was conducted on Sunday, 12 September and Saturday, 18 September 1982 by a person who had five years' experience as a part-time market researcher. The poll was carried out entirely in line with the methods used by reputable market research organizations.

The survey involved asking a number of questions and, when the results were available, they were thoroughly analysed. The first question asked was:

Generally speaking, do you favour certain areas in Victoria being designated as so called optional-clothing or free beaches?

The answer "Yes" was given by 63.7 per cent of the people interviewed; the answer "Don't care" was given by 21.7 per cent and the answer "No" was given by 14.6 per cent.

Mr Wilkes—Therefore, not many people were opposed to it.

Dr COGHILL—The Minister for Local Government is correct. Very few people were opposed to the proposal.

Mr Richardson—Where was the survey conducted—"Point Impossible"?

Dr COGHILL—The question put by the honourable member for Forest Hill is quite reasonable. The survey was taken in all areas of Werribee, and that included a sample from Laverton, which is a nearby area. Therefore, a truly representative sample was taken of this part of Victoria.

The second question asked was:

Do you favour the establishment of a free beach in a separate and secluded area of the Point Cook Park with limited access and signs to clearly indicate it as such?

For that question, 56.1 per cent of those surveyed answered, "Yes", 10.8 per cent answered "Don't care" and 33 per cent answered "No".

The third question asked:

Do you favour the entire beach area of the park being available to nude bathers?

The figures in answer to that question were: "Yes", 13.2 per cent; "Don't care", 10.4 per cent; and "No", 76.4 per cent. The fourth question asked:

Would you consider using such a free beach if it was available at Point Cook?

A total of 21.2 per cent answered "Yes"; 2.4 per cent answered "Possibly"; and 76.4 per cent answered "No".

Those questions were put after there had been considerable public controversy over the issue and a considerable amount of publicity in the local press. Therefore, most people in the community would have had time to think about the issue before responding to the survey. As has been clearly shown, there was overwhelming support for part of the Point Cook beach being made available as an optional clothing area and there was even stronger support for such a beach being established in Victoria.

A further age analysis of the survey was carried out, which gives interesting results. It indicated that, amongst those who were under 30 years of age, which comprised 31.1 per cent of the people surveyed, 9.1 per cent did not want nude beaches in Victoria, 18.2 per cent did not want one at Point Cook, 6.1 per cent did not care whether there was such a beach at Point Cook, and 66.4 per cent favoured such a beach at Point Cook.

Of those between the ages of 30 and 39 years, comprising 44.3 per cent of the sample, 16 per cent favoured optional clothing or free beaches, 16 per cent did not want such a beach at Point Cook, 12.8 per cent did not care, and 55.3 per cent favoured such a beach at Point Cook. Those between the ages of 40 and 49 years comprised 14.2 per cent of the sample. Of those, 6.7 per cent did not want nude beaches in Victoria, 30 per cent didn't want a nudist beach at Point Cook, 13.3 per cent did not care, and 50 per cent favoured the proposal.

Those between the ages of 50 and 59 years represented 5.2 per cent of the sample and, of those, 36.4 per cent did not want nude beaches in Victoria.

Mr B. J. Evans—Why do you not incorporate the material into *Hansard* instead of boring honourable members with the figures?

Dr COGHILL—If the honourable member for Gippsland East does not want to know the facts, he is quite welcome to leave the Chamber and come back at a later stage. Given the second point relating to those who do not want a nude beach at Point Cook, in the 50 to 59 years age group, none opposed Point Cook especially, and those who did not care represented 18.2 per cent and those who favoured such a beach at Point Cook represented 45.5 per cent.

Those in the category of 60 years of age or more represented 5.2 per cent of the sample. Of those, 36.4 per cent did not want nude beaches, 27.3 per cent did not want such a beach at Point Cook, 9.1 did not care and 27.3 per cent did want such a beach at Point Cook.

These figures are interesting because they show an age bias. That is what is shown by the people's responses to the proposal that this beach be made available for nude bathing.

The next analysis that was conducted using these figures related to the family. Those described as "No family"—in other words, only one or two adults—comprised 25.9 per cent of the over-all sample. The answers in respect of the same four questions to which I referred earlier were, those who did not want any nude beaches in Victoria, 23.6 per cent, those who did not want such an area at Point Cook, 16.4 per cent; those who did not care, 9.1 per cent; and

those who favoured such a beach at Point Cook, 50.9 per cent.

The second category relates to the adult family, which means that there are more than two adults. That category represented 9.9 per cent of the sample and, of those, none of them said they did not want any nude beaches in Victoria; 28.6 per cent did not want a nude beach at Point Cook; 9.5 per cent did not care and 61.9 per cent favoured having a nudist beach at Point Cook.

Of the families with one child, which represented 17 per cent of the sample, 8.3 per cent did not want nude beaches, 19.4 per cent did not want a nude beach at Point Cook, 11.1 per cent did not care, and 61.1 per cent favoured the idea of a nude beach at Point Cook.

The families with two children represented 31.1 per cent of the sample. Of those, 12.1 per cent did not want nude beaches, 16.6 per cent did not want one at Point Cook, 10.6 per cent did not care, and 60.6 per cent favoured the proposal of having such a beach at Point Cook. Of the families with three or more children, which represented 16 per cent of the sample, 20.6 per cent did not want nude beaches in Victoria, 17.6 per cent did not want such a beach at Point Cook, 14.7 per cent did not care, and 47.1 per cent favoured the proposal for such a beach at Point Cook.

These figures show very high levels of support by family groups as against the common perception that the support for optional clothing beaches comes from only young single persons. In fact, the strongest support has come from family groups, and that reflects the experience of those who have been using unofficial nude beaches in Victoria. They are predominantly used by family groups, not by young single people, much less by young single perverts.

From the analysis carried out it is difficult to find National Party voters in the electorate, but it is possible to find support from the Australian Labor Party and Australian Democrat voters.

Those who did not want nude beaches in Victoria comprised 10.9 per cent of Australian Labor Party voters, 22.9 per cent of Liberal voters, and 11.5 per cent of Democrat voters. At the other end of the scale, of those who favoured the Point Cook beach

being proclaimed in this way, comprised 64.4 per cent of Australian Labor Party voters, 39.6 per cent of Liberal voters, and 57.7 per cent of Democrat voters.

The next question asked was:

Do you feel this issue is important enough to make you consider voting for a different Party at the next elections?

To that question, 9.4 per cent answered "Yes" and 90.6 per cent answered "No".

Mr B. J. EVANS (Gippsland East)—On a point of order, Mr Acting Speaker, it is evident that the honourable member is quoting at extreme length from a document, and under those circumstances I ask that the author of the document be named and that the document be laid on the table for the benefit of honourable members. It is not just a passing reference; he is reading the document.

The ACTING SPEAKER (Mr Kirkwood)—The honourable member for Werribee quoted the source of the survey. I do not uphold the point of order but I agree it is rather lengthy, and being documented the way it is, it is understandable that it may be difficult to follow. I am sure that if anything has been missed, when it is reported in *Hansard*, although the honourable member has not requested to have it incorporated, the figures will be followed faithfully.

Mr B. J. EVANS—It has been the practice in this House for Speakers to rule that honourable members should not read their speeches on the basis that they could be expressing opinions of other people rather than their own. I suggest the honourable member is flouting the ruling which has been given on many occasions in the past by predecessors of the Speaker. The honourable member is using a document for the purpose of reading a whole speech; instead of giving his own views, he is giving the views of other people.

Mr WILKES (Minister for Local Government)—On the point of order, Mr Acting Speaker, there have been many precedents in this House where honourable members on both sides have used copious notes in a statistical way to explain and make their points. I understand that part of the document the honourable member for Werribee is quoting from could be classified as a statistical document. He is using it to

explain the points he is making in his speech, and I submit to you he is quite in order.

The ACTING SPEAKER—There is no point of order. The honourable member for Werribee is quoting the results of a survey and he has agreed to make the results of the survey available to the House.

Dr COGHILL (Werribee)—I suspect the reason for raising the point of order is that the National Party does not have any voters in the electorate, and thus no National Party voters, to put their views on this issue.

I have virtually concluded the matters contained in the survey that I wish to report. I shall be pleased to make copies available to any person who has an interest in this matter, and it is quite a revealing survey. It indicates the difficulty the Liberal Party finds itself in on this issue. Many Liberal Party supporters strongly oppose this proposed legislation—not a majority, but a significant number—and there would be many more Liberal Party supporters than Labor Party supporters of that view.

The survey has dispelled the impression put abroad that optional clothing areas are unattractive to families. It has clearly illustrated that optional clothing areas are attractive to families and that families will use these areas officially in the same way as they have done unofficially in the past.

The next matter I wish to raise concerns the role of local government. Werribee Shire Council, as a corporate body, has indicated its opposition to Point Cook Metropolitan Park beach being proclaimed under the proposed legislation. This opposition occurs even though the results of the survey indicate public opinion is in favour. The Shire of Werribee is out of step with public opinion in its own community on this issue. Indeed, only one Werribee shire councillor has supported an area within the municipality being proclaimed under the proposed legislation. It is interesting that this councillor has some knowledge of a beach at Werribee South which has in the past been used unofficially for nude bathing.

A further matter that has been pointed out by the survey is the discrepancy between the views put in this survey and the public response to me as a member of Parliament. I have received a number of letters in opposition and a significant number of people have signed a petition in opposition to this

beach being proclaimed. It is now evident that the views of these petitioners and letter writers are grossly disproportionate to the support for the proposal within the community.

A major part of the opposition to the Point Cook beach being proclaimed has been initiated by members of the clergy. One clergyman told me there was a scriptural basis for his opposition. I asked to be provided with that scriptural basis for the opposition to the proclamation of optional clothing areas, and it has not been provided.

The survey supports the establishment of the Point Cook beach as an optional clothing area, and I believe it is an area suitable for proclamation as it is relatively isolated and the beach is secluded from the car park. I welcome the proposed legislation. It will give the opportunity for areas such as the Point Cook beach to be so proclaimed, and I urge the Minister to seriously consider the proclamation of this beach once the measure is enacted.

Mr RAMSAY (Balwyn)—The honourable member for Werribee has given an extraordinary speech in support of this proposed legislation in that he quoted statistical material, took the full time allotted to him and stressed that it was a matter of importance. However, amongst those statistics two figures stood out. The first was that 90 per cent of the people surveyed thought the matter was an unimportant issue, and the second that 74 per cent indicated they had no intention of making any use of a so-called free beach if it were brought in.

Those two things crowded the rest of the speech by the honourable member for Werribee and put the Bill where it belongs. It is a piece of trivial legislation that panders to the demands of a minority group and does not gain the support of the vast majority of Victorians. The honourable member for Werribee attempted to argue that the survey indicated strong support for the concept of free beaches by Government proclamation, yet 90 per cent of those surveyed thought the matter unimportant and 74 per cent were not interested. The Bill is not a matter of importance and it says more about the Government that introduced it than about the question of free beaches.

The honourable member for Werribee suggested that the proliferation of nudity and nude beaches in various parts of the world and in Australia indicated a mature attitude to public nudity. I suggest that this proposition is open to strong challenge. If one wants a mature attitude to nudity—or, alternatively, to modesty in respect of the human body—surely one finds it in human history. From the earliest times of man's awareness, he has been aware of mankind as a spiritual being. One finds in the earliest chapters of Genesis that one of the first items of consciousness on the part of humanity was the feeling of the need to clothe the body. To speak of public nudity as a matter of maturing attitudes is flying in the face of the facts. Modesty about human sexuality and the human body demonstrates maturity.

I suggest that "skinny dipping" is almost as old as time. I do not understand why the Government believes it is necessary to legislate to allow Victorians to go "skinny dipping" with Government protection. I have been a free enterprise man all my life and I will die a free enterprise man, and if the people of Victoria are unable to find a beach where they can "skinny dip" without causing offence to others and without requiring Government protection, then I am disappointed in them. I suggest that the Government is pandering to the minority on an issue on which it was unnecessary to do so. Victorians are capable of finding secluded beaches for "skinny dipping" if they so desire.

The Bill is of double standards. It says that there is a reason for wearing clothing in this community but we are to have double standards. The Bill says in effect, "You have to wear clothing when you are here but not when you are there". What an absurd thing to put on the statute-book of Victoria! The Government ought to be ashamed of itself for engaging in double standards. The Bill presents the same sort of double standard that is seen in many areas—for instance, in industrial relations where the Government wants to give retrospective payments to union members and deny them to others. The only reason given for the Bill was that given by the Treasurer who has introduced Bills to increase taxes and charges to Victorians to a completely impossible level. If the honourable gentleman continues with this sort of activity, it will not be long until

Victorians who wish to go on a holiday will have to go without clothes to a nearby beach.

Mr POPE (Monbulk)—The hypocrisy that honourable members hear from members of the Opposition in this Chamber is incredible. They have not improved since moving to this place.

The honourable member for Balwyn asks why it is necessary to legislate. In 1981 the then Minister for Police and Emergency Services named a certain area, Point Impossible, as a secluded area for nude bathing and then there were police arrests. An Ombudsman's report suggested that the police were placed in an invidious situation at that time under the Liberal Government: If they did arrest nude bathers, they were criticized; if they did not, they were criticized. The former Government did not have the guts to legislate on the issue. The hypocrisy of the honourable member for Balwyn is unbelievable.

I have risked prosecution under the Summary Offences Act on a number of occasions when I have enjoyed the recreational pursuit of nude bathing, and I am happy to admit it. It should not have been necessary for me to risk prosecution, and the Bill will remove that threat. I find it difficult to tolerate the hypocrisy and immaturity expressed by members of the Opposition.

It is not necessary for me to comment on the remarks of the honourable member for South Barwon; they have already been dealt with by the honourable member for Werribee. Never since coming to the Legislative Assembly have I heard more racist comments than honourable members have heard today from the honourable member for South Barwon. Other members of the Opposition should dissociate themselves from his comments.

The Bill does not establish a precedent. Prescribed areas for nude bathing have existed for some time in New South Wales, South Australia and the two Territories. Over the past decade the former Government received representations, deputations and petitions on the matter but took no action apart from that which it took in 1981 when it named Point Impossible as a secluded area and then had police come in and arrest nude bathers.

As the honourable member for Werribee pointed out, nude bathing is a recreational

pursuit that has endeared itself to a number of family groups within the community. As pointed out in the Premier's second-reading speech, the *Age* poll in 1978 indicated that 72 per cent of Victorians were in favour of an optional dress beach in Victoria. It is not a matter of looking to small minorities for approval. The large majority of Victorians are happy to have a prescribed area. The honourable member for Balwyn stated that the majority of persons do not see this as a serious issue and that consequently the Government should forget about the minority.

Mr Ramsay—They can look after themselves.

Mr POPE—I should like to see the honourable member for Balwyn take that line on other issues that he pursues. He often finds himself arguing vehemently in favour of many minority issues in this House.

To use the argument that the Government has nothing else to do but introduce trivial legislative measures demonstrates the immaturity of the Opposition. The Bill is just one more reform that the Government has brought forward. The Treasurer is addressing as well a number of economic issues, and Government supporters appreciate that many people regard other issues as being more important than nude bathing.

This reform is important for a lot of people who made representations, deputations and petitions to the previous Government which resulted in double talk and prosecutions under the Summary Offences Act against people who were participating in nude bathing.

The purpose of the Bill is to permit nudity in certain public areas. However, these will be designated areas which are sign-marked. Similar areas exist with few problems in four places in New South Wales, three in South Australia and some in the Territories. A *de facto* situation has existed for many years in Victoria and there have not been any problems. Certain members of the Opposition have made bald statements without basis in fact which honourable members have heard time and again.

As I said earlier, speaking as a person who has risked prosecution under the Summary Offences Act because the previous Government would not legislate on this matter, I support this Bill and I call upon

the Opposition members who will be speaking on this Bill in the second-reading debate or at the Committee stage—given that an amendment has been foreshadowed—to show some maturity in their speeches. They have not shown much maturity today and I am disappointed in the way this Bill has been handled by the Opposition.

Mr B. J. EVANS (Gippsland East)—At the outset I make it clear I am not opposed to nude bathing but I believe the Bill, in its present form, is totally unacceptable. The Government is seeking a blank cheque to be given to a Minister to declare any area as a place where people may go around naked without fear of prosecution.

Which Minister will be responsible for making this decision? I defy any member of this House to tell me which Minister of the Crown currently would be responsible for the proposed legislation.

The Bill does not stipulate that, nor does it refer to any other Act being the principal Act by which it might be ascertained which Minister of the Crown has this responsibility. I am not prepared to give a blank cheque to the present Government or any future Government. When one considers what type of people may become Ministers of the Crown in this place in the years to come, it does not seem that this Bill represents a reasonable solution to the question of making provision for nude bathing.

The Government has undoubtedly received support for the introduction of this measure but even among the Government's ranks there are some people who are rather doubtful about the implications of the proposed legislation. The honourable member for Noble Park made it quite clear that he would not like nude bathing made legal for public baths in his area. Of course the Bill makes that possible. Although the honourable member may be able to exert sufficient influence on the Government at the present time to prevent nude bathing in areas about which he is concerned, he will not always be the member there. He is giving a blank cheque to any Minister—and I suggest under the provisions of the Bill almost any Minister—to make such a declaration—

Mr Trezise—Who would you give the right to?

Mr B. J. EVANS—It is the Government's Bill. I am just pointing out a flaw in

it. The Government should stipulate which Minister is responsible for the proposed legislation. The Minister for Youth, Sport and Recreation is interjecting; he may be able to explain from his reading of the Act which Minister of the Crown is responsible.

I noted the comments of the honourable member for Noble Park who gave a little background about nudity in the entertainment field. He gave some illustrations of his early experiences as a youth, and nudity in the Tivoli Theatre. Did the honourable member take time to go and see a show that closed only last week in Melbourne, in which nudity was very much part of the whole programme? In the first 5 minutes of the show a woman appeared in the stage stripped to the skin and remained in that state for the rest of the show. Nudity in the entertainment industry has been accepted fairly generally throughout the community. It is no longer the draw-card it was but superimposed in this show, "Steaming", was the filthiest language one would hear anywhere around the countryside. People who chose to go along to that show would have no warning that they were going to be confronted with that sort of language.

An Honourable Member—What has that to do with it?

Mr B. J. EVANS—It has plenty to do with it. There is nothing in the proposed legislation that says that the area should be suitably sign-posted so that people will be aware that nude bathing is permitted in that area. A situation may occur where a family group, who are not prepared to accept public nudity, will go along to a beach they have not visited for some time—perhaps in the east Gippsland area where there are a great number of beaches—unaware that that particular beach has been declared a beach for public nudity.

On the assumption that the Minister for Local Government will be the Minister responsible, I ask him to point out where in the proposed legislation, is there provision for notification to a casual visitor that the beach that he may wish to visit is now an open beach. The Bill is too wide-ranging, and from the comments that have been made around the House I believe it would be interesting if this proposed legislation was open to a free vote. I suggest that there would

be an interesting grouping of those for and against the Bill in its present form.

Members of the Government party know how they are voting because they have been well and truly told how to vote. If they do not vote accordingly, they know the consequences. That is the mark of the democracy in which they believe. The points I make are valid. As I indicated earlier, it seems to be difficult for members of the Government party to get the message that any opposition to the Bill does not mean one is opposed to nude bathing.

Mr Trezise—Do you support nude bathing on beaches?

Mr B. J. EVANS—I am happy to accept nude bathing. The Bill does not mention beaches; it does not mention bathing.

Mr Trezise—Do you support nude bathing?

Mr B. J. EVANS—I indicated that at the outset of my remarks. My concern is for other people who, like me, may have attended a show which I attended recently purely because the star of the show had been advertised in such a way as to bring back memories of a popular radio star of 40 years ago.

I attended the show and I am sure many other people were as absolutely shocked as I was by what appeared on the stage. I do not know whether the honourable member for Noble Park attended and whether he thought the show was a credit to his profession. If that is supposed to be uplifting, I saw similar shows in Egypt 40 years ago! Victoria must be 40 years behind Egypt.

The Bill provides a blank cheque to any Minister of the Crown in future and I am not prepared to support that. I am prepared to support proposed legislation that provides reasonable safeguards for the community. One way of doing that is to give local government the right to say "Yes" or "No" to the declaration of free beaches within municipal boundaries.

The Gippsland East area contains a number of sites where free beaches could be declared without worrying anybody at all. That would be a sensible way of handling the issue. It is an over-kill for a undefined Minister of the Crown to arbitrarily declare whether beaches can be places where people can go naked. The Government ought to

think more seriously about what is proposed.

Mr HARROWFIELD (Mitcham)—I support the Bill because, as the honourable member for Noble Park said, it reflects the changing standards about issues of this kind. This trend has been reflected in many other States already and nude bathing is readily accepted in most other States of the Commonwealth. More importantly, it is working well and the introduction of this sort of legislation has not led to any problems.

As has already been indicated, Gallup polls and Age polls have indicated that the public is prepared to accept a measure of this kind. The material introduced by the honourable member for Werribee provided useful information to the debate. We have come a long way since the last century. Between 1893 and 1903 daylight bathing of any kind in New South Wales was banned. It was not so much social pressure that caused the change of legislation, but rather the number of people who were drowning in the dark while trying to swim which caused the relaxation of the ban. That typifies the attitude of many honourable members opposite who were drowning in the dark by refusing to accept the evident social change.

A problem surrounding the whole issue of nude bathing is the confusion that reigned under the former Government. That confusion is well documented by the work of the State Ombudsman. There were four main areas of confusion under the administration of the former Government. Firstly, as the Premier outlined in the second-reading speech, there was inconsistency between council guidelines and the action of police towards nude bathers. I would like to have heard the comments of the honourable member for South Barwon on that point because this was most apparent in the electorate he represents.

Secondly, there was inconsistency in the application of the law itself. People were arrested in certain circumstances for nudity but on other occasions—for example, World Nudist Day—were allowed to go about their business without any hindrance from police.

Thirdly, there was confusion over the use of offensive behaviour as a means of preventing nude bathing and, finally, concern was expressed over the position in which the police found themselves in trying to enforce the law.

Members of the Opposition would do well to examine the annual report of the Ombudsman dated 30 June 1982 which outlines the anomalies that existed in the past. In the beginning of the report, the Ombudsman makes the point that in 1981 a judge said that it was up to the legislature to make laws on the issue rather than the judiciary.

The Government is to be commended for attacking this issue fairly and squarely and presenting it before the House. The policy of the former Government on the issue of nudity was quite confusing. It virtually stated that attention would be given by the police only to those beaches where a complaint was received from the public and where the beach was easily accessible to the public. A Minister of the former Government said that it was all right to bathe in certain areas without clothes but that in doing so a person ran the risk of being prosecuted by the police. I have already mentioned the lack of consistency about the way in which the issue was policed.

The pity of the debate is that people are entitled to express their personal views about nudity and so on. Honourable members have heard members like the honourable member for South Barwon do just that. No one denies the right of a person to hold an opinion about whether they want to take off his clothes or whether he believes anyone ought to be allowed to do so. One can disagree with some of the arguments put forward in support of personal views. I agree with the honourable member for Monbulk about the appalling racist comments of the honourable member for South Barwon.

People are entitled to have their own views on this issue. That does not mean that the Bill is not important because legislation of this kind reconciles two basically conflicting rights. On the one hand, there is the right of those individuals who wish to enjoy nude bathing and who wish to pursue this activity and, on the other hand, there is the right of those people who might be offended by that. It is encouraging to see Parliament—through the Bill—addressing the issue by providing a mechanism for reconciling those conflicting rights. One does not need to condone nudity to support the Bill and that point has been missed in much

of the contributions made by honourable members opposite.

There are careful safeguards outlined in the explanatory second-reading speech. When the Bill is passed, the following safeguards will apply: Notification provisions; specific times and the removal of the prosecution provision for being naked in a prescribed area.

I applaud the Government for having the courage to tackle a serious issue rather than telling the Police Force to turn a blind eye to it. The Parliament should be prepared to express its view and not expect the Police Force to achieve a similar objective by the back-door method. In that regard, it is useful to examine the annual report of the Ombudsman at page 52, where the Ombudsman says that the police have been placed in a most invidious position. If action is taken in accordance with the law, the police will be criticized. If no action is taken, the police will be equally criticized. It is not reasonable to have members of the Police Force placed in this jeopardy. I hope that all honourable members agree with those comments and applaud the Government for introducing a Bill, which will clear up that situation.

It should be remembered that it will be still an offence to behave indecently in a public place, even if that place is a prescribed nudist area.

The Government has indicated that there will be close involvement with local councils and communities on those areas prescribed under the Bill. The Bill, when passed, will also ensure that the prescribed areas are carefully defined and clearly marked to ensure that those persons who may be offended by nudity will be aware of which areas are designated so that they can avoid them.

The Bill seeks to tackle an important issue. It is a pity that some honourable members view the Bill as being trivial. There are many members of the community who, for various reasons, wish to practise nudity in certain public areas. That is their right. It is also the right of persons who might be offended by that behaviour to be protected. The Bill, when passed, will achieve a sound balance between those two conflicting rights.

I support the Bill and welcome the action of the Government in showing the courage to tackle this issue.

Mr BURGIN (Polwarth)—The honourable member for Mitcham, like all other Government members whom I have heard speak, appears to be confusing this Bill with nude bathing. The Bill does not specify the beaches and areas where persons can indulge in nude bathing. The Bill seeks to permit nudity anywhere in Victoria.

No one has any idea which Minister will be responsible for administering the provisions of the Bill. The Bill indicates that its aim is to permit nudity in certain public places. That does not mean a thing! The Bill also states that "The Minister by notice published in the *Government Gazette* may prescribe an area to be an area to which this Act applies". The relevant Minister could prescribe any area in the State of Victoria, which may include private land. The remaining clauses of the Bill deal with notifications and alterations to the prescription of areas by notice.

The House is debating something more broad than nude bathing. In future, one could take one's family birdwatching through a national park. Usually when one is birdwatching, one has one's eyes up in the trees. In that situation one would miss the sign prescribing the area as a nudist area. Suddenly one could stumble and find oneself confronted by a nudist. Who would want to come across a nudist out of the blue in the bush?

Mr Kennett—What would you do? That is the important thing.

Mr BURGIN—One would surely run. I do not know whether the Government is acting in this matter by design or whether, as I have said in recent times, it is simply sloppy drafting. The Bill, when passed, will do much more through its wording than what any Government members have mentioned. However, the Bill has nothing to do with nude bathing. The Bill, when passed, will permit nude bathing anywhere in Victoria, in any country town or anywhere the Minister wishes to prescribe.

Yet the House is being told that honourable members are not really discussing that. Honourable members have been told by the Government that the Bill deals with nude bathing. That is nonsense!

Mr Trezise—Do you support nude bathing?

Mr BURGIN—I do not have violent views one way or the other. I have been involved on a nude beach. At one time, my navigation was not so good and I landed on a nude beach. It was not my taste and I pushed off again and I travelled 100 yards further along the beach to where my grandchildren were.

The Premier of Queensland has prescribed nude beaches. One that I know of is located in a national park. The Premier of Queensland does appear to have some sense when he proclaims an area for nudity. He proclaims a secluded area for nudity. The area is located in such a place that one has to walk a long distance to reach it. I am a lazy fellow and I have never had a look at it. I understand, on good authority, that more yachts have run aground on that beach through lack of attention than on any other part of the Queensland coast.

The Bill will allow the Minister to permit nudity in any public place without taking any advice from anybody.

Mr Gray—That is just not true.

Mr BURGIN—I would suggest to the honourable member for Syndal, who interjects from out of his place, that he read the Bill for himself. If he did so, he would understand the Bill. Maybe the honourable member should get somebody to explain the Bill to him.

There are no provisions in the Bill that stipulate that the Minister should receive advice from a council before permitting nudity in certain public places. In other words, this unknown Minister, whoever he may be—

Mr Trezise—Wilkes knows!

Mr BURGIN—It is all right to point to the Minister for Local Government. The House does not know who the responsible Minister will be, because it is not stipulated in the Bill. It is interesting to note one aspect of the way in which this so-called Government operates. It appears that the Government did write to local councils before the Bill was introduced.

However, the Government did not get a good response from those councils. Now there is no consultation with councils. The Government wrote to the councils and, out

of 200 councils written to, only 170 replied voluntarily on the subject and all but eight of those replies were totally against the proposals outlined by the Government. It is easy to understand why there is no reference to local councils in the Bill. If the Bill is allowed to pass in its present form, this unknown Minister will be able to proclaim any area to permit nudity.

Not only can the Minister proclaim a beach, but he can also proclaim a bush area or a dry lake. He could prescribe the corner of Swanston and Collins Streets if he so wished. Any area could be prescribed without any advice being taken. The Minister may wish to prescribe my backyard.

I propose to debate the Bill on its merits. If the Government gave Parliament the information it needs to safeguard the people of Victoria in these matters, one could make a value judgment on what the Government intended. In many areas, the Government is continually eroding conventions that have been established over many years. It surprises me that the Minister for Youth, Sport and Recreation and the Minister for Local Government are parties to the erosion of conventions that is occurring. I also include the Premier in that statement. Many of the new members who have come into this Parliament have that attitude, and I can understand it. That is their role and that is how they intend to change things in this State. I hope the changes the Government brings about will not be its undoing. I want to give the Government a fair go so it can have a chance.

The way in which the Government introduces unexplained legislation is detrimental to this State. When a Bill of this nature is introduced which leaves it wide open to any Minister of the future—who knows who it will be?—to prescribe an area without having to take any advice and against the wishes of the people living in that area, the Government is asking for trouble. Honourable members have heard much about open government, full information and equal opportunities, but every Bill that has been introduced in recent times has not been provided with any explanation. I wish the Government would learn that that is not the way to legislate.

The Municipal Association of Victoria is not happy with the Bill. It wants the councils to be consulted. I will support amendments to be proposed later to ensure that this consultation takes place. The prescribed areas, whether they be beaches or bush areas, should not be prescribed without the people in the areas giving their consent.

Mr Trezise—No one lives within a mile of some of those areas.

Mr BURGIN—That is not what the Bill is about; any area can be prescribed. The Minister should not start speaking of areas that are isolated, as that is not what the Bill is about. Honourable members should deal with the Bill as it is drafted.

If the Minister for Youth, Sport and Recreation amended the Bill along those lines, the proposed legislation would be improved no end. However, the Government will not do that. The Government will sit tight with the provision that any area can be prescribed and it will expect the people of Victoria to wear it. Victorians will not wear this proposed legislation; they will want a say in the areas to be prescribed. I will try to ensure that that is the outcome of this debate.

Mr TREZISE (Minister for Youth, Sport and Recreation)—The honourable member for Polwarth criticized the changes the new Government has introduced. At the last election, the people voted for change. They felt frustrated by the previous Government and believed it was dilly-dallying with so many issues. This subjected policy has been the policy of the Labor Party for many years, and the Government does not bring in policies under the carpet as the Liberal Party did.

Like many honourable members, I have been invited to visit nudist beaches and clubs. The honourable member for South Barwon spoke about some rubbish and inferred that people who indulge in nudist activities are out of the ordinary and have a kink about sex. If the honourable gentleman spoke to the people and visited them at the beaches, he would see what contented, happy high-class families they are, and he may have a different attitude about nudists.

The Geelong area has a large number of members of nudist clubs—one of the national officials resides there—and, if

members of the Opposition were prepared to come to those beaches, talk to the people and discover their views on the matter rather than speaking in the House without experience and without having spoken to them, they may have a different opinion.

For some honourable members opposite to say that the Liberal Party would support nude beaches under certain conditions is exactly the opposite of what has been said in the Geelong areas, particularly South Barwon. It will be interesting to see the proposed amendments and see how the Liberal Party votes on them. It is hypocritical of the Opposition to say that it knows where it is going, because it does not.

Honourable members should recall the deputation to the former Premier, Mr Hamer, and the former Minister for Police and Emergency Services, Mr Granter, approximately three years ago. The people involved asked about using a beach at Torquay, Point Impossible, for nudist activities, and the Premier and Minister said that it was all right. They told them, "Go and swim on secluded sites; so long as no-one is there, no-one will harm you". The police however, in the local area did go to the beaches and arrest the people whom the former Premier had told that it would be all right for them to indulge in nudist pastimes. The excuse given was that there was a complaint from the public.

I would be the first to complain if nudists wanted to swim at the St Kilda beach or Geelong beaches. For the police to arrest unclad people in a secluded area, as Point Impossible was claimed to be, is an unsatisfactory and confusing situation. I have spoken to the police at Torquay, and I understand their predicament. They do not know what to do because they must carry out the letter of the law. If they receive a complaint, as they have in the past, they feel they must arrest the persons at the beach.

A complaint about nude bathing is usually made on the telephone and it is usually anonymous. Members of the Police Force who receive these calls say that people do not want to state who they are. They telephone the police station and say that people are swimming nude at the beach and the Police Force must go down and arrest those persons. Any crank living up to 50 miles away could telephone the police station and

report people who are swimming nude at a beach and claim to be offended.

It is about time that selected bathing areas were made available to people who wish to bathe nude and is about time that the public was given a clear idea of what it can or cannot do in this State compared with other States.

If nude bathing is such an obnoxious pastime that it will attract pack rape of nude bathers as claimed, why does that not occur in other States like New South Wales, South Australia and the Australian Capital Territory, which have had nude bathing areas existing under both Labor Party and Liberal Party Governments? The Liberal Party Governments in those States which have governed after a Labor Party Government has instituted nude bathing areas have never objected to this type of bathing.

It is odd that Victoria should be the State that is out of step. The honourable member for South Barwon referred to the Dunstan Labor Party Government in South Australia. If the honourable member recalls his facts, he would remember that a Liberal Party Government governed in South Australia after a Labor Party Government and it did not object to the existing nude bathing areas. The Australian Capital Territory, Queensland, New South Wales and South Australia fully support unclad people bathing at secluded areas.

Mr B. J. Evans—The Bill does not say anything about secluded areas.

Mr TREZISE—I give the assurance—and honourable members would know—that any Government Minister, whether it be the honourable member for Gippsland East, the honourable member for South Barwon, any other honourable member or me would not accede to a stupid suggestion—and it is stupid to suggest that any Minister would give permission for nudity in the middle of Bourke Street or Swanston Street. Any Minister or Government giving that permission would be out of office. The honourable member for Gippsland East is being ridiculous. The Minister for Local Government would not give permission for a heavily populated beach in Victoria to be used for nude bathing. That would offend the population of the State and his own reputation and the Government would collapse overnight.

Mr B. J. Evans—It doesn't matter about reputations of Labor Party Ministers in the country because the Labor Party does not get votes from the country.

Mr TREZISE—The honourable member for Gippsland East is being hypocritical. The honourable member earlier stated that he supports nude bathing beaches and he is now saying that he would not put them in the country. That is typical of the honourable member and of the party that he represents. The recent record shows that the main reason for the opposition parties going out of office was that people realized that members of that party did not know what they wanted.

Mr Kennett—You are talking about the National Party, not the Liberal Party. The Liberal Party always has known what it wanted.

Mr TREZISE—Casinos? First it was no, yes, then no, then yes, and then—maybe. Sunday football was no, yes, no and maybe. The Leader of the Opposition says that the Liberal Party knows where it is going. The record shows the exact opposite.

If those who criticize the setting aside of nude bathing beaches, particularly the honourable member for South Barwon, are prepared to talk to the people who want to use those nude bathing areas, I will arrange an invitation from those people to talk to those honourable members. Objectors to nude bathing areas write to the newspapers and members of Parliament who raise their objections in Parliament. They are usually not prepared to talk to the people who want nude bathing areas. They are not prepared to visit a nude bathing beach, but they seem to know all about it.

This Government was elected because, after 27 years, the people were sick of the previous Government not knowing where it was going, whether under the former Premier Hamer or former Premier Thompson. The people in the State voted for change. They have had that change. Opinion polls show that the people of Victoria are even more satisfied with this Government now than they were twelve months ago.

The people of this State voted for change and on this issue the Government believes the proposed legislation will bring Victoria forward to meet the progress being made in

other States like South Australia and New South Wales and others. As time goes by and one looks back on 1983 and on this measure, it will be shown that some members of the Liberal Party and the National Party were well out of step on the issue.

Mrs PATRICK (Brighton)—The honourable member for Polwarth has drawn to the attention of the House the wide manner in which the Bill is drafted. Clause 2 (1) (a) states that the Minister:

may prescribe an area to be an area to which this Act applies.

This wording does not necessarily relate only to nudist beaches; it may relate to bush areas. Already in Westernport one nudist camp has been established. This measure may lead to a proliferation of nudist camps when that is not intended. It troubles the Opposition that the Minister is not specific.

If the Minister for Local Government, who is presently in charge of the House, were in charge of this measure, I would not have any worries because I know the honourable gentleman to be a man of some sensibility and sensitivity. While, no doubt, he appreciates the beauty of the male and female form, he would be careful to realize that some families may be offended by nudity. Not everyone is as modern as some of the young pups on the Government Party benches.

Some people could be offended by nudity, particularly parents who are taking their children to the beach. They may be affronted if their thirteen-year-old son is confronted by a topless young woman, let alone a nude young woman. The boy may be uncomfortable and his parents may be uncomfortable because this is going on right under their noses so to speak. As I said, if the Minister for Local Government were responsible for prescribing these areas, I would have no real complaint.

I have some familiarity with nude bathing beaches. I have not myself indulged. I recall many years ago, in the days when I was being courted, going to the back beach at Rye to swim and seeing some other people swimming a little way away. My now husband advised me not to swim on my own but to join the other group of people. It transpired that this group of people went to the back beach at Rye to swim in the nude.

They were kind enough to give me a cup of tea, and pleasant people they were.

More recently, I have been at Somers near Crib Point where my family have had a house for 27 years. There has been nude swimming and sunbathing in this area for at least fifteen years to my knowledge without any prosecution and without any trouble.

However, in Abbott Street, Sandringham, some young people decided that it was fair enough for them to go topless and sunbathe in the community in an area close to a public highway, the Esplanade, and close to shops. This led to the unpleasant aspect of nude bathing, voyeurism. It led to young men and perverts standing on the top of the cliff peering at these people through binoculars and generally creating a disturbance.

When I contacted local councils about this measure, Brighton council replied saying: "No, thank you; we want the consent of the council and we want control at a local level." Sandringham council, after experiencing the problems in Abbott Street, which had had much publicity, viewed the matter similarly to Brighton. That council has advised the Minister for Local Government that there is no suitable beach in the area for optional dress bathing. That is sensible because it is in the middle of a highly residential area serviced by shops and public transport, and it is not suitable as an area to be prescribed.

I have had a letter from the Werribee-Melton section of the Liberal Party, objecting most strenuously to an area which is apparently under consideration for a designated area; that is the Point Cook area. They say that this is a family swimming and picnic area and they do not want it designated as an area to which the Act applies.

I was concerned about the complaints that I had received, and so I wrote a letter to the Minister for Local Government on 15 July 1983 setting all this out, but to date I have had no reply. In this letter I suggested to the Minister that no area should be prescribed as a nude bathing area without the consent of the relevant municipality or shire. However, I support the amendment to be moved in the Committee stage by the honourable member for Forest Hill.

The Minister for Youth, Sport and Recreation had a flight of fantasy in this place, and suddenly brought in the word

"secluded" area. I wish I could see a reference to a secluded area in the Bill, then I would be more than happy. The Minister for Youth, Sport and Recreation seems to think that the Minister for Local Government will select a secluded area. I am sure the Minister for Local Government would like a secluded area, but I am not at all sure that any other Minister of the Government would. The Minister for Youth, Sport and Recreation said that complaints were always anonymous. I can assure him that, in a beachside suburb, complaints are far from anonymous. One can have a complaint from a lady who says that she has repeatedly been swimming at the beach at Abbott Street and she does not like what is going on there. If one suggests to her that she should go to Dendy Street beach in the hope that she will not see any nude bathing, she says that she has the right to swim where she likes. The complaints are real, and members of Parliament get them nearly every summer.

I had a week at Magnetic Island and I saw many young people hiking over the rocks nude. It did not offend me.

Nr Norris—Were they wearing boots?

Mrs PATRICK—Yes, boots only. It did not offend me, nor did it offend my husband, but there are other people in the community who would be horrified to see such an overdisplay.

I reiterate that I personally would have been happy, and the Opposition would have been happy, had we been told that this Bill was the responsibility of the Minister for Local Government. There are some trendy members of the Government, as there are of the Opposition. A very trendy Minister might desire to create prescribed areas, not secluded, all over Victoria. That would lead to an increased work load for members of Parliament who would be plagued with letters about people being subjected to something to which they should not be subjected.

I will be supporting the amendment. I did think it was the Premier's Bill, but he has gone away to a secluded area and we are left with the Minister for Local Government in charge of this Bill.

Miss CALLISTER (Morwell)—I support this Bill, along with other members of the Government. I am not sure whether members of the Opposition support it because there seems to be a great deal of

ambivalence and confusion about where they stand in regard to this Bill. Some people are obviously poor listeners; perhaps its because if they listened it would interfere with what they wished to say. They did not refer to the accompany second-reading notes to the Bill which make important points about the intent of the Bill.

Judging by the interjections, it seems that a number of Opposition members have no faith in the law, yet 40, 50 minutes ago, one of them profoundly said that the law is the law. They now appear to be saying that what is said in this place is not significant. However, they would be the first to quote from second-reading speeches if they believed there was some transgression in the spirit of any particular law.

The purpose of this Bill is clearly stated on page 3 of the second-reading notes as follows:

The purpose of the Bill is to lawfully permit nudity in certain public places. The Government's objective in introducing the Bill is to set aside areas for use by those members of the public who wish to sunbake or swim naked without risking criminal prosecution. This type of Bill is long over due in Victoria.

Examples have been given by Government members of why the law on nudity in public places is so long overdue. There has been a long process in changing the mores of society. It is an evolutionary thing. Even in our language codes, a century ago the word "ankle" was deemed to be inappropriate to be used in mixed company because women's legs were supposed to be covered and ankles were something of great indelicacy not to be mentioned. As time has gone on, our view of ankles, our view of words, and our acceptance of changing of attitudes matured. So it is that attitudes towards nudity and nude bathing have also changed.

Some honourable members quoted statistics saying that at least 72 per cent of society hold the view that nude bathing is acceptable and that it does not interfere with their sensibilities. The point must be made that in holding that view it does not necessarily mean that 72 per cent of Victorians wish to be nude bathers.

The second-reading notes also indicated that the areas that will be prescribed for the purposes of permitting nudity in certain public places will not be exclusively for nudists; there will be no exclusivity about

them. Therefore, they will not be elitists in that sense. The prescribed areas will also be subject to scrutiny by the very process through which the prescription comes about.

Mr Wilkes—There will be beach patrols.

Miss CALLISTER—Yes, police officers will enforce law obedience. Before prescribing such an area the responsible Minister, who will be the Minister for Local Government, will have to be assured that such a prescription is acceptable to the majority of the people. I point out to those honourable members on the Opposition side of the Chamber who said, with a note of hysteria in some of their voices, that the whole of Victoria could become prescribed as suitable for nudity—one honourable member even said that certain corners of Melbourne streets could be so prescribed—that no Minister would prescribe such areas unless there was a clear community view that the prescription would be acceptable.

I should have expected better of honourable members who are aware of the process of government. They should know that one does not blunder in where angels fear to tread. If a Minister wishes to make a responsible and reasoned decision, as any Minister would, he will take every reasonable step to ensure that the prescribing of an area is acceptable to the majority of the community. I have no doubt that the Minister for Local Government would do so.

The authority for the introduction of the Bill lies, as has been mentioned, in the wide public support for the prescription of areas suitable for nude bathing and also in the need to clarify the ambivalent and confusing situation that was created by the previous Government, which did, as the Minister for Youth, Sport and Recreation said, shilly-shally about this issue. One minute, the answer was, "Yes"; next time it was, "No"; the next time it was, "Yes"; and the next time it was, "Maybe". When people in the Geelong area took on good faith the word of the Premier of the day, they found themselves the subject of legal process.

I also point out that other States in Australia—New South Wales, South Australia and the Northern Territory—have made provision for prescriptions of this nature and the system is working well in those States. It may be that if some honourable members on the Opposition side of the

Chamber cared to use their study travel budgets to investigate the matter further, they might find such travel to be fatal to their prejudice and they might begin to feel comfortable about the measure.

I shall now deal with a number of other points raised by members of the opposition parties. More than one honourable member on the Opposition side of the House said that only a minority of Victorians would want this kind of measure and that, as only a minority is involved, it is insignificant and unimportant legislation. The honourable member for Monbulk made mince-meat of that argument. He said that, just because only a minority will take advantage of the measure, the proposed legislation is not rendered unimportant. That applies to a great deal of the legislation with which this Parliament deals and it is one of the functions of a responsible Government to look after minorities and to make sure that they get a fair go.

Another of the disappointing arguments put forward by the opposition parties—and it is disappointing because it reveals a lack of research and the presence of hysteria, which should not belong in this argument—was that nudity will cause rapes. I advise the honourable member for South Barwon that there are many books written by learned and erudite people about this subject and they do not support that argument. The honourable member should have another look at the behaviour patterns associated with rape so that he can gain an understanding of the situations in which rape is likely to occur. If he did that, I am sure he would have it demonstrated to him the fact that there is no casual relationship between nudity and rape.

To those honourable members who made the hysterical response suggesting that the whole of Victoria could become an area prescribed under the Bill, I point out that an examination of the weather patterns would in itself be enough to demonstrate that such a prescription would be most unlikely.

Another suggestion was that the fact that the responsible Minister is not named in the Bill is a major limitation of the measure. Members of the Government party have indicated, during the course of their contributions to the debate, that the Minister for Local Government will be the responsible Minister. It was also suggested that the Bill

does not enshrine the process of consultation. I have already dealt with that matter but I again point out that any Minister who did not consult and did not assure himself that all the correct procedures had been adhered to and that the majority of the community was in favour of such a prescription would not be acting responsibly in carrying out his duties. I support the Bill and wish it a speedy passage.

Mr KENNETT (Leader of the Opposition)—In discussing the Bill, I shall deal with three areas. The first is the fact that we are debating this Bill; the second is the content of the measure; and the third is the amendment of which notice has been given. We have now been debating the Bill for approximately 3 hours, during which time many back-bench members of the Government party have, quite rightly, had the opportunity for the first time in many months of making a contribution to a debate. When major Bills are being debated, if there are any, they have not been given the opportunity of speaking. One of two situations applies: Either the Government has run out of business or, more importantly and perhaps more correctly, this matter is of top priority to the Cain Government.

In the sixteen months during which I have been a member of the Opposition in this House, we have not once debated the Alcoa situation.

The SPEAKER (the Hon. C. T. Edmunds)—Order! I advise the Leader of the Opposition that he is coming late into the debate. So far, the debate has, to as great an extent as possible, been confined to the Bill. I do not intend to allow the Leader of the Opposition to canvass a range of other issues. The Bill deals with a certain subject and there is no licence for the honourable member to take it further. The main speaker on behalf of the Opposition dealt specifically with the Bill.

Mr KENNETT—With due respect, Sir, I am dealing specifically with the Bill as a matter of priority of Government business. It concerns me that, as a matter of priority of Government business, we are discussing this measure and have been doing so for 3 hours and the debate will obviously continue for some time. In the opinion of the Opposition there are other Bills—I shall not go into them in depth but merely make a

passing reference—that should more correctly be brought before the House for debate by Parliament in the interests of the community.

The Opposition finds it of great concern that this measure has taken priority over many other pieces of proposed legislation.

The SPEAKER (the Hon. C. T. Edmunds)—I ask the honourable member to now refer back to the Bill. He has made a passing reference to the granting of priorities.

Mr KENNETT—In terms of the content of the Bill, enough has been said throughout the debate to reflect accurately that it is a loose piece of proposed legislation and that the Premier, who introduced the Bill and took control of it—although it will now be the responsibility of the Minister for Local Government—

Mr Jasper—Is that stated in the Bill?

Mr KENNETT—That is not stated in the Bill, but that is what honourable members have been told during the debate today. This is the Premier's Bill. It is a Bill that the Premier took great pride in introducing, which again clearly reflects an order of priority in terms of the Premier's legislative programme. The Opposition is concerned that the Bill is extremely broad and without specifics. As the honourable member for Forest Hill has indicated, although it has some reservations about one or two areas, the Opposition does not oppose the Bill. I accept that there are many people in the community who, given the opportunity of doing what is intended to be provided by the Bill—and that applies to swimming, although again, that is not referred to in the Bill—should have the right of doing so, so long as they do not offend others in carrying out their chosen activity.

Reference has been made to many beaches where nude bathing takes place at present. Such a beach exists near a house I have at Mount Eliza and, having had constituents complain to me about the situation, I point out that the complaints I received did not relate to nudity, as such, but to parking access and other points of concern. If this Bill is able to allow facilities to be provided properly, which do not in any way impinge upon the rights of other citizens, it is to be very much supported. It is of concern, and this concern was

expressed by many speakers during the debate, to some people in the community—and quite rightly so—that, unless the provisions of the Bill are introduced responsibly, perhaps the majority of the community that may be against nude bathing will be offended. The interest of the majority must be taken into consideration, and I am sure it will be taken into consideration by the Minister for Local Government when he actually prescribes areas where nude bathing can take place.

I was interested in some of the comments of members of the Government party relating the opinion polls on nude bathing and how popular this activity has become. It is amazing how the Government can accept opinion polls on an issue such as nude bathing and not extend its acceptance of points of view in a consistent form to other matters of community concern. If people wish to go nude bathing and the Government is introducing a measure that will allow them to do so, why is not the Government consistently accepting opinion polls and moving to extend shop trading hours?

There is an inconsistency in the legislative programme of the Government. The Bill relates to freedom of choice for individuals—and I consider this proposed legislation as very much relating to that aspect. Although, in terms of content and specifics it is very light, the Bill is giving freedom of choice to a certain group of citizens who wish to conduct their lives in such a way as not to offend anyone else. I am not against that, and both the honourable member for Forest Hill and I have said that we accept and support that concept. However, there is an inconsistency in the Government's logic if it is allowing freedom of choice in one area of Government administration and not in another.

I hope that the Government will see fit to extend this freedom of choice to shop trading hours. The honourable member for Richmond says, by interjection, that that is a poor comparison. However, when one talks about freedom of choice, there should not be double standards. It means that an individual has the right, whether he be in the minority or the majority, to express his freedom as he sees fit. There is absolutely no difference in the principle of freedom of choice between one set of circumstances and another.

It is hypocritical of the Government to introduce proposed legislation such as the Bill now before the House, have it supported by the Opposition and yet not expect to receive some criticism for its lack of consistency. The Opposition is not criticizing the Bill, except in two areas. The Opposition is criticizing the Bill in terms of its generality and also for the reasons that were given by the honourable member for Forest Hill, that it does not provide for consultation between the municipality and the Minister who has to make the decision. The Opposition appreciates that the third tier of government has rights and responsibilities to its own local community. As the honourable member for Forest Hill correctly pointed out, it is not the right of big government to come along and prescribe, regardless of the voice of the local community—as represented through the local administration, which is the local municipality—certain areas that will be used for nude bathing.

I trust, in accepting the support of the Opposition and the responsibility of the amendment proposed to be moved by the honourable member for Forest Hill, that the Government will recognize that the foreshadowed amendment is not designed for political purposes, to score political points, but to improve the Bill. If common sense means anything in this place and if honourable members of this House can debate this issue responsibly, I trust the Minister for Local Government and the Premier—who originally introduced the Bill—will see fit to recognize that it contains a major flaw and that they will extend that recognition to accepting the amendment foreshadowed by the honourable member for Forest Hill.

The Bill extends the freedom of choice for the citizens of this State. For that reason, the Opposition supports the Bill, given the amendment that has been foreshadowed by the honourable member for Forest Hill. Victorians are living in a changing environment; they are living in a time when both social and economic changes are taking place. It would be totally naïve and irresponsible of any Government or political party to put its head in the sand and ignore those changes. More importantly, it would be irresponsible of the Government not to provide to a section of the community the freedom of choice to decide what they will

do with their lifestyles, so long as their activities do not affect the rights of others.

If it is enacted and administered with good faith, this measure will give to a certain section of the community the freedom of choice it currently does not have and it will protect those who may in any way be offended by this activity.

Mr JASPER (Murray Valley)—The National Party generally believes that there ought to be prescribed areas for nude bathing. As the Leader of the National Party said during the debate, the National Party is opposed to the Bill in its present form because it is far too broad-ranging. A reading of the Bill by any honourable member will certainly support that view.

It is really providing for nudity anywhere the Government decides that nudity and nude bathing may be acceptable. Note needs to be taken of the comments that have been made in the Premier's second-reading speech. They relate to the comments of the Ombudsman, the conflict he envisaged and the concern he expressed about resolving the problem of nude bathing in Victoria. The Ombudsman said that this has created a problem for the police in administering the law. The National Party agrees that it does present difficulties for the police in administering justice and the law.

It was stated in the second-reading speech that if action is taken in accordance with the law, the police will be criticized and, if no action is taken, the police will be equally criticized. That point has been made by a number of previous speakers and reference has been made to the conflict that does arise. Mention has been made of the need for the introduction of proposed legislation to enable the public and the police to know precisely the areas prescribed for nude bathing, which will provide protection for people who wish to enter these areas and the knowledge that they have the protection of the law if they do so.

Not all honourable members in this House would realize there is a nudist camp within the electorate of Murray Valley. The Bangalee nudist camp, which another honourable member is aware of through his involvement with certain people, operates on leased Forests Commission land on the banks of the River Murray on the border of the shires of Cobram and Numurkah.

Mr Wilkes—Are you an honorary member?

Mr JASPER—I am an honourable member of this House but I am not an honorary member of the Bangalee nudist camp. I have visited the nudist camp and, as it was a cold day, I did not on that occasion see any people who were unclad. This nudist camp has been developed into a successful venture. It is in a secluded area and it is excellent for the required purposes.

While there has been some development of caravans and camping sites, generally more money needs to be spent on the camp to provide facilities. Currently the installation of State Electricity Commission power is being investigated, a considerable cost would be involved in supplying electricity to the camp.

Mr Whiting—They would need light on the subject!

Mr JASPER—They do not need light during the day but they would in the evening.

Mr F. P. Sheehan—And heating.

Mr JASPER—Yes, they would need heating in the winter. The camp is popular with people interested in nude bathing and recreation and the camp should be supported. One of the recent promotions was a nudist convention at the camp where a number of people in the nude arrived at the camp by parachute. If people wish to use this camp for nude bathing and nudism generally, that proposal should be supported. However, the National Party believes the proposed legislation is much too broad and there will be difficulties of terminology in its implementation.

There is no definition or stipulation of which Minister will be handling the proposed legislation, and I presume it will be the Minister for Local Government who will determine the prescribed areas.

I am not opposed to the proposed legislation in principle but the National Party is opposed to it because of its broad nature and the terminology used.

Copies of the proposed legislation were circulated within the municipalities in the electorate that I represent, and I asked whether they supported or were opposed to the measure.

A reply was received from the Shire of Yarrawonga and it illustrated a vital point. This is one of the reasons why the National Party opposes the proposed legislation in its present form and why it will be proposing an amendment which has already been alluded to by the Leader of the National Party.

The Shire Secretary of the Shire of Yarrawonga, Mr D. J. Presley, indicated that at the meeting held by council in July it was resolved to write to me and express its opposition to the Bill in its present form, and that point should be noted. The letter further stated:

... opposition to the above Bill in its present form in that it does not provide that a prescribed area can only be so prescribed by the Minister with the consent of the relevant municipal council.

There should be provision in the proposed legislation for the consent of the municipal council for the area that may be designated within the shire. The letter continues:

Despite the fact that councils throughout the State have been invited to indicate whether areas in their municipality might be so designated, there appears to be no provision in the Bill that council's wishes have been complied with.

This is a vital consideration to municipalities and to the third tier of government in the State of Victoria.

The Minister for Local Government said there should be complete consultation with municipalities and the Government should not be legislating without its consent and without discussions with the council. On this occasion the proposed legislation has been introduced and the Minister for Local Government has not taken any notice of what municipalities think, what their objections are and what they believe should be incorporated in the proposed legislation. The letter also states:

My council is totally opposed to having a prescribed area for nude bathing in this Shire and according to the present Bill, council is not competent to decide the issue.

That letter sums up the thoughts of many municipalities in their opposition to the proposed legislation in its present form and the need for changes to provide for consent of the relevant municipality if a prescribed area is made within the municipality.

I am not opposed to nude bathing in principle and I believe there should be prescribed areas, but the National Party is opposed to the proposed legislation because it is too broad. Consideration should be given to specific terminology and the needs of municipalities generally.

Mr GRAY (Syndal)—I support the Bill and welcome its introduction. It reflects a maturity on the part of the Government that it is able to bring in this Bill, and it reflects poorly on some members of the Opposition and the National Party that they have used such spurious and hysterical arguments in the debate.

It was pleasing to hear the leader of the Opposition, who has again left the Chamber, articulating his party's opposition to this Bill, because after having heard the honourable member for Polwarth I was not sure what the Opposition's position was. It is to be regretted that the honourable member for Polwarth made certain statements that cheapened the tone of the debate on this issue.

The existing law on optional dress at beaches is highly unsatisfactory. Although the former Government had specified certain beaches as secluded places where people could bathe nude, nevertheless individuals have been subject to criminal prosecutions under the Summary Offences Act. The ludicrous situation was reached where a number of people were convicted of offensive behaviour when the only people who were offended by the participants of nude bathing were the arresting police officers, who had to gain access to the secluded beach by way of light plane or helicopter and a long hike to arrest them.

It is most unsatisfactory that increasing numbers of people who are engaging in this harmless activity should be subjected to criminal prosecution. The Bill empowers the Minister to prescribe certain areas as optional dress areas. Prior to the introduction of the Bill, the Government consulted with all municipalities in Victoria seeking their views on this question, and a large number of responses were received.

There has been a lot of hysterical nonsense spoken during the debate by some members of the Opposition who seem to believe that this Bill is a form of creeping Socialism or some insidious terror that will

adversely affect the people of Victoria. It was said that the Bill is too wide in its drafting, that its objects are unclear and that people in Victoria may suddenly find themselves with nude bathing in their back yards. Even a cursory examination of the Bill shows it refers only to public land. The Bill is "To permit nudity in certain public places".

Mr Burgin—That has nothing to do with it. Read on!

Mr GRAY—In his second-reading speech the Premier said that that was the intention.

Mr Burgin—That does not mean anything either.

Mr GRAY—I am amazed at the hysterical response of members of the Opposition on such an innocuous Bill. It is as if they were living in a different century. I am flabbergasted at some of the statements that have been made. No Government in its right mind would declare a place to be an optional dress area without a thorough examination being cleared with the local authorities. The Government took pains to seek the views of local municipalities on this question.

Mr Burgin—There were knock-backs.

Mr GRAY—Yes, but there were also acceptances. No Government in its right mind would decree Bourke Street to be an optional dress area. To suggest otherwise either is mischievous or displays a sense of unreality. I am amazed by some comments from the Opposition.

Mr Burgin—The Bill allows for it to be done.

Mr GRAY—So the honourable member for Polwarth says, but I cannot agree with that. The Premier made it clear during the second-reading speech that this Bill aims to clear up the confusion that exists in the current law and to clarify the position not only for those persons who wish to bathe in the nude but also for the police who have been placed in the invidious position of being expected, in some cases, to turn a blind eye to persons who engage in nude bathing and, in other cases, have been criticized for not taking action. The fact that many people now engage in the practice of nude bathing, and that nude bathing beaches are regarded as tourist attractions in some States is sufficient indication of the popularity of a harmless recreational pursuit—some say a healthy pursuit.

I heartily commend the Government on its initiative in this matter. It resolves the years of "toing" and "froing" which occurred under the previous Government. It clarifies the situation in a rational, sensible and logical way which does not involve complex rules, regulations and problems of definition. It is obvious that the Bill will be accepted by the people of Victoria. The fact that 72 per cent of those surveyed support the proposition is an indication that the Government will continue to respond to the wishes of Victorians and to act in their best interests.

Mr WILLIAMS (Doncaster)—I have listened to the rebukes of Government supporters for the conservatism of the Liberal Party about nudism. It reminds me of what Lenin once said about sex: It is just like taking a glass of water.

Those associated with the Festival of Light are strongly opposed to the Government's proposal. I share the views of the Opposition that the Bill is far too audacious a measure and that local people, through their municipal councils, should have the opportunity of recommending to the Minister whether an area within their midst, particularly on the beaches, should be proclaimed as a nude bathing area. My electorate borders on the river, as does that of the Premier, and I would be concerned if no restrictions were to be placed on the rights of people who wish to bathe nude. Nevertheless, nudism is a fact of life in this State. People engage in it almost every week in Melbourne, especially in the summer time, and I understand that a nudist group in Bulleen engages in this activity. Like the former honourable member for Box Hill, I was fascinated to learn that nude bathing is permitted at the Box Hill swimming pool one night a fortnight. That is acceptable to me. I am an old-fashioned Liberal, and so long as people do not create a nuisance they should have their rights. I agree with John Stuart Mill who said:

The liberty of the individual must be thus far limited:
He must not make himself a nuisance to other people.

So long as people do not make a nuisance or offend others, it is their right and privilege to engage in nude bathing if they wish to do so.

In 1981 the Bellarine Shire Council voted to declare Buckley Park beach at Ocean

Grove a free beach. I have happy memories of Ocean Grove, where a prim and proper beach area was established by the Methodist Church.

I understand that Government supporters would accept the views of people like the so-called Quality of Life Association that is run by Mr Jim Vickers who has agitated for some time for legalized free beaches in Melbourne. However, I think he will be fighting an uphill battle in having that proposition approved around the Brighton and Sandringham areas.

I was fascinated that Mr Vickers was not getting all his own way. A leading doctor wrote to the *Sunday Observer* suggesting:

The proposition suggested by Jim Vickers (*Sunday Observer* 23-1-83) that public nudity is the answer to the problem of the beach "flasher" is novel, but espouses an obsession rather than a documented possibility.

The Quality of Life Association has the right to request the provision of remote areas of beach where consenting adults can indulge their predilection. However, this group does not have the right to propagate the unqualified statement that beach nudity is a healthy family activity . . .

I am inclined to agree with the doctor that we are spending a lot of money on the "Slip, slop and slap," television commercial supported by the Australian Cancer Association. Young people who believe it is smart and trendy to spend long hours nude in sunlight on these beaches should remember that it can be extremely dangerous to expose their bodies over a long period to sunlight.

I resent the criticism that has been directed at the honourable member for South Barwon who is a sincere and genuine man. The honourable member was speaking on behalf of his community and he should not have been subjected to the personal criticisms made against him in this House. I am sure the honourable member for South Barwon will have a safe seat at the next election. The majority of people accept the right of those who wish to engage in nude bathing but they would be offended if nude bathing was permitted at public beaches like Torquay, Ocean Grove, and similar places.

I should like more information from the Government about who is on the inter-departmental committee chaired by a representative of the Local Government Department to investigate and report on appropriate sites for prescription under the

proposed Nudity (Prescribed Areas) Act. The committee has been asked to consider the findings of the Environment Protection Authority Port Phillip Coastal Study of 1977 as they relate to the use of the Buckley Park Foreshore Reserve.

I hope that these committee members will not be like those on the new Education Board who have the stacked numbers to be able to ensure that people who want a continuation of State aid—

The SPEAKER (the Hon. C. T. Edmunds)—Order! The honourable member will speak to the Bill.

Mr WILLIAMS—It is time for the Government to come clean and inform us who is on this committee. Will the Honourable Mrs Joan Coxsedge be on this committee? Some of these people who as I said follow the teachings of Lenin are notorious for their disregard for the feelings of others. There is no doubt that the followers of Lenin are contemptuous of what they call bourgeois morality.

The SPEAKER—Order! The honourable member must speak to the Bill.

Mr WILLIAMS—I tolerate the right of others to engage in nude bathing but I ask the Government: Who will decide where these nude bathing areas will be? I, for one, will be dismayed if the Government foists this Bill on the people of Brighton, Sandringham, or other areas where the municipal councils do not want nude bathing, or if people in the area that I represent are allowed to engage indiscriminately in nude bathing. If the Parliament knows who will be on that advisory committee, some of us will sleep peacefully.

Mr WHITING (Mildura)—It is interesting to note the difficulty the Government has had in this Bill in being decisive enough to indicate which Minister will administer the Act and also whether the municipalities will be consulted when decisions are made on what prescribed areas will be used for nude bathing.

I have a copy of a letter dated 3 August, 1983 addressed to the Premier from the Town Clerk and Chief Executive of the City of Mildura. I note on the file of that council that the letter is listed under, "Topless bathing". With respect to the Town Clerk,

I point out that he has a big surprise coming. In the context of the letter, the Town Clerk states:

Your Government's actions in producing the above Bill have been well received throughout the State and although there are no suitable areas within the City of Mildura, due to its high population density, the Council favours the concept generally . . .

The Bill provides that the appropriate Minister make clear the area or times at which an area may be used for optional bathing. Although I have no doubt that the relevant Minister would consult with the municipality in which the area in question is located before making such a declaration, this is not required under the provisions of the proposed Act. I do not know whether the City of Mildura has had a reply from the Premier but I have not been supplied with an answer. No provision is made with the municipality to gain its agreement.

The Shire of Dimboola has raised that same question, and I have received a letter dated 30 July from the Shire Secretary stating:

The Council, at its last meeting, considered the above Bill forwarded by you and resolved to seek your assistance in amending the proposed legislation to ensure that prior to the Minister prescribing an area pursuant to Section 2 (1) (a) there is full consultation with the Council of the Municipality involved.

This should preferably include the agreement of the Council.

This is the basis of the National Party's stand on this proposed legislation. There is no requirement for the Minister to have the agreement of the municipalities concerned. Local government is the third arm of government that is talked about so frequently and gives service, but rarely is given the practical support that it should receive from the Government in this State or from the Federal Government.

On the strength of the letter from the Shire of Dimboola, I wrote to the Minister for Local Government on 7 July pointing out the matters that were raised. I received a reply from the Minister dated 21 July 1983 in which he refers, *inter alia*:

Council's views on the question of direct consultation with those councils involved before areas are designated for the purposes of the legislation have been noted. I also note your proposal to seek an indication from me that consultation with local government will be obligatory.

In my letter of 7 July, I indicated that I intended to ask the Minister that consultations with councils be obligatory with regard to the prescribed areas and the prescribed times. In view of the discussions that I have had since that letter was received, it appears much more common sense so far as the Government is concerned to have agreement with the councils concerned. The Leader of the National Party will move a suitable amendment at the appropriate time. In its present form, the National Party is not satisfied that the Bill represents good legislation and for that reason opposes it.

Mr CAIN (Premier)—I thank honourable members for their contributions to what has been a long debate. The reason it has been a long debate is that it has been recognized by the Government that the proposed legislation might be said to represent a shift that has occurred in public attitudes and responsibility to this whole question.

After picking through all the double entendres and puns—implied and otherwise—there seems to be general support for what the Government has done, and I welcome that. It is recognized that this is a pluralist society and there is no reason at all why the views, attitudes and desires of the community at large cannot be embraced by the society as a whole to enable those who would wish to bathe, sunbake or parade without clothing to do so.

There is also a recognition that the previous state of the *de facto* operation of the law was unsatisfactory. The police should not have been put in the situation in which they were. The police faced a dilemma as to whether they should enforce the law that was being condoned in certain areas and at other times defied with no strong community reaction to it.

The remarks of the Ombudsman are pertinent and should be considered by honourable members. I do not intend to canvass all the responses, but the principal issue seems to be the whole question of the ultimate decision of where such beaches or locations should be. The Government sought to obtain the views of the community and one of the avenues it used was to seek the views of local government. By letter dated 25 March an officer of my department wrote to the various local government bodies in the State requesting that they

express their views. The third paragraph of that letter provided:

In view of this proposal, the Government is seeking the advice of each municipal and shire Council in Victoria on the location of any areas which may be suitable for designation by the Government. These areas might include areas of beach, inland water or other public bathing facilities (e.g. public baths). I am aware that this question was asked in a survey conducted by the previous Government in 1979 but in view of the time lapse I would appreciate Council's fresh consideration of the matter.

The Government invited response and received a number of responses. There has been some suggestion of a lack of response to the views expressed by the Government. I make it clear that before any decision is made about the designation of any area, there will be, as has already been demonstrated, a process whereby local councils and others—including the community—can express a view in whatever form they see fit.

It is not a question, as the honourable member for Gippsland East interjects, of shopping until one finds someone who agrees. Some groups have expressed agreement and some groups have expressed what might be regarded as agreement, subject to reservations. All expressions of opinion will be taken into account. The interest shown by honourable members demonstrates that they wish the issue to be seen as one upon which the Government should speak. This is a decision that should be made by Government. We should not allow a situation to occur where the decision of Parliament to alter a law could be frustrated by local government—in its wisdom—or in response to whatever pressures are put upon it determining it will not have any areas in which a shire or municipality is designated at all.

I do not suggest that will occur. I do believe we should be in that position. The Government believes this is a policy decision. It is a decision made by Parliament that reflects the views of the whole of the people in this State. The point at which decisions are made about land use and activity on land varies according to the decision. It is the Government's view that the decision to have some areas designated for this purpose is a decision which should be made by the Government of the day as empowered by the proposed legislation.

Some matters about land use and activity

are properly delegated to local government and some to other bodies. We believe the over-all decision to have some areas, wherever and in a number yet to be determined, the subject of consideration and final determination by the Government to be a policy decision. It is reflected in Parliament accepting, as I believe it will, this proposed legislation. I give an assurance that the Minister and those responsible to him will——

Mr Ross-Edwards—Which Minister?

Mr CAIN—The Minister for Local Government is the Minister concerned.

Mr Ross-Edwards—That is not in the Bill.

Mr CAIN—That has been made clear. If I can flag the Government's intention, the Government finds no problems at all with the amendment foreshadowed by the honourable member for Forest Hill. If there is a desire to enunciate in the Bill that a decision will be made after consultation, that does not concern us. I give the assurance that it will occur anyway. The Government is not prepared to accept an amendment which will throw back the ultimate decision that is a matter of State policy to local government in its entirety. The Parliament will make a decision and the Government should implement that decision in the way that the power provides and after consultation with the persons affected.

The House divided on the motion (the Hon. C. T. Edmunds in the chair).

Ayes	..	..	..	..	63
Noes	..	..	..	..	9

Majority for the motion	..	54
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AYES

Mr Austin	Mr Hassett
Mr Brown	Mr Hill
Mr Burgin	Mr Ihlein
Mr Cain	Mr Jona
Miss Callister	Mr Kempton
Mr Cathie	Mr Kennedy
Dr Coghill	Mr Kennett
Mr Crabb	Mr Kirkwood
Mr Culpin	Mr Lieberman
Mr Delzoppo	Mr McCutcheon
Mr Ebery	Mr McDonald
Mr Ernst	Mr McKellar
Mr Fogarty	Mr Maclellan
Mr Gavin	Mr Mathews
Mr Gray	Mr Micallef
Mr Harrowfield	Mr Miller

Mr Newton	Mr Shell
Mr Norris	Mrs Sibree
Mrs Patrick	Mr Sidiropoulos
Mr Pope	Mr Simpson
Mr Ramsay	Mr Spyker
Mrs Ray	Mr Stirling
Mr Remington	Mr Tanner
Mr Reynolds	Mr Templeton
Mr Richardson	Mrs Toner
Mr Roper	Mr Trezise
Mr Rowe	Dr Vaughan
Mr Saltmarsh	Mr Walsh
Mrs Setches	Mr Wilkes
Mr Sheehan	Mr Williams
(<i>Ivanhoe</i>)	<i>Tellers:</i>
Mr Sheehan	Mr Leigh
(<i>Ballarat South</i>)	Mr Seitz

NOES

Mr Evans	Mr Ross-Edwards
(<i>Gippsland East</i>)	Mr Whiting
Mr Hann	
Mr Jasper	<i>Tellers:</i>
Mr McGrath	Mr Steggall
Mr McNamara	Mr Wallace

The Bill was read a second time and committed.

Clause 1 was agreed to.

Clause 2 (Prescription of area by notice)

Mr RICHARDSON (Forest Hill)—I move:

Clause 2, line 11, after "*Gazette*" insert "and after consultation with the council of the municipality within the municipal district of which the area proposed to be prescribed is situated".

The purpose of the proposed amendment is to ensure that consultation occurs between the communities that will be affected by the proposed legislation. That matter has been thoroughly canvassed during the several hours of the second-reading debate, and I do not propose to extend the debate further except to say that I hope the Government will accept the proposal. By doing so, it will ensure that a decision will not be made by the Government regarding the proclamation of an area in any municipality without consultation having taken place with the municipality. I commend the proposed amendment to both the Government and the National Party.

Mr B. J. EVANS (Gippsland East)—The Liberal Party has fallen for the three-card

trick because the clause, as amended, will read:

The Minister by notice published in the *Government Gazette* and after consultation with the council of the municipality within the municipal district of which the area proposed to be prescribed is situated . . .

I suggest that the proclamation in the *Government Gazette* is the final Act. All consultation that takes place after that is absolutely pointless. If the proposed amendment is to have any force, consultation must take place before notice is published in the *Government Gazette*, which is the proclamation. This is a pointless proposed amendment, but, if the Government is prepared to accept it and include such a stupid thing in the proposed legislation, I do not see why the National Party should raise objections to it.

Mr RICHARDSON (Forest Hill)—I say to the honourable member for Gippsland East, with as much grace as I can have after the graceless remarks he made, that he is deficient in his understanding of sentence construction.

Mr ROSS-EDWARDS (Leader of the National Party)—A ridiculous situation has been reached. At this stage, I suggest that the Premier seek to report progress and examine the matter over the dinner adjournment. The point made by the honourable member for Gippsland East is relevant and I will develop it further.

The view of the National Party is that the proclamation of prescribed areas should not be a case of consultation; it should be a case of consent. It would be more logical if the debate was deferred so the Premier and the honourable member for Forest Hill could sort out the problem. As it stands, the proposed amendment is ineffective, so far as it goes. The National Party will move a further proposed amendment providing that the proclamation of prescribed areas should be made with the consent of the councils involved.

Mr McNAMARA (Benalla)—The proposed amendment put forward by the honourable member for Forest Hill suggesting consultation is meaningless. Local municipalities must have the option of determining what happens in their own areas. What the Liberal Party proposes will take away that autonomy. The word "consultation" does not mean a damn thing.

Members of the Liberal Party are sycophantic mutes allowing themselves to be steamrolled.

Individual municipalities must consent to the proclamation of prescribed areas as they are the ones that must wear it. It is all very well for city members to raise objections, but there will not be a nudist area in Brighton, Forest Hill, Bundoora or Noble Park. The areas will be in Benalla, Shepparton, Gippsland East or Mildura, but those municipalities will not have the option of determining whether they want them.

To suggest that the word "consultation" covers any problems that may be experienced by the local community is an oversimplification of the facts. Consultation does not mean a thing. Someone could telephone a shire president and ask "What do you think?" and the shire president may say, "We do not like it." Consultation has then occurred and then the proclamation of areas may go ahead. The proposed amendment does not state what consultation is. Will there be notification given in writing? The amendment does not state that. Will there be a period of 30 days or 60 days? The amendment does not state that either. Consultation is whatever suits the Government at the time. It is essential that the municipalities that represent the constituents in those areas give their consent to any of those proposals.

Mr MACLELLAN (Berwick)—The honourable member for Gippsland East raised the question of whether the proposed amendment was in proper order to have some meaning. If the Committee accepts the fact that the amendment will be put into the Bill, the clause will read:

The Minister by notice published in the *Government Gazette* and after consultation with the council of the municipality within the municipal district of which the area proposed to be prescribed is situated . . .

In that form, the clause will provide for consultation.

The honourable member for Benalla is not impressed with the word "consultation" as opposed to the word "consent". The Committee need not be diverted by something that may be a failure in the form of the proposed amendment. The proposed amendment requires consultation. One can argue that that consultation is not what one wants or that it is a mere form. One could

raise all sorts of matters, but the proposed amendment provides for what the Government indicated would be done, that is, that consultation would occur.

Perhaps the initiative now goes to the Government in the sense that, with a response from either the Minister or the Premier, some indication may be given to the Committee on whether the Government is prepared to accept consultation being written into the clause and whether it would be prepared to accept the concept of consent of the municipality—I guess the answer is "No", but perhaps that should be put on the record—and the Committee would be able to make its choices and vote accordingly on the various proposals before it.

I do not want the matter raised by the honourable member for Gippsland East to divert the Committee from the choices it has for either consent or no prescribed area, or the requirement that consultation be carried out before the prescription. Some indication from the Government would be useful for further consideration of these proposals by the Committee.

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

Mr CAIN (Premier)—Consideration of the amendment was adjourned for the suspension of the sitting in effect to enable the members of the coalition to try to resolve some differences of opinion.

Mr Ross-Edwards—No, the Government.

Mr CAIN—It is of complete indifference to the Government whether the proposed amendments are passed or not. I have made it clear that the Government accepts the notion of there being consultation. I will not enter the dispute between the National Party and the Liberal Party as to whether the draft proposal submitted is the appropriate draft.

Consultation will occur whether or not the proposed amendment is adopted by the Committee. It will be consultation not only with local government but also with any and all of the interested groups in the community concerned about the issue. That is why it is not with perversity, as the Leader of the National Party suggests, that I say it is a matter of indifference. Consultation will

occur whether or not the amendment is adopted.

I do not believe the proposed amendments are mutually exclusive. The Government accepts the proposed amendment of the Liberal Party but I foreshadow that it does not accept the proposed amendment of the National Party for reasons that I have indicated. It is not, as expressed by one honourable member, to be a matter of local option. It is a State decision and it should be a decision made by the Government of the day, based on the situation that exists at the time following that consultation.

Mr STEGGALL (Swan Hill)—After an involvement of ten years in local government, I can say that I have enjoyed listening to, meeting and speaking with Ministers for Local Government from both Federal and State fields and of Liberal Party and Labor Party Governments. I have listened to arguments that there are three tiers of government in Australia and that those tiers should always work in correlation.

I have watched legislation being passed and I have wondered as a councillor why Governments have not been prepared to trust local government. Governments talk about it. They have talked about it for many years; but they do not do it. This is a situation where a Government based primarily in Melbourne is going to impose prescribed areas for nudity—a moral issue—on areas outside its interest zone.

If one takes the argument of the honourable member for Werribee and all the great thoughts and feelings and desires that he expressed for this measure, the Government has nothing to fear from local government because local government will accept it. In those areas where people want prescribed areas for nude bathing, local government will accept it. Honourable members heard all about the Werribee electorate where a huge percentage of people are in favour of the proposed legislation. The councils in that electorate will then accept the notion of prescribed areas. In those cases, no-one will have problems.

If the Government imposes its will on other communities—in areas perhaps on the River Murray—which are not in agreement, the Government still does not have anything to worry about. It can impose its will and sit back and relax. However, in obtaining the consent of local government,

there will be debate and argument in the community on the attitudes of those communities to prescribed areas. I thought that was the base of the argument: How it is accepted and how it is desired to occur throughout Victoria. The Government has nothing to lose, using its own arguments, by gaining the consent of local government for proposed prescribed areas.

Many people in Victoria will be interested to know what types of areas it is proposed will be prescribed and where those areas will be. Honourable members have heard about beaches and inland water systems. It would be nice if the Government gave the community some idea of where it proposed that these prescribed areas would be situated.

All the arguments that have been heard today from Government party members centre on how this measure will assist the Police Force with the dilemma that it has had over the enforcement of the law on nude bathing. That dilemma has been real. There will need to be many prescribed areas in Victoria to overcome that dilemma.

Mr Wilkes—Not necessarily.

Mr STEGGALL—Yes, there will be. Victoria is a big place. If prescribed areas are located in the proximity of Melbourne, that will not solve the problems of the Police Force elsewhere in Victoria.

I suggest that this Government has nothing to lose by gaining the consent of local government. The whole workings of the intent of the Bill would be a lot better with that consent.

The amendment was agreed to.

Mr ROSS-EDWARDS (Leader of the National Party)—I move:

Clause 2, line 16, at the end of the sub-clause (1), insert "but shall not prescribe any such area or times unless the council of the municipality within the municipal district of which the area is situate consents to that prescription".

As I have said before, there are three arms of government in this nation. The National Party has recognized that and supported it throughout history. The point is that these areas in which nudity is to be permitted in future should have the consent of the local people. Why should the Minister, even a fair and honourable Minister such as the Minister for Local Government, make a

decision about towns such as Orbost, Portland, Shepparton or Cobram? It is likely that the Minister in question would have no idea of the feelings in those areas and, if he makes a decision, it could be a decision about an area which politically does not mean a thing to that particular Minister.

Mr Wilkes—But do you think he would be foolish enough to make that decision without consultation?

Mr ROSS-EDWARDS—Consultation means nothing. One could talk to the local council, and if the local council were against it, and if it represented the wishes of the people, would the Minister give an undertaking that he would not do it? He is not saying that. He said, "I will have consultation, but the view put to me in a particular area may or may not have any effect on it". I will not get down to personalities with the Minister for Local Government, because I would have confidence in him. However, it is not just this Government, it is the Government which may come after it.

Mr Wilkes—It would be foolish to disregard it.

Mr ROSS-EDWARDS—There have been a lot of foolish Ministers who have come and gone, and this Government has more than its fair share. I would hate to think that some of those Ministers presently on the front bench would be making this decision. If a local council makes the decision, that council has to live with that decision in its own area. If the people do not like it, they can change that council, but they will not change the Minister or the Government if one or two areas are victimized by it. If local government is to be given the authority and the status it deserves, this is the sort of decision it should be making. However, when it comes to the decisions that matter, this Government will not allow local government to make them. Big Brother in Melbourne will make the decision.

I cannot understand what the Government has to lose by handing this decision to local government. I did not think this Government would hesitate for long about this amendment; it is a sensible amendment; it is a reasonable amendment; it is a democratic amendment. The National Party is saying that it is the people in the area who

should decide this question, and I am disappointed at the attitude of the Premier and the Minister for Local Government.

Mr B. J. EVANS (Gippsland East)—I support the amendment moved by the Leader of the National Party. It deals with the question of obtaining local government approval before any areas are prescribed to be an area to which this Act applies. We already have the experience of the Minister for Local Government consulting local government in this issue. The result was that of the 211 municipalities that were asked the question, only six accepted the proposition of nude bathing.

I suggest that the introduction of the Bill in its current form is a good illustration of the amount of notice that the Minister for Local Government will take of local government, whether or not he seeks it. The whole point about it is that the Minister has already sought the opinion of local government and that opinion was made abundantly clear today. I suggest that if the approval rating had been reversed, and a large number of municipalities had been in favour of nude bathing and small number opposed to it, a much different Bill would have been introduced into this House, providing for local government to make the decision. That was the way the proposition was being canvassed in the early stages—that the legislation would make provision to allow local government to make the declaration. However, when the Minister consulted local government and found the strength of opinion against it, he knew it would have no effect if he adopted that particular course, so he has taken it out of the hands of local government. How can the Minister tell us that he will consult local government? He has already ignored local government opinion on this particular question.

Finally, if the Minister is so emphatic that he will take notice of local government opinion, will he give an undertaking here and now that none of those councils that have expressed opposition at this stage will have areas prescribed within their municipalities? He has consulted with local government about this Bill and he has been told that local government does not want it.

Mr Wilkes—That was not the question put to them.

Mr B. J. EVANS—If the Minister is fair dinkum about his willingness to consult local government, he will give an undertaking here and now that no municipality which has indicated opposition to this Bill will have an area prescribed under this Act.

Mr Wilkes—I have said, “No”.

Mr B. J. EVANS—The Minister has answered the charges we are making, which are very definitely that he does not intend to take any notice of the opinions expressed to him by local government in this State.

Mr McGRATH (Lowan)—The amendment moved by the Leader of the National Party has a consensus of local government across Victoria. This afternoon various speakers outlined the concerns of local government about this Bill. The honourable member for Mildura, on behalf of the Shire of Dimboola, said that that shire is wanting to have some say in where the prescribed area is—not consultation, but some say. I quoted the letter from the Shire of Dumbunkle. There were letters from the Shire of Wodonga, and other municipalities across Victoria, indicating that they wanted a say where these designated areas should be.

The honourable member for Noble Park said that 170 municipalities in Victoria have expressed opposition to, have reservations, or want a say in where the prescribed areas should be. Only six were not opposed to nude bathing in prescribed areas in their municipalities, and yet tonight the Government is not prepared to allow municipalities a say in where, or if, those areas should be located.

I recall the Minister for Local Government, when at Horsham not so long ago for the anniversary of 100 years of local government in the City of Horsham, saying that the Victorian Government realizes that local government needs autonomy, needs a say in what is happening in Victoria. Here is the Government's first opportunity to give local government that autonomy and it is turning its back on it and attempting to throw out this amendment which would improve the Bill on all grounds, whether it be moral, social or whatever.

Mr CAIN (Premier)—I have already indicated the Government's attitude to the amendment. The Government believes that what Parliament is doing tonight, and what it will do in another place later, is to say

that the State should make provision for those who wish to bathe nude in certain places to be determined. It is a decision that will be made by a State Government that is making decisions about how people should be permitted to behave if they wish to do so.

We do not want a situation in which the express will of Parliament can be frustrated by the determinations of local government. I emphasize that some decisions should be taken at the local government level, some should be taken at the State Government level and some at the Federal Government level, and this decision will be taken at the State Government level after proper consultation, not just with local government but with all interested groups and individuals who are concerned about particular local areas. That is the way in which we will operate.

Mr HANN (Rodney)—This Government is falling into the same trap that a former Government fell into some time ago when it started to bring about a breakdown in the general moral standards of the community.

Mr Wilkes—What about the quality of life?

Mr HANN—The whole philosophy of that Government was quality of life but it broke down those standards and introduced new, trendy standards and this Government is doing the same thing.

In recent days I have witnessed the Minister for Local Government telling people from local municipalities around Victoria that he is a strong advocate of local government having autonomy in a wide range of areas.

Mr Wilkes—And we are legislating to achieve that.

Mr HANN—Rubbish! Despite what the Minister said, in this Chamber tonight he is saying that consultation means he will tell the municipalities what they are getting and will not listen to their views.

Mr Wilkes—That is absolute rubbish!

Mr HANN—That is what the Minister has said tonight in reply to the honourable member for Gippsland East. The National Party has already pointed out that every municipality it has consulted on this issue has indicated its opposition to this Big

Brother Government coming in and saying that it will prescribe areas where nudity can be practised in public places.

We believe it is an issue that should be resolved at the local level. It is something about which local people, particularly those involved in local government, ought to have the final say.

Mr Wilkes—Why?

Mr HANN—Because it is an important moral and social issue. Do you see it as a moral or social issue? That is the question the Committee has to ask itself.

Mr Wilkes—We see it as a social issue.

Mr HANN—Let us take it as a social issue.

Mr Kennett—Do you agree with nudity?

Mr HANN—No, we voted against that. I should state that there is a private nudist camp in the Rodney electorate, which has been operating for a number of years. It is a private camp and it is well away from the local community.

Mr Wilkes—And what do the municipalities say about that?

Mr HANN—It was a municipal decision. The municipalities are happy with it. That is why I cannot understand why the Government has bothered to waste the time of the House with proposed legislation of this type. I cannot understand why a man of the integrity of the Premier has bothered to introduce a Bill of this kind. If the Government wants to proceed with the proposed legislation, it ought to agree with the amendment proposed by the National Party to give the final say to local government.

Mr ROSS-EDWARDS (Leader of the National Party)—There is one point that the Government has not understood. I want to make it quite clear, once more before we vote, that the Government is out of step with the views of local government throughout Victoria. I make this forecast: Approximately three-quarters of the councils in Victoria will be highly critical of what the Government is doing and the Government will pay a heavy price for this. The Government has been warned and it will suffer in due course.

The Committee divided on Mr Ross-Edwards's amendment (Mr Wilton in the chair).

Ayes	..	..	..	..	9
Noes	..	..	..	..	63

Majority against the amendment	..	..	54
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AYES

Mr Evans	Mr Wallace
(Gippsland East)	Mr Whiting
Mr Hann	
Mr McGrath	<i>Tellers:</i>
Mr McNamara	Mr Jasper
Mr Ross-Edwards	Mr Steggall

NOES

Mr Brown	Mr Norris
Mr Burgin	Mrs Patrick
Mr Cain	Mr Pope
Miss Callister	Mr Ramsay
Mr Cathie	Mrs Ray
Dr Coghill	Mr Remington
Mr Crabb	Mr Reynolds
Mr Culpin	Mr Richardson
Mr Delzoppo	Mr Roper
Mr Ebery	Mr Rowe
Mr Ernst	Mr Saltmarsh
Mr Fogarty	Mr Seitz
Mr Gavin	Mrs Setches
Mr Gray	Mr Sheehan
Mr Harrowfield	(Ivanhoe)
Mr Hassett	Mr Sheehan
Mr Hill	(Ballarat South)
Mr Hockley	Mr Shell
Mr Ihlein	Mrs Sibree
Mr Jolly	Mr Sidiropoulos
Mr Kempton	Mr Simmonds
Mr Kennedy	Mr Simpson
Mr Kennett	Mr Spyker
Mr Kirkwood	Mr Stirling
Mr Leigh	Mr Tanner
Mr Lieberman	Mr Templeton
Mr McCutcheon	Mrs Toner
Mr McDonald	Mr Trezise
Mr McKellar	Mr Walsh
Mr Maclellan	Mr Wilkes
Mr Mathews	<i>Tellers:</i>
Mr Micallef	Dr Vaughan
Mr Miller	Mr Williams

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

The Bill was reported to the House with an amendment, and the amendment was adopted.

Mr WILKES (Minister for Local Government)—I move:

That this Bill be now read a third time.

The House divided on the motion (the Hon. C. T. Edmunds in the chair).

Ayes	59
Noes	9
Majority for the motion	50

AYES

Mr Brown	Mr Ramsay
Mr Burgin	Mrs Ray
Miss Callister	Mr Remington
Mr Cathie	Mr Reynolds
Dr Coghill	Mr Richardson
Mr Culpin	Mr Roper
Mr Delzoppo	Mr Rowe
Mr Ebery	Mr Saltmarsh
Mr Ernst	Mrs Setches
Mr Fogarty	Mr Sheehan
Mr Gavin	(<i>Ivanhoe</i>)
Mr Gray	Mr Sheehan
Mr Harrowfield	(<i>Ballarat South</i>)
Mr Hassett	Mr Shell
Mr Hill	Mrs Sibree
Mr Hockley	Mr Sidiropoulos
Mr Ihlein	Mr Simmonds
Mr Jolly	Mr Simpson
Mr Kempton	Mr Spyker
Mr Kennedy	Mr Stirling
Mr Kennett	Mr Tanner
Mr Kirkwood	Mr Templeton
Mr Lieberman	Mrs Toner
Mr McCutcheon	Mr Trezise
Mr McKellar	Dr Vaughan
Mr Maclellan	Mr Walsh
Mr Mathews	Mr Williams
Mr Micallef	Mr Wilton
Mr Miller	<i>Tellers:</i>
Mr Norris	Mr Leigh
Mrs Patrick	Mr Seitz

NOES

Mr Evans	Mr Ross-Edwards
(<i>Gippsland East</i>)	Mr Whiting
Mr Hann	
Mr Jasper	<i>Tellers:</i>
Mr McGrath	Mr Steggall
Mr McNamara	Mr Wallace

The Bill was read a third time.

STATE EMPLOYEES RETIREMENT BENEFITS (AMENDMENT) BILL

Mr JOLLY (Treasurer)—I move:

That this Bill be now read a second time.

It amends the State Employees Retirement Benefits Act 1979.

The State Employees Retirement Benefits Fund is a comparatively new scheme which provides retirement benefits for various types of employees in the public sector including, for example, part-time and intermittent employees. The innovative

measures which were adopted in the scheme have inevitably led to some problems emerging with its administration. The Government has had consultation with the various groups that are involved and the objective of the Bill is to remedy those aspects which have been giving concern.

The amendments do not involve an increase in cost of any great amount. They are basically machinery amendments and do not pre-empt matters being considered by the Parliamentary committee of inquiry into superannuation.

One matter that has been of particular concern is that some members of this scheme have been penalized because of the failure of their employing department or authority to advise the State Employees Retirement Benefits Board of their eligibility for membership or to commence the requisite deductions from their pay, which have therefore accumulated in arrears. These amendments will allow such members to pay these arrears, and receive full benefits, or to elect not to pay all or any of these arrears, and forgo an equivalent part of the benefits.

The Bill also provides for:

Similar retrenchment benefits to members of the scheme as are available to members of other schemes under the Superannuation Benefits Act;

The expansion of the circumstances under which a member can convert part of his pension to a lump sum;

The maintenance of children's pensions in "real" terms;

Protection of the interests of a member's dependants by preventing the assignment of benefits to another party;

Use of suitable indices in place of two particular indices referred to in the principal Act which are no longer published.

The opportunity has also been taken to introduce amendments to clarify a number of sections of the principal Act and to correct errors and omissions that have been discovered.

A number of members have been required to pay arrears of contributions following the failure of their employers to deduct contributions when they first became due. This has caused financial hardship and resentment in many instances. The Government

has decided that members may choose to have their arrears of contributions waived in these circumstances and their benefits reduced accordingly. Where a member elects to pay his or her arrears, the board will be required to consider the member's circumstances before determining the method of payment.

Members of the scheme are not subject to the provisions of the Superannuation Benefits Act 1977, which was amended in 1982 to provide for the payment of special retrenchment benefits to members of superannuation schemes which are subject to the Act. The Bill enables members of the scheme to have similar choice of benefits if they are retrenched.

Pensioners who retire at 65 years of age, after having completed at least 30 years' contributory service, may at present convert part of their fortnightly pension to a lump sum, under conditions approved by the Treasurer, so that pensioners may become eligible for Commonwealth social security benefits. The Bill corrects a previous oversight by extending these provisions to pensioners who retire at any time after reaching 60 years of age irrespective of the length of service that they have completed.

It also provides for full updating of children's pensions. These pensions are currently provided for the base rate of \$650 per annum, and are then increased according to movements in the consumer price index. The Bill provides for the base rate to be also increased in this way.

A member's dependants may be deprived of benefits under the scheme if the member assigns the benefits to another party or converts a pension entitlement to a lump sum. The Government considers that the member's dependants should be protected in these circumstances, and the Bill makes provisions for such protection. This provision is also designed to protect the member by preventing him from assigning away his interests in the fund.

The rate at which members contribute to the fund and the adjusted final salary on which benefits are based are determined by two measures, the minimum wage and the average weekly earnings index for Melbourne. The Bill provides for new measures due to the Australian Conciliation and

Arbitration Commission changing its practice of making regular wages awards and to the Commonwealth Statistician not publishing an average weekly earnings index for Melbourne.

The remaining provisions are of a technical nature for the purpose of clarification. I commend the Bill to the House.

On the motion of Mr RAMSAY (Balwyn), the debate was adjourned.

It was ordered that the debate be adjourned until Tuesday, August 30.

EQUAL OPPORTUNITY BILL

The debate (adjourned from May 31) on the motion of Mr Cain (Attorney-General) for the second reading of this Bill was resumed.

Mrs SIBREE (Kew)—It is somewhat disappointing that the debate has been brought on tonight because the Government has not been able to organize its business better. The Opposition understood that the debate was to proceed on 7 September, but is prepared to oblige the Government in its dilemma and to commence the debate on this important matter which needs full and thorough debate.

The Opposition fully supports the concept of equal opportunity as between members of society—between men and women, between different races, between persons of different opinions with different involvements, between persons with differing political and religious beliefs.

I want to make it clear at the outset of my second-reading speech tonight that the Liberal Party is not retracting from that position. In fact, this Parliament and the people of Victoria will be very aware of the excellent record which the Liberal Government had in respect to equal opportunity in this State.

In the history of equal opportunity legislation the Parliament will be aware of the very large areas of discrimination which existed for some considerable time between men and women in this nation. Equal opportunity is about comparability. It is about making sure that there is relevant comparability between differing types of people and it really started on the basis that men and women in this nation were not treated equally.

In looking at some milestones in this area one can understand some of the problems that this Bill brings up in dealing with the question of comparability between people and whether the Government has dealt with these matters appropriately in this Bill. The equal opportunity legislation and decisions in this area go back a long way in this nation. In 1816 female convicts became entitled to wages, which was a big step in the right direction.

In 1873 the Victorian Factories Act regulated employment for women and girls. This was not compulsory; it was an educational process. Back in 1880 the University of Melbourne first allowed women to enter its faculties. This year the University of Melbourne is to celebrate the centenary of the first woman graduate three years after 1880. When one thinks of the unsophisticated society that Australia had in the early 1800s this was a significant step forward in a short time. The year 1880 was a real milestone so far as women and their education were concerned. Then we go to 1912—

Mr Miller—What about 1908 when women got the vote in Victoria?

Mrs SIBREE—Yes; unfortunately Victoria was the last State in Australia to give women the vote but in 1908 that happened. In England women were given the vote in 1930 but could not sit in Parliament. I have had the privilege of reading a biography of Enid Wilkinson, a fiery and competent woman, who was the first woman to become a Parliamentarian in England.

In 1912 a maternity allowance for women was introduced. This was to assist in some of the traditional maternal roles which had been carved out for women in the society. This is not a comprehensive list but I want to mention milestones. In 1928 the Marriage Act was amended to allow mothers equal guardianship of their children. The Australian divorce laws became uniform for all States in 1959. This took a long time but I believe we now understand the benefits of those uniform laws.

In 1960 the contraceptive pill became available for women, which not only meant liberation for women but in many ways also benefitted men in terms of sexual equality. In 1972 the Conciliation and Arbitration Commission granted equal pay for equal work of equal value. The International Labour Organization convention in 1973

ratified against discrimination in employment and occupation and set up the employment discrimination committees to implement its decision.

In 1974, there was the introduction of the adult minimum wage for females in Victoria. We therefore had a minimum wage with maternity leave for public servants. In 1975 the South Australian legislature set up anti-discrimination legislation between men and women, and in 1977 New South Wales and Victoria followed with similar legislation; in Victoria the Equal Opportunity Act and in New South Wales the Anti Discrimination Act. That legislation flowed on with the ratification of the United Nations convention against discrimination, which I fully support, and consequentially we have now the proposed legislation in Federal Parliament to affect the States and Territories which do not have anti-discrimination legislation in respect of sexual discrimination. In 1982 this Parliament ratified and agreed to anti-discrimination legislation with respect to disabled people, following the International Year of Disabled Persons.

From this historical perspective one can see the equal opportunity legislation, as most people know and understand it, has been a long, drawn out affair. It has come in various consequential stages where a number of people have been involved in making people aware of the discrimination against women and a number of very important people have been involved in the debate. Changes have been made as a consequence of social understanding of those changes and, most importantly, as a consequence of the educational aspects which affect women and their role in society but also the educational aspects of convincing legislators that change needed to take place.

We have come a long way, and we must pay tribute in this debate to the fact that Victoria is the second State in Australia to introduce equal opportunity measures to outlaw discrimination between men and women with respect to employment, goods and services and in respect of the limited women's roles in public functions and public office in this State. We need to understand what equal opportunity is about and what the Government is attempting to do in the Bill. We must question whether the way it is being done is the right way.

As I said earlier, equal opportunity is about comparability. We are faced in this Parliament today with a much wider range of issues on which discrimination will be based. We are talking about discrimination on the basis of race, in respect of private lives, in respect of religious beliefs and political beliefs. The Government is attempting to apply the principles of comparability in equal opportunity between men and women to a broad range of other matters which may need to be dealt with in a different manner and not necessarily in the same manner as comparability between men and women. In saying that, I am not denying that we need to address the problem of bigotry and discrimination against other people because of political beliefs, race, religious beliefs or sexuality. However, in attempting to introduce a Bill, the Government is mixing two concepts and therefore creating within the community a great deal of confusion on these issues.

A large amount of correspondence would have been received by members of this Parliament because the Government has based these changes on the Equal Opportunity Bill rather than an anti-discrimination measure which may need to be couched in a different way with different provisions and different understanding. There will be different ideas and concepts within the community which may need different definitions and different exceptions. We are trying to lump all these things together.

I am mindful of this problem because in recent times I have taken the trouble to talk to a number of people who have had a great deal to do with equal opportunity. I have had discussions with Carmel Niland, who is the Commissioner for Anti-Discrimination in New South Wales. She pointed out the problems she saw of trying to bring together the sort of issues the Government is trying to bring together in this Bill and to couple them with the way we have dealt with discrimination between men and women. There is a real difficulty and the Opposition wishes to closely question how the Government believes this will practically work in view of the problems between the two different concepts.

Problems exist in the drafting of the Bill and how it will operate. The Opposition is concerned that it will operate in a discriminatory area because, in trying to lump the

two concepts together, the community may over-react in many areas where it might not have otherwise. I sound a word of caution, which is not based on emotionalism; it is based on an understanding of the differences between equal opportunity and anti-discrimination.

Perhaps anti-discrimination is better left to a human rights Bill. I know the Federal Attorney-General is examining this area at present and perhaps we should wait to see how that measure might operate within the State. One needs to look in two different directions. Governments often try to find one solution to a series of problems. One single Bill of this nature may not be the answer. I think it will cause problems and discontent in the community.

The Opposition welcomes four major points in the Bill and believes these are areas to which equal opportunity legislation should address itself. The Opposition believes that the principle of protecting people from sexual harassment in the work place should be supported.

Mr Hann—You are an expert on that.

Mrs SIBREE—The honourable member is not an expert. Some honourable members may seek to interject, but I happen to be one who has had experience with other people and listened to them about their personal experiences, perhaps unlike the honourable member for Rodney. This is a sensitive area and needs to be addressed sensitively. During the Committee stage the Opposition will make sure that the clause concerned with sexual harassment achieves what it aims to achieve. There are queries and problems about its practical implications, and the employers direct liability for the employees.

The Opposition wants to make it clear that no man or woman should be subjected to sexual harassment, innuendoes or advances in the work place. Since my experience. I have received a number of telephone calls and inquiries about the matter. I am pleased to say that because of what happened, many people have become more aware and more confident about standing up for individual rights in the work place.

At the outset, I point out that many women in the work place consider that their

unions—and sometimes their shop stewards—do not stand up for them when dealing with problems with fellow workers. I refer particularly to migrant women who often have difficulty in bringing these matters to people's attention because they are embarrassed and sometimes disgraced. The difficulty sometimes arises because of different ethnic morality and it is important that the matter be sensitively addressed.

Mr Wilkes—And lack of communication.

Mrs SIBREE—As the honourable gentleman interjects, there are often problems with communication. It is not simply a matter of legislation; it is a matter of education, understanding, training, sensitivity and a change in attitudes.

Recently a case was presented to me by the mother of a young woman who had been driven home in a taxi. When the taxi driver approached the place where the young woman resided, he turned around and said, "I will not charge you a fare if you do me a favour". This was a horrifying experience for the young girl, and the issues must be extended to the question of goods and services because it is an area where there is a large amount of what one might call anti-discrimination and accommodation, which this Bill addresses. The Bill also contains problems caused by poor drafting.

The Opposition welcomes and supports the fact that race is now a ground upon which anti-discrimination protection will be given. This is an important stand and represents a step in the right direction. Australia is a multi-cultural society and we are extremely lucky that an integration of many races has occurred in a positive and welcoming way. Nevertheless, there is still underground quiet discrimination, and sometimes overt discrimination, against people of different racial origins. It is important that this legislature, as a collective, supports the fact that we will not stand for that sort of discrimination.

I support the concept of protecting municipal councillors from discrimination because of status—sex, marital or otherwise. Honourable members would be well aware of a number of cases in this area. One St Kilda councillor came before the Equal Opportunity Board and the board discovered it did not have the power to handle the case. When the board handled the case of

Mrs Helen Halliday it tried to rely on section 56 in the current Act which provides that a woman shall not be disqualified by sex or marriage from the exercise of any public function. The Supreme Court held that that public function did not cover municipal councillors. I refer to section 56 of the current Act, because, although the Government has dealt with discrimination against those holding municipal office, it seems to have dropped section 56.

I seek guidance from the Attorney-General on this point. Perhaps I have misread the Bill, but it seems that the benefit that was provided by the old section 56 in the 1977 Act somehow or another has fallen out of the current Bill. The public function section seems to have disappeared. If that is the case, it is a step in the wrong direction.

The Bill appears to have been rushed and seems to encompass a range of items that might not properly be encompassed in the Bill. I seek answers from the Attorney-General in that regard. I am not sure that private consultation on a number of areas took place before the introduction of the Bill. As honourable members can imagine, I have received a number of representations from a large range of groups and most of them seem to indicate to me that they had not necessarily been approached by the Government prior to its decision to change fairly substantial equal opportunity legislation. Some groups are extremely disgruntled and I will refer to them in due course.

I am concerned that the public function clause has been omitted from the Bill.

The Opposition supports fully the introduction of sensible equality of opportunity in sporting clubs. In many cases, sporting clubs have discriminated fully against women and, in some instances, against men. I have a report from the Equal Opportunity Board, dated June 1983, which any honourable member is welcome to peruse. That report is on discrimination in Victorian sporting clubs.

The report contains many statistics on how women are excluded from full membership and full participation in general activities and from exercising their membership rights in sporting clubs. The report also highlights how women are excluded from the general facilities of the clubs and not permitted into bars of clubs. In some

instances, women are relegated to making the tea at some clubs. The Opposition is not condoning that in any way, however, I underline the fact that there is a need for sensible legislation in respect of sporting clubs.

The present wording of the Bill reaffirms my concern at the way in which the Government has gone about drafting the Bill. It is obvious that the Government has not thought through properly the concept of what it is trying to achieve. Both the Government and Victorians want women to have equal access to membership of sporting clubs, be it full membership or associate membership. Men should also have access to associate membership on the same basis as women, for the same fees and with the same rights so that a male associate member would be no better or worse off than a female associate member.

However, the exclusion clause in respect of sporting clubs in the Bill refers to "any activities". I have discussed this issue with various sporting clubs, including golf clubs, which have been most vocal about this particular clause, and I have learnt that those clubs have been advised that "any activity" means that, under the Bill, competitions for women could be outlawed, as could competitions for men.

There is no way in the world that any male would want to play golf with me because I am terrible. They would take all day to complete the course! However, I want the opportunity to play golf with my female, hopeless golfers, just as the Premier would want the opportunity to play his round of golf with his hopeless male companions.

Under the present wording of the Bill, there appears to be no understanding of those concepts. I should have thought the Government would have been better off in examining the New South Wales anti-discrimination legislation. It is a much more comprehensive piece of legislation, which really understands the problems. Women want equal access to membership, facilities and voting rights in sporting clubs. Women want individual female competitions to continue in tennis, golf and bowls. That does not involve discrimination, it is merely people being able to play their sport with people with whom they choose to play. Mixed tennis, bowls and golf matches should continue.

If the Government is reconsidering its position on that aspect. However, it should be noted that the anti-discrimination Bill before the Federal Parliament follows the New South Wales legislation. One of the crucial points the Government needs to consider about equal opportunity legislation is that Victoria should strive for uniformity in legislation with other States. The Government should carefully consider this matter. The Bill before the Federal Parliament will, when passed, have a different effect from the provisions in this Bill on sporting clubs.

I have received a number of representations, which I hope the Attorney-General would be aware of, from organizations like the Victorian Employers Federation and the Melbourne Chamber of Commerce saying, "We support equal opportunity legislation. We understand what that is about and we believe it is the right thing. However, we should aim for uniformity in this, namely, a national equal opportunity Act". However, that may not be possible because of constitutional problems, although it is more possible now because of the change in State and Federal Governments.

However, the Government should aim for uniformity in legislation. There are golf clubs that operate across State borders and Australia is one nation. If the Government is to introduce anti-discrimination legislation, its provisions should be comparable with similar legislation that applies in other States, especially if those provisions are better. Indeed, I believe in some instances the provisions in both the Federal Bill and the New South Wales legislation represent a better position.

Mr Miller—Tell us about the Tasmanian, Queensland and West Australian experiences. There is no such legislation.

Mrs SIBREE—I am speaking of the major population States, especially New South Wales, which has anti-discrimination legislation that appears to work well and which appears to represent the wishes of the community. The New South Wales legislation allows for varying membership arrangements and individual ladies, gentlemen's and junior golf activities to continue.

The Opposition supports the principles of equal opportunity against sexual harassment, including race, contained in the Bill;

discrimination against municipal councillors and sensible provisions in respect of sporting clubs.

My colleagues will comment on the other matters contained in the Bill and some of the practical problems and implications of trying to blend an equal opportunity provision with an anti-discrimination provision and the problems that could cause, namely, the questions of interpretation based on bad drafting. In some instances, there are exclusion clauses of single sex schools. The Bill declares that, if a school is established for a single sex, a single race or a single marital status, that school will not be subject to the provisions of the proposed Act. Therefore if a school is established purely for boys, that school can discriminate on the grounds of race or marital status in any way it wishes because it is excluded from the provisions of the Bill.

However, the Government surely does not intend to do that. It is the wish of the Government to say, "If you are going to establish a single sex school for boys, we will allow you to do that because that is your educational philosophy". I believe single sex schools for girls are better than single sex schools for boys. The general argument is that boys benefit much more from sharing educational opportunities with young women. That is unfortunate for the boys because women do better in single sex schools. That has been proved by most statistics.

The Bill has been drafted in such a way that it confuses those issues and declares that, if a school is established only for boys, it can discriminate against people on the ground of race. However no honourable member would want to do that, but that is how the Bill reads and, as a lawyer who has carefully examined the Bill, I believe that is the intent of one of the clauses in the Bill.

The record of the Government in equal opportunity has been mixed. My concern as the shadow Minister for youth affairs in the Liberal Opposition is that many young persons have not been included in the employment schemes established by the Government. Indeed, women have not been included in the schemes to ensure that the schemes operate on an equal footing for both young people and for women.

I was astounded recently when I received a letter from the Minister of Health heralding the fact that seven new jobs were being created at the Willsmere Hospital in Kew and that all those jobs were for women. I might add that one of the jobs was for a clerk and the other six were for cleaners. So much for equal opportunity! The attitude of the Government towards employment initiatives and incentives for equal opportunity for women is to create more women cleaners.

No one is monitoring the question of whether jobs are being fairly distributed between young women and men who are in the unemployment queues. A slap-happy record exists in some of these areas and I am particularly concerned about who is monitoring this and ensuring that affirmative actions in some areas take place.

I am mindful of a recent statement made by my colleague, the Honourable Mrs Baylor, who pointed out that Miss Lynne Deasey had been unanimously chosen by the Victorian Council of Social Service to represent the various consumer bodies regarding State Electricity Commission rates for pensioners and others. However, Miss Deasey was overlooked. Her qualifications were impeccable in terms of her ability to undertake the job. She was the editor of the booklet *Fuel and Poverty in Victoria* and is an extremely well-qualified woman, but she was passed over by the Government when the appointment was made to that body.

Over the past fifteen months, the record has been pretty negligible. I point out that I have come across some interesting figures regarding political parties in Australia. Research has been undertaken by Miss Kate White of the Royal Melbourne Institute of Technology for a book to be published in Australia. I note that Miss White was the editor and author of a biography about the Premier's father. I am sure that her sources are impeccable.

Miss White conducted a survey of political parties in Australia and it demonstrates that we still have a long way to go in terms of equality. The average figures for female membership of political parties are: The Democrats, 44 per cent; the Australian Labor Party, 31 per cent; the Liberal Party, 51 per cent; and the National Party, 39 per cent. Those figures relate purely to membership.

When one comes to the question of power, which is what equality, opportunity and social and economic justice is all about, the picture becomes blacker. The average figures for women at executive levels in political parties are: The Democrats, 33 per cent; the ALP, 16 per cent; the National Party, 15 per cent; and the Liberal Party, 29 per cent. I add that for the Liberal Party in Victoria the figure is 7 per cent higher—36 per cent.

There is no point in talking about equal opportunity for men and women unless women are in positions of power. At the same time, the challenge must be thrown out to women to take part in public functions and they need to be encouraged and supported in that by both men and women. That will not be achieved by legislation; it will be a matter of looking at institutions, establishments, the method of delivering power and involving women in decision-making; not leaving the Lynne Deaseys off boards on which they could provide relevant input. Women must stand up for what they believe and be involved in institutions of Parliament or whatever. We are lucky in this State that during the past few years there has been an incredible injection of women into Parliament, and that is of benefit. I welcome and support that.

I make a few general remarks about what this Bill does not do. Situations have existed for a long time which the Government, when in opposition, criticized the Liberal Party for not acting on. I want to know why superannuation is still excluded from the operations of this Bill and why women will continue to be disadvantaged in respect of superannuation and the input they have on an equal footing to men in the work place. I also want to know why they will continue to be discriminated against in the pension they receive.

When the Act was introduced in 1977, the indications were that a five-year period would be given to redress this point. I ask the Premier: What is the effect of the Bill introduced by Senator Ryan that provides for a two-year period for exceptions for superannuation schemes? Does the Premier agree with that exception; is that the intention of the State Government or will it allow the situation to continue for ever and a day so women will not only be discriminated against regarding this disadvantage but, over

the next few years, that disadvantage will become greater? Women are not able to add those two or three years of time and input into the work force to make up for their superannuation and pension fund contributions and ultimate pay out. Why has not the Government addressed that? Nothing was mentioned about that in the second-reading speech.

The other area about which many people are becoming increasingly concerned, which the Government does not seem to want to address, is the question of indirect discrimination. That issue is referred to in a notation to a clause in the Bill, but it refers only to vicarious liability. It really refers only to a principal's liability for an agent for an act of discrimination. From various representations made to governments over a long period, honourable members are all aware that indirect discrimination is a prevalent issue.

The Women's Electoral Lobby, in a submission that the Premier would have received in the past few days, refers to this matter and to the fact that it should be addressed. If it is not being addressed, some indication of what the Government intends to do about it should be given. Indirect discrimination has been commented on by the Victorian committee on the status of women, and was first referred to in a report to the Premier in 1976. It is time that that question was faced and it was established how best to address the problem.

I turn now to the question of discrimination on the basis of age. More and more this is becoming a problem. A disenfranchised group of young people exists in the community. Those young people are facing an unemployment rate of approximately 30 per cent for people under 21 years of age. These people are being told, "I am sorry, you are too young", or, at the age of eighteen, they are being told, "We are throwing you out of the work force because you are going onto adult wages."

An increasing problem is occurring of people being retrenched between the ages of 40 and 45 years. Those people are being told, "You are too old to be employed." This is especially the case if the persons involved are single and do not have a family to support. It is becoming a problem that society must address. The Bill has not addressed that issue in any way.

One of the real areas of growing discrimination in society is based on age. I am not saying that it may not have been properly dealt with in a Bill such as the Equal Opportunity Bill, but it may have been better dealt with in terms of an anti-discrimination statement because it may well need to be dealt with separately. Consultation needs to occur with the community, employers and the unions regarding indirect discrimination against people because they are too young or too old. I am mindful that the Women's Electoral Lobby has brought up this matter as one of major importance that needs to be addressed, as has the National Council of Women.

Even if the issue is not addressed necessarily in Parliament, it should be discussed. Parliament should determine ways and means of helping people so that they are not disadvantaged because they are either too young or too old. Every individual deserves to be given a go on his or her own self worth regardless of whether he or she is 17 years of age or 45 years of age because those people have a valid contribution to make to society, to the work force, to the community and to their families. The Bill has run away from these issues.

The Opposition believes the Government must answer several questions. The problem first is how to handle the Bill and I foreshadow that the Liberal Party will move amendments to the Bill to make it more sensible, understandable and fair. My colleagues will raise other issues on equity and anti-discrimination matters.

In summary, the Opposition supports the four main contentions to which I referred earlier because they are important. They have been subjected to a range of community viewpoints and discussion and have received community supports. The other matters will depend on how the Government treats them. Trying to lump them all together is not the answer. The Opposition welcomes and supports equal opportunity. The bringing together of two Acts as this Bill does is important. It should be easy to understand.

I will be seeking from the Attorney-General practical answers to the questions I have raised. The Government should re-examine the proposed amendments that it foreshadowed, which the Liberal Party has not yet

seen, to ensure that they are sensible and reasonable.

Mr ROSS-EDWARDS (Leader of the National Party)—This equal opportunity legislative measure follows legislation initiated in 1977 and in 1982. The National Party supports the broad concept of equal opportunity and, while it quarrelled with some aspects of the previous legislation, in principle those measures were supported by the National Party.

At this juncture, because it is concerned about some aspects of the measure, the National Party will oppose the Bill. I understand that the Attorney-General foreshadows proposed amendments and, if they are of consequence, the National Party, naturally, will consider them. The earlier those proposed amendments are distributed the better it will be for the benefit of all concerned with the measure. The debate should be adjourned for three weeks, during which time the National Party could evaluate the proposed amendments. They could well affect the thinking of the National Party.

Mr Cain—The Government is receiving submissions now, and that will be done.

Mr ROSS-EDWARDS—I am grateful for that assurance.

Mr Cain—The Government would like to see the National Party's proposed amendments, too.

Mr ROSS-EDWARDS—At present, the proposed legislation is so bad that the National Party will oppose its second reading. I hope there will be a substantial redrafting of the Bill, which will change the view of the National Party.

I refer to one aspect on the issue that has been overlooked by the community. I have lived a fairly full life and I have seen a fair bit of the world both in peace and in war. Most thinking Australians will agree with me that males are criticized and abused, particularly in Australia, for their behaviour, but it is my firm opinion that there is no better, considerate or understanding male, no male kinder to the female, than the Australian male.

I am not joking! He may be a bit off-hand or a bit rough at times but, when the chips are down and things really matter, the Australian male will stick—he has that understanding and sympathy. Australians can decry themselves and criticize Australian

males, but I do not think some women realize the character, understanding, sympathy and help that Australian males give.

Mrs Sibree—Australian women are good, too!

Mr ROSS-EDWARDS—I am not criticizing Australian women. I think they are terrific. Not only do they get the consideration of their husbands but also so many whom I know say, "Thank God we have got the position we have, let's keep it that way because we have the best of both worlds." That is a common expression amongst people with whom I mix.

Women appreciate the sympathy, courtesy and understanding of the males and the privileges that they are given. Males like doing it. They respect their women-folk. It is all very well for Government party back-bench females to laugh cynically—I do not think they understand how good family life is in Australia.

Mr Wilkes—There is an old saying, "Behind every great man. . ."

Mr ROSS-EDWARDS—There is. I now refer to sexual harassment. This is of concern to everyone. When it happens, it is disturbing and worrying. I remind honourable members that it is not only man against woman. There are many examples of woman against man. There should be no mistake about that. A recent case in New South Wales reported in the newspapers typifies the concern of all because two people have been giving evidence against each other. There is no witness.

One reads particulars of the case in the newspaper but does not have the benefit of hearing the case in court. One sympathizes with both parties. It is difficult to know who is telling the truth and whether the evidence is being exaggerated. The people involved are playing for high stakes. A person in a prominent position, in this case a man, if he were found guilty, would lose his career. It would be tremendously embarrassing to the woman to have the evidence given in the court case published.

One really wonders at times whether it is in the public interest that evidence in these cases should be public, particularly in the initial stages of a court case, because sometimes a case is withdrawn and it is not proceeded with and, in the meantime, a lot of

damage has been done to all parties to the case.

There is also the practical problem of what is sexual harassment to one person is just a bit of good, clean fun to another person. People's standards are terribly different. There are examples of the behaviour of people whom honourable members know.

Mr Cain—The definition is the approach.

Mr ROSS-EDWARDS—The daily behaviour of some people would constitute sexual harassment to some women.

Mr Micallef—Does it happen on the telephone?

Mr ROSS-EDWARDS—I would not know—you are the peasant, I am the farmer. The people who hear these cases must have the wisdom of Solomon and even that is not sufficient to give a sound judgment. If a person is found guilty of a traffic offence or some other minor offence for which a person receives a fine, the public does not make a harsh judgment. However, certain sections of the public do make harsh judgments in cases of sexual harassment.

I wonder, and the Attorney-General must wonder from time to time, if we are doing the right thing in taking the hearing away from the court. I, at the worst, have been called sexist. I wonder whether a woman hearing a case against a man on sexual harassment is quite fair.

Mr Cain—The board is comprised of three women.

Mr ROSS-EDWARDS—I am speaking of a board elsewhere in Australia which is hearing a case at present. The Attorney-General would know well that if he and I were choosing a jury on a sexual matter, and if we had the chance of challenging the jury, we would challenge all women and all older men and endeavour to have males of between 20 and 30 on the jury. There is not the same opportunity in this case. There are certain people with fixed views and they hear the case.

I come to sport. The advice I give to the Premier in this regard is sound, and that is to hasten slowly. Sporting clubs should be notified of the Government's view.

Mr Cain—They have been.

Mr Miller—And the Melbourne Cricket Club has moved on it.

Mr ROSS-EDWARDS—I am not talking about the Melbourne Cricket Club. I am talking about the thousands of sporting clubs, and they need more time. They have some real practical problems. At a meeting of the associates in the golf club to which I belong, it was made clear that they were happy with the situation they had, with the rights they had, and with the autonomy they had and they did not want any changes. If men and women are happy with the club, and if the responsibilities for it are divided amongst the people of the club to their mutual satisfaction, it seems pointless to interfere. We have had cases put before us, and hopefully they will be resolved, that if women want to compete merely against women, and men want to compete against men, there should be no objection to that. They should not be forced to play together and they should not be forced to play in the same competition. If they want to play in the same competition, that is all right.

Men and women have different attributes. In some sports they cannot compete on an equal basis physically, and if they do not want to compete on an equal basis a club should not be forced to put on a competition to satisfy the odd extremist.

One of the other points is discrimination in employing people. I fail to see why an employer should not be able to set his or her standards of what is wanted of an employee. Race should not be a factor. Sex, in some cases is a legitimate factor, in my view, because in some jobs there is no doubt that women are more suitable than men and in other jobs men are more suitable than women. If a person, for obvious good reasons, wanted to employ a man rather than a woman, or a woman rather than a man, I can see no objection.

The other question that comes up concerns various people who practise certain religions and do not want to work on Friday night, Saturdays or Sundays for their own good reasons. If a person's business must operate on those days and that does not fit the religion of the person concerned, it seems ridiculous to me that one must employ that particular person. That person is not being discriminated against on religious grounds, but the person the employer wants has to be available for work when rostered by him, and if that person cannot be available for work then the employer

would not be discriminating against him by not employing him. It is religion that causes that person not to work on a particular day.

A major matter, and the most serious matter I want to talk about is the concept of private life. I am of the view, and my party is of the view, that this Bill will tend to bring about a breakdown of family life, and that is a very serious matter indeed. Without being unduly righteous, we all have an obligation to foster and protect the family unit. This has built this nation to what it is today and we have an obligation to uphold it.

A story that comes from South Australia may or may not be relevant, but a Roman Catholic priest advertised for a married couple to look after a group of children that he wanted to be cared for as a family group. That was breaking the law; one cannot advertise for a married couple, one has to advertise for something else. What the priest wanted, and in my view quite justifiably was two people, a man and a woman, who were married with a good relationship, with a good understanding of children, with a good Christian background, to look after these particular children, yet he was not allowed to advertise for a married couple.

One of the most serious matters is the homosexual problem. Honourable members know that it is virtually impossible for a homosexual to get a job in this country in certain occupations. I quote two occupations: Members of the Victoria Police Force and teachers. The people who have been choosing recruits for those two organizations in Victoria have been justified in not choosing homosexuals.

Mr Micallef—Why?

The SPEAKER (the Hon. C. T. Edmunds)—The honourable member's interjection is out of order and he is out of his place. I will deal with him if he continues to defy the chair.

Mr ROSS-EDWARDS—Parents of a Christian family want their children brought up in the Christian faith, and to them homosexuals are repulsive and their behaviour is contrary to their religious beliefs. It would be an incredible situation if one knew someone to be a practising homosexual and one knowingly chose that person as a teacher. He would have the control of children not only at school but in sport, on

camping holidays and as a youth leader, and it is completely unacceptable to the National Party that one cannot discriminate against someone who lives such an unconventional and unchristian lifestyle.

Imagine the Victoria Police trying to uphold the law of the land if there were known homosexuals amongst it. It would be a ridiculous state of affairs. I will make one prediction: In the immediate years to come, if this Bill becomes law in its present form about homosexuals, the Victoria Police Force will continue to adopt the policy it adopts now. Homosexuals would have no hope of being chosen for the Victoria Police Force in the future if they were known homosexuals, and that would have my complete support.

Mr A. J. Sheehan—It is not a very good argument, though.

Mr ROSS-EDWARDS—There are certain standards in this country.

One of the hypocritical aspects of the measure is that it is all very well if one is the leader of a political party. The leader of a political party has complete freedom to choose his staff. He has all the freedom in the world, and I agree with that, but the Government will not give that freedom to anyone else. There are no rules covering political staff.

The point is that a private employer should have the right to choose the staff he or she wants. A private employer should be able to choose someone who fits in with the employer's moral standards. A private employer should have the right to set his or her own standards for those he or she wishes to employ. The private employer should be able to make the decision when it comes to dress or behaviour or homosexuality or a whole host of other standards. It would be a ridiculous state of affairs if an employer who had a business to run and had to pay wages were to feel constrained to employ a particular person against his or her wishes.

We all say we want to encourage business activity in Victoria, yet the Government is attempting to shackle the business community. Of course, it will not really affect business; business will get over this difficulty. The businessman will not say that he did not employ someone for a particular reason, he will say, "The person I chose was

the most suitable." It would be virtually impossible to challenge that choice in private industry. It might be easier to do so in Government circles, but it would be virtually impossible for any Government to administer the proposed legislation in private industry.

The concept of equal opportunity is right and proper and the National Party supports that concept, but we are disturbed about some of the implications of the Bill. It is obvious that the extremists in the left wing of the Labor Party have played a major part in the drafting of the measure, and we intend to fight it. We have received representations from a wide range of members of the community who are disturbed about the Bill. I am pleased that the Premier intends to move amendments and that the Government has seen that there have to be changes. Those amendments will be given to the Opposition and the National Party.

Mr Kennett—When?

Mr ROSS-EDWARDS—I do not want to answer an interjection but, for the benefit of the Leader of the Opposition, I understand they will be given to us very shortly.

Mr Wilkes—The Premier has given an undertaking to distribute the amendments.

Mr ROSS-EDWARDS—That is so. This is, in every sense, a community Bill. We want to make it as good as we possibly can but it has to be in line with the real world and it cannot be too much of a hindrance to the business community. We do not want to penalize the people who are doing their best to make this a better country.

Mr MILLER (Pahran)—I am delighted to speak in support of the Bill and I welcome the Equal Opportunity Bill 1983. Today, we have seen two very important measures being dealt with by Parliament and both of them have proved too much for the National Party. Members of the National Party have really revealed their troglodytic attitudes towards freedom and civil liberties in this country in speaking out so strongly against the Bills—too much liberty and too much freedom is obviously too much for the National Party.

I am delighted that the Liberal Party is supporting the Bill, although it may have

some reservations. It is a large and important Bill that arouses passions in the community. Nevertheless, it is a most significant advance on the existing legislation and it reflects the Labor Party's firm and deeply held philosophical commitment to human rights and civil liberties and to the promotion and protection of human rights for all Victorians and all Australians.

The Bill is designed to promote equality of opportunity in education, employment, accommodation and the provision of goods and services. Human rights cannot be seen in a vacuum. We have to look at human rights legislation in the context of the society in which those human rights are sought. It is never an either/or situation. We must recognize that the Liberal Party, which was in power for some 27 years in this State, made some commitments to the promotion of human rights. The 1977 Equal Opportunity Act went some way towards promoting human rights. There is no doubt about that. However, it did not go far enough because the 1977 legislation, which came into operation in 1978, dealt only with discrimination on the basis of sex or marital status. It was a victory for Sir Rupert Hamer and the Honourable Haddon Storey. Unfortunately, Mr Storey was rolled far too often in Cabinet when he attempted to introduce other human rights measures.

In 1982, when the Labor Party came to power, it extended the equal opportunity legislation in the Equal Opportunity (Discrimination Against Disabled Persons) Act and added impairment as a ground of unlawful discrimination. That was a useful reminder to all of us of the importance of the International Year of Disabled Persons and it also reminded us of the importance of giving concrete, legislative form to the high principles that were enunciated in the international convention and publicized during that international year.

This Bill picks up and adopts the 1977 Act and the 1982 Act. It repeals both of those Acts and consolidates them in one Equal Opportunity Act. It is also a major step forward in that it provides for a number of additional grounds of unlawful discrimination. As other honourable members have indicated, it makes sexual harassment unlawful; it revises the exemptions in the existing legislation; and it strengthens the

administrative procedures and the investigative, conciliatory and enforcement provisions of that legislation.

It is important to look at the society and the circumstances in which the proposed legislation has its basis. Why do we need legislation such as this? What sort of society do we have that necessitates measures of this sort? It is clear—and the honourable member for Kew touched on this in her lengthy address this evening—that Victoria and Australia have a very unequal society. We have an inherently unequal society. If we examine some of the claims made in the mythology that this is an equal society—and I think the Leader of the National Party was perhaps perpetuating some of that mythology—they simply break down on closer analysis. It is just not true that this is an equal society. There are power elites in Australia and those power elites are almost without exception male, almost without exception Australian-born and almost without exception white.

Very few migrants, very few women and very few Aborigines have been able to break through the multiplicity of barriers that have concentrated power in the hands of that small elite. To see that demonstrated, one has only to look at the recent enrolment figures of applicants for admission to places at the Administrative Staff College at Mount Eliza. Of the 350 applicants nominated by business and Government in Victoria, only four were women. In the catalogue of historical events—those important mile-stones that the honourable member for Kew so carefully spelt out—one can see how difficult it has been for women, migrants and Aborigines to break through and to have complete opportunity in our society.

A question that people ask—and they certainly ask all lawyers—is: How do you expect the law to change people's attitudes? How do you expect the law to break down discriminatory barriers?

Obviously, an Equal Opportunity Act cannot, and does not, go all the way towards breaking down all of those barriers. Nevertheless, it can provide legally enforceable rights; it can provide remedies, and the law can be an extremely powerful educative force for social change. Only by legislating, as the Government is doing in this instance, to provide that Australian society will not

tolerate any more racist and sexist attitudes, will many of these barriers be broken down. The ability of the law to effect social change is an important way of changing people's attitudes and to prevent discrimination which has so often occurred in the past because of people's deeply ingrained attitudes.

Of course, legislation is only one avenue by which one can achieve these worth-while results; it is certainly not the whole answer. Honourable members also need to focus on what sort of society they want for Victoria and Australia. I believe the two major parties in this place would certainly agree that there needs to be a commonwealth of human dignity, where the rights and liberties of all individuals are respected; where all people have equality of opportunity; where racism and sexism play no part; and where legislation, with its enforcement processes, is able to be used to bring about a much fairer and much more just society.

It is important to examine the role that the Australian Labor Party has played in many of the landmark pieces of legislation that have been introduced into both the Victorian and the national Parliaments.

Mr B. J. Evans—But you have never had a female president.

Mr MILLER—No, but it is interesting to note that there is not one female member of the National Party in the State Parliament.

Mr B. J. Evans—But we have many female supporters.

Mr MILLER—I have noticed how much support the National Party has—some 5 per cent. It is interesting that the first piece of anti-discrimination legislation in Australia was passed in South Australia, when Don Dunstan was the Attorney-General. Obviously, this seems to disturb the National Party, as it is sensitive about the matter because it would never have introduced that sort of legislation. It is interesting, too, that neither in Western Australia nor Tasmania does one see this sort of legislation, and one certainly does not see it in Queensland. The National Party has an appalling record on human rights legislation.

The Prohibition of Discrimination Act, the first of its kind in Australia, was brought in by the enlightened South Australian

Government in 1966. That Act was subsequently amended in 1976, by the Racial Discrimination Act. The first Federal Government initiative in this field was taken under the Whitlam Labor Government which in June 1973 ratified the International Labour Convention on Discrimination in Employment and Training which provided a most important benchmark in that field.

In addition, in November 1973, Senator Murphy introduced into the Senate a Bill of Rights. Of course, it ran into the implacable hostility of the National Party and of course, because of the opposition of the Liberal Party, it did not emerge as an Act.

However, the Racial Discrimination Act, which was introduced on the same day in 1973, was subsequently passed in 1975 and, once again it was opposed at all stages by the National Party. I am referring to the National Party that comes into this place and parrots and mouths pious platitudes about equal opportunity.

In 1977, Bob Ellicott, the then Attorney-General, proposed a human rights commission and, again, the National Party opposed that proposal. However, in Victoria, the Liberal Party did introduce in 1977 the first of the equal opportunity Bills that was passed by this Parliament. It was an important milestone, as the honourable member for Kew indicated. However, it did not go far enough, and this Government has picked up on that Bill. That is why this Bill is now before the House. It is also interesting to see, again at the Federal level, the initiatives that have been taken by the Federal Labor Government in ratifying the United Nations convention on the elimination of all forms of discrimination against women. The honourable member for Kew also indicated her support for this convention.

It is interesting to note what Mr Doug Anthony had to say against it. Again, in typical fashion, the National Party was opposed to the civil and human rights legislation. What it wanted to see was a perpetuation of all those worst aspects of discrimination against women which had been such a large feature of Australian society for an extremely long period.

One can say that, although Malcolm Fraser's policies on economic and employment matters would have been endorsed by very few people on this side of the political

spectrum, I think that most fair-minded Australians would have supported his efforts to outlaw and delegitimize racism in this country and to fully support him in his attitude towards apartheid. It is interesting to note that, although the Fraser Government signed the United Nations convention on the elimination of all forms of discrimination against women, in 1980 it refused to ratify it, and ran away from the issue of promoting women's rights at the Federal level.

It was not until 29 July this year, with a Federal Labor Government, that the ratification of that United Nations convention took place. The convention contains some most interesting provisions and feature which, to an extent, have been adopted and picked up by this Bill, and it will, if necessary, pass complementary legislation to Senator Ryan's legislation. The Sex Discrimination Bill, which Senator Ryan introduced, covers many of the 30 articles of that convention including equal opportunity for women in employment and education; prohibits the dismissal of a pregnant woman from her job, provides for paid maternity leave in the private and public sectors, and seeks special provisions and child care services for working mothers.

As has this Bill, that proposed legislation has excited the hostility of some of the lunatic fringe of our society who, either through malice or ignorance, have not wanted or attempted to understand the Government's attempts to introduce equality of opportunity into this State. One of the major and most visible steps that the Labor Government has taken to promote equality in this State has been in the sporting sphere. One has only to examine the changes that have taken place in sporting clubs since the advent of the Labor Government in this State to realize what the Government has done. One has only to look at the photograph on the front of the report of the Equal Opportunity Board, which inquired into discrimination in sporting clubs, to witness the sort of change that has taken place. It is a graphic photograph of the sign, "Ladies Not Permitted Beyond This Point" being taken down at Flemington. It is an extremely revealing photograph.

Neither the Liberal nor National parties would do anything about it, and they perpetuated that appalling form of discrimination. One need only look at what has

happened with the Melbourne Cricket Club to see how equality is being taken into account and is being effected there, but for 27 years the Liberal and National parties treated women as second-class citizens.

Honourable members interjecting.

Mr MILLER—If one looks at section 33 of the 1977 Act one can see how sporting clubs were exempted from the obligation to provide equal opportunity. Associate membership was the appropriate form of membership available to women at most golf and sporting clubs. In the words of the honourable member for Kew, "We do not want real equality; we do not want too much equality—we want sensible equality." What does that mean?

In this way sporting clubs continue to carry out tokenism and women are denied the opportunity of being involved in the management of sporting clubs, voting at meetings and playing sport on the same terms as men.

Section 33 of the 1977 Equal Opportunity Act denied that women have the same recreational needs as men. With the change in the attitude of the Melbourne Cricket Club and the change in the white line, with women becoming members of racing clubs—certainly the Victoria Racing Club and the Victorian Amateur Turf Club—family life has not been eroded and society has not crumbled around us.

It is interesting that Lady Murray, the wife of the Victorian Governor, spoke out strongly on this issue. Many people in the establishment did not appreciate the fact that she was prepared to be so outspoken on women's issues, and she certainly has the full support of the Government. Discrimination in sporting clubs should not be permitted to continue, especially where those clubs carry out their activities on Crown land. According to the report, virtually all of them receive rate concessions and pay low rentals. Of the 200 Victorian country and metropolitan golf clubs only two gave their members full opportunity of participating completely in the life of their clubs.

If some of the key clauses in this proposed legislation are examined, it can be seen that they widen the grounds of unlawful discrimination. Sexual harassment

becomes unlawful, and considerable attention has been given to that concept because it is a major issue. It is a sensitive and most important area for anyone concerned with legislation of this type.

Mr Ross-Edwards—There are going to be some dull Christmas parties after this!

Mr MILLER—That is a typical sexist reaction from the National Party, but most people regard the issue with sensitivity. Members of the National Party do not even realize this is “eggshell country”; they just trample over it. Sexual harassment is an unwarranted imposition of sexual requirements in the context of unequal power. We must look carefully at the unequal power relationships which exist in society. Society is male-dominated at all levels. Sexual harassment is not confined to the work force. It is far more pervasive than that. Sexual harassment and outright sexual exploitation at work operate as a kind of social control mechanism. It is a way of keeping people—particularly women—in their place.

Much resentment is experienced by people who have been sexually harassed, and that is understandable. There is a great deal of fear on the part of women of talking about sexual harassment in the work place, and, given that Victoria has the highest level of unemployment in Australia since the depression, it is not surprising there is this fear by working women of talking about sexual harassment, on the basis that they may be sacked if they do not respond as an employer would want them to “perform”.

Treating women as sex objects is a means of belittling them, trivializing them and their complaints, and it keeps women out of traditional male occupations. Women are reluctant to complain about sexual harassment because of their notion—and the notion of most people—of privacy in sexual matters and the fear that they will not be believed or that they may be told they are imagining the situation or have been acting as a *femme fatale*. These are very real concerns going through the minds of women who allege sexual harassment.

Sexual harassment is not a matter of personal relationships and does not operate in the area of private sexuality. It is a means by which discrimination against women, particularly in the work force, continues to

segregate and put people into power hierarchies, particularly by placing women at the lowest level of most occupations.

The Bill recognizes these problems and goes a long way towards redressing them. It certainly does not go all the way and cannot go all the way in resolving all problems in society where equal opportunity is concerned. Nevertheless the Government has introduced important provisions relating to equal opportunity.

One of the most important innovative measures it prescribes is that one cannot discriminate against a person on the ground of his or her status, which includes sex, marital status, race and impairment of that person. Protection is also provided against unlawful discrimination on the basis of race, in the areas of employment, accommodation and the provision of goods or performance of services.

Marital status has been extended to include parenthood and *de facto* spouses, which recognizes the reality of social situations. The intensely private behaviour of people is irrelevant to the law. Public contractual arrangements and relationships are given protection against unequal treatment. The private life of people is a multi-faceted concept involving being able to hold lawful political and religious beliefs.

In accordance with Sessional Orders, the debate was interrupted.

ADJOURNMENT

Police station for South Barwon area—Police patrols for Lake Boga—Bus tour operators—Massage parlours—Liquid milk prices—Supreme Court circuit for Warrnambool—Week-end trading by supermarkets—Bishopsgate Insurance Australia Ltd—Housing rental market—Bayswater High School

The SPEAKER (the Hon. C. T. Edmunds)—Order! The time appointed by Sessional Orders for me to interrupt the business of the House has now arrived.

I advise the honourable member for Prahran that, when the debate on the Equal Opportunity Bill is resumed, he will receive the call, if he so desires. The question is that the House do now adjourn.

Mr DICKINSON (South Barwon)—I raise a matter for the attention of the Minister for Police and Emergency Services concerning police facilities in the Geelong area. I direct his attention to the area in the City of South Barwon which this week had tabled in this House a petition bearing some 3700 signatures. The particular area of concern is the suburbs of Grovedale, Highton and Belmont, which do not have a police station.

I ask the Minister to ascertain whether certain premises in the area could be used to house the police. The present police station is across the river on the northern side of Geelong. In the event of an emergency, the police cannot cross the Barwon River bridges in peak hour traffic. In recent times fires have occurred at a school, several shops in the Belmont area and one house in Highton. In addition, several hold-ups in which firearms have been used have taken place.

I suggest to the Minister that the former Glastonbury Children's Home that it is proposed should be occupied by the Health Commission would be suitable for use as a police station. The conversion of that building for use by the police would result in a financial saving for the Government. I should appreciate favourable consideration of this matter by the Minister.

Mr STEGGALL (Swan Hill)—I raise with the Minister for Police and Emergency Services a matter relating to Lake Boga, a recreational lake in the Swan Hill electorate. Some 5000 people will use the facility each day during the mid-summer period. The lake caters for power boats, yachting, swimming and other family activities.

Swan Hill does not have a police boating squad, but it has a branch of the State Emergency Service which has agreed to provide patrol boats for the use of police at Lake Boga. Members of that branch have also agreed to train police in their own time to the boating standards of the State Emergency Service so that a police presence can be provided on busy days on the lake. I am not proposing a regular service or a police boating squad situation. This move is aimed at getting police onto the lake in the busy periods. The Shire of Swan Hill has in the past agreed to cover third-party insurance premiums and the running costs of the boat. The community, the police and the State

Emergency Service are all in agreement with that proposal.

In the past they have tried to approach the Minister for agreement to this but the Minister has always misinterpreted that we wish to have a police boating squad in Lake Boga. That is not the case. The local community wants the agreement of the Minister to have the arrangement that has been outlined operating within the area to give protection in the busy periods for those using the lake.

Mrs SIBREE (Kew)—I raise a matter for the attention of the Minister of Transport. Although he is not in the House I believe he is within hearing. I brought to the Minister's attention a problem concerning a constituent of mine, Mr Andrew King, who applied to the Transport Regulation Board for a touring omnibus licence in September 1982. Mr and Mrs King went through the normal procedures with the board and after considerable delays during late 1982 and the beginning of 1983, in April 1983 a public hearing was held by the board and at that hearing objections were heard.

There were several objections to Mr King's application, one being from Australian Associated Transports and one from Australia Pacific, both large organizations. The evidence was put forward before the board and the board made a ruling subsequent to that hearing that the omnibus licence would be granted to Mr King for a seven year period subject to Governor in Council approval.

During the period from April 1983 to 1 July 1983 when the new transport legislation came into effect, the Kings waited in desperation for approval to come through from the Governor in Council and on the basis of an assurance from the Transport Regulation Board that the Governor in Council approval was a mere formality, they proceeded to purchase a bus valued at \$20 000. The Kings received a great deal of support for their project. They intend to run the omnibus service as a vineyard touring bus which the Victorian Tourism Commission indicated it would support, and they have organized the first tour on 30 August. Mr Don Dunstan has agreed to appear on this tour and radio and television have been interested in covering it.

Just recently the Kings received a letter dated 9 August from the Road Traffic Authority, saying that unfortunately because the Governor in Council approval had not been given prior to 1 July, the whole procedure had ground to a halt and because of the Government's new legislation the Kings would have to reapply and go through this whole process again.

I have written to the Minister seeking that he intervene to protect these people who have spent \$20 000. The Kings are a young married couple; he is unemployed, on the dole, and they have a young baby. They are in the process of being able to make money with the support of the Victorian Tourism Commission.

I draw to the Minister's attention the fact that there are saving provisions in sections 22 and 23 of the new Transport Act, and perhaps under those provisions he could exercise some Ministerial authority prior to 30 August when Mr Don Dunstan and I will be found without a bus and may have to walk to the vineyard to save this private enterprise scheme. I impress on the Minister these people have expended the money, they are ready to go, they can be off and running and they have done all that needs to be done under the old legislation.

Three other people are in the same "bus". One is Mr Robert Hope-Murray who has a double decker touring bus. He has done all the necessary things and is awaiting Governor in Council approval. He has invested \$50 000 in the double decker bus touring service. Allen and Shirley Harmer have had to put off two employees. They have a \$50 000 bus and are also waiting on the Minister to make some Ministerial decision in this area.

I seek the Minister's assistance to try to help these young people to further their employment opportunities and tourism and to protect their interests and the goodwill of the people who have applied under the former regulations and complied with the law and who are now caught up in the bureaucracy and red tape provisions which are stifling free enterprise in Victoria.

Mr WILLIAMS (Doncaster)—I draw the attention of the Minister for Police and Emergency Services to a complaint lodged at police headquarters in William Street, Melbourne, in February 1983 before Senior

Sergeant Masterson and Inspector Frame. Three men made serious allegations before these two senior policemen against two senior sergeants, a senior constable and a detective. They all related to the activities of the queen of the massage parlours, Norma Jean Williams. I am astonished that this lady has been appointed to the Government working party on massage parlours. This is a most extraordinary situation when the most serious allegations have been made against the activities of this woman and policemen who are alleged to be in her pay. According to information given to me as late as last Wednesday night nothing has been done about the matter.

I was fascinated that in an answer to a question on notice the Police Department supplied to the Minister, it was stated that there are only 86 massage parlours operating in Melbourne, of which 32 are situated in residential planning zones. I do not know what has happened over the past eighteen months since the Labor Government was elected. When I was on the back bench of the former Liberal Government a Minister of the day provided information suggesting that there were 300 massage parlours of all types in Melbourne.

I do not know whether amalgamations have taken place, but something drastic apparently has happened. I am highly suspicious about the figures and I ask the Minister to make urgent inquiries at police headquarters. I do not think Norma Jean Williams should be allowed to tell the citizens of Melbourne where the emporia of the queen of the massage parlours are to be located.

Mr HANN (Rodney)—I raise with the Premier the failure of the Government to increase the price of liquid milk in Victoria. The Victorian Dairy Industry Authority should normally have increased the price something like eighteen months ago, but unfortunately once the Labor Government was elected to office in April last year, there was no increase. The Government immediately put a freeze on liquid milk prices which affects the returns of producers, processors and distributors.

The Premier argued, in reply to earlier representations by me on the matter, that there was a wages freeze and for that reason the Government was not prepared to increase the price of liquid milk. The same

Government has not been prepared to introduce a price freeze over that period. The Government has increased its own taxes and charges dramatically.

In recent weeks the Government increased the price of electricity and the Premier had the cheek on the ABC programme *Morning Extra* to say that dairy farmers would not be disadvantaged because they could take advantage of off-peak electricity tariffs. If the Premier is suggesting that dairy farmers should milk their cows between 6 p.m. and 6 a.m. I would like to know how the dairy farmers can train their cows to be milked during that period.

The Premier ought to know that dairy cows are usually milked between 6 a.m. and 8 a.m. and 4 p.m. and 6 p.m. The Premier ought to retract that statement. There is growing anxiety amongst dairy farmers at the huge increase in costs imposed by the Government and, at the same time, the refusal of the Government to increase the prices of their product. This also affects processors and distributors. The other day it was pointed out that carton costs have increased by 18 per cent in the same period.

Employment could be lost if the Government does not act to increase the prices because the processors and distributors can no longer afford to carry a price that has not been increased for almost two years. I ask the Government to act urgently and to give approval to the Victorian Dairy Industry Authority to increase the price of liquid milk in Victoria.

Mr KEMPTON (Warrnambool)—Mr Speaker, I refer a matter to the Premier in his capacity as Attorney-General. The matter of concern is the cancellation of the Supreme Court circuit for Warrnambool. Several problems occurred in relation to that cancellation.

No solicitors in the Warrnambool area were given any written notification of the cancellation by either the Chief Justice or the Attorney-General. The Western District Law Association received no written notification of the cancellation.

Notification of the cancellation was received by telephone from the deputy prothonotary in Warrnambool to some legal practitioners in the area. The notification of the cancellation was given only two weeks before the sitting was to commence. The

sitting was to commence on 1 September. Such short notice has led to gross inconvenience for the solicitors and their clients in the Warrnambool area.

In some instances, subpoenas had been issued and, in one instance, a subpoena was issued for a witness from Queensland to attend hearings. All the appropriate arrangements to facilitate the sitting have had to be cancelled and rearrangements made at considerable cost and inconvenience.

In addition, a number of pre-trial arrangements including medical re-examination and the like will have to be undertaken again at high cost to the clients of the solicitors concerned.

I seek an assurance from the Attorney-General that such cancellations will not occur in the future. There is an enormous delay in jury hearings in Melbourne and it appears that the proper solution to that problem, which the Attorney-General is seeking to resolve by cancelling the Supreme Court circuit for Warrnambool, is to appoint more judges. That solution has been advocated by the Western District Law Association, the Bar Council and the Law Institute of Victoria. It is a solution I support.

Further, I seek an assurance that the Attorney-General will ensure that, in the event of any future cancellations of the Supreme Court circuit for Warrnambool, a far longer period of notice of cancellation be given. In this case, a notification period of two weeks was totally inappropriate and it has created much hardship in the area. Proper notification would enable alternative arrangements to be made.

Mr JASPER (Murray Valley)—I raise for the attention of the Minister representing the Minister of Labour and Industry, the large number of food supermarkets that are operating on Saturday afternoons and Sundays and the increasing number of supermarkets that are open.

In the Melbourne metropolitan area, approximately 100 food supermarkets are using the Sixth Schedule of the Labour and Industry Act to open and sell goods listed under that schedule.

Only today, the Leader of the National Party received two telegrams in relation to this matter. The first telegram is from Matthew A. Campbell, Vice President of the

Bridge Mall Traders Association of Ballarat. That telegram states:

We have noted with grave concern the advertised intention of Coles New World to trade this Saturday afternoon until 5 p.m. at their Wendouree, Ballarat branch. We have, today, telegraphed the Premier bringing this matter to his attention and requesting the immediate passing of Legislation to forbid all possibilities of the above occurring and we respectfully request the co-operation of yourself and your party in this matter.

The second telegram is from Mr P. L. Perman, Executive Director of the Australian Association of Independent Businesses. That telegram states:

Legislation on retail trading hours. Proposed opening by some retailers this week-end represents dangerous precedent in flouting intention of existing Legislation and poses threat to further viability many small businesses. Request your intervention with Government for urgent action to amend Legislation to prevent.

The SPEAKER (the Hon. C. T. Edmunds)—Order! The honourable member appears to be seeking legislation. As he is well aware, that matter cannot be raised in the debate on the motion for the adjournment of the sitting.

Mr JASPER—I want the Government to prevent these supermarkets from opening. I want to know whether the Government intends to take action on this. I raise the matter because of the increasing number of food supermarkets that are opening in Melbourne, and that trend is extending into all areas of country Victoria.

It is a problem for small business, the corner stores and milk bars in trying to maintain profitability. I ask the Acting Minister of Labour and Industry to indicate to the House what are the intentions of the Government and what initiatives it will take to curb this action regarding food supermarkets.

Mr RAMSAY (Balwyn)—I bring to the attention of the Attorney-General the recent failure of Bishopsgate Insurance Australia Ltd. Whenever a failure of this nature occurs, great hardship comes to many people—the creditors of the company.

The particular matter that has been drawn to my attention is a cheque that was made out by the insurance company on Friday 5 August for a sum of \$9654.50 which was the insurance settlement due to a particular

client from a claim that went back as far as last Easter. This cheque was issued to the client on Friday, 5 August. It was paid into the client's bank, Westpac, at a branch in the City of Melbourne.

On the same day, the insurance company announced failure and on Tuesday 9 August—four days later when one would have expected by that time that the cheque would have been cleared—telephone calls made by the client made it seem fairly certain that the client's cheque had been cleared. It was not until Friday 12 August that advice was received by the client that the cheque had been returned unpaid by the ANZ Bank at 388 Collins Street, the bank on which the cheque had been drawn.

I request the Attorney-General to determine whether officers of the Law Department can ensure that the fact of Bishopsgate Insurance Australia Ltd going into liquidation has not unfairly prejudiced the rights of persons in positions similar to the client to whom I have referred who, to the best of his knowledge and belief, understood that the matter had been settled finally on the previous Friday.

Mr BROWN (Westernport)—The matter I raise for the Minister of Housing is relevant to his decision that his Ministry will undertake a study of the private rental housing market to determine what factors encourage or discourage investors. At the outset, the Opposition makes it clear that this decision is supported and, indeed, it commends the Minister for his foresight and his preparedness to initiate the study.

The Opposition is concerned that for many months the Minister of Consumer Affairs has been making certain statements and that, if he and his left wing lunatic cohorts have their way, there will be no rental accommodation left in the private sector of the State. The Minister of Consumer Affairs indicated that many changes are being proposed which would reflect gravely on the ability of landlords in the private rental sector to continue to supply rental stock.

In a press release, the Minister of Housing has indicated that the Government is keen to ensure that any proposed legislative changes will not put undue burdens on the market. Again, the Liberal Party supports that statement. The Opposition wants to know what are the Government's proposals

in the proposed legislation. The Opposition is being asked this question daily. The public does not know—and I emphasize that—what is proposed by the Government, yet the Ministry of Housing, to its credit, has initiated an investigation. The Opposition wants to know whether, in the study that is being undertaken, landlords in the private sector will have the opportunity of participating in the formulation of the report that will be handed down ultimately as a result of the investigation.

Will the Minister assure the House that all investors, individuals and, for that matter, organizations, wishing to have an input will have that opportunity? The community and the Opposition are not aware what the Government proposes. I ask the Minister to state clearly what legislative changes are proposed.

The SPEAKER (the Hon. C. T. Edmunds)—Order! The honourable member for Westernport is well aware that he cannot ask about legislative changes during debate on the motion for the adjournment of the sitting.

Mr BROWN—The Opposition is aware that investors are withdrawing from the private rental market and the initiation of the study obviously is an acknowledgement by the Ministry of Housing of that problem. The Opposition shares that concern and commends the initiative that has been taken.

It has been reported in the media that the Victorian Government is considering radical changes to tenancy laws which are likely to give tenants greater power to resist eviction and rent increases. I would like the Minister of Housing to inform the House specifically what the study which he has initiated will cover and what exactly is the intent of the Government and to give an assurance that all members of the community will have the opportunity of participating in this investigation.

The SPEAKER—Order! The honourable member has 1 minute.

Mr BROWN—Finally, but most importantly, the Opposition requests an undertaking from the Minister that he will act on the recommendations of the consultant if the recommendations of the consultant are against established Labor Party policy in Victoria. On behalf of the community, the

Opposition would like answers to the questions that I have raised.

Mr SALTmarsh (Wantirna)—I refer the Minister of Housing to a problem at the Bayswater High School where, for some time, a house on the site has been occupied by cleaners. It is no longer intended for that residential purpose.

Over the past few months since the house has not been occupied by school cleaners, it has been occupied by a range of squatters because of a shortage of rental accommodation in that particular locality. The problem exists because of the shortage of rental accommodation in welfare housing.

This is a particular problem. The school is conscious that there is a humanitarian problem, a human problem, and it does not wish to evict the people just as punishment, but is anxious to have the site cleared so that the development plans of the school can be carried out. The school council is anxious that this particular house be removed from the school site to an alternative site within the community so that the house which is in sound condition can be made available for welfare housing.

I therefore ask the Minister to investigate urgently the possible transfer of this house on to a suitable site nearby whereby it can be available for welfare housing and be related to community needs and local community organizations.

Mr CAIN (Premier)—The Deputy Leader of the National Party raised the question of milk prices. I want to assure him that the Government is aware of the difficulties that are facing milk producers.

Mr Hann—You told me that in February, and you said you would make a decision next month.

Mr CAIN—If the honourable member will be patient, I will tell him why. I give the assurance again that the Government is aware of the problem. I suggest to the Deputy Leader of the National Party that the matter was before the Government in December when the wages pause was announced, and I believe it was reasonable of the Government to require of those organizations and those interests that were seeking any increases in prices to suspend those increases in the context of the wages pause.

This Government observed the wages pause and, if I might say, the corollary of that, holding its own charges with commendable application, because there were only three areas where it was forced to increase charges during that period and it was where it had made a prior commitment—third-party insurance, health charges and one other. In respect of all other charges the Government held them, and thought it was reasonable to expect the same of others.

The Minister has made known to the industry that he is giving consideration to the question of milk prices and he has also made known a fact, which I think the industry understands, that the mechanism for determining those prices leaves a lot to be desired. That was made very clear during the examination that was conducted into the Victorian Dairy Industry Authority in respect of that and other matters late last year, and that mechanism is being examined. I assure the honourable member that the matter is currently being considered by the Minister.

The honourable member for Warrnambool raised the matter of circuit arrangements of Supreme Court sittings at Warrnambool. It is intended that unless a serious criminal charge is heard at that court, there will not be a circuit at Warrnambool in September.

Mr Ross-Edwards—None at Horsham.

Mr CAIN—It is also intended that, in the month of October, there will be no sittings at Mildura, Wangaratta, Shepparton or Horsham. The sitting at Bendigo in November is uncertain because there is likely to be a criminal trial of some consequence there in that month, but that is uncertain. The Chief Justice has discussed this matter with me on more than one occasion. He is writing to advise the president of the country law associations of his intentions with the circuit arrangements for the court, both for the remainder of this year and for 1984.

What he will be emphasizing is what I believe those who represent country electorates should understand to be the case: That is, that steps are being taken to spread more equitably the time that judges give across the demands of the whole State. The information I have is that any person who sets down a case in a country Supreme Court

this month gets on at the next sitting, whenever that sitting may be.

Mr Ross-Edwards—But you are not going to have a next sitting.

Mr CAIN—All I am saying, in response to the anguished cry from the National Party, is that the capacity of country litigants to get their cases on is much better than the capacity of city litigants. There is a strong time preference in favour of country litigants against city litigants. There is a substantial delay in the city at the moment. It is a cause of concern and all that is suggested is that it is fair and equitable to distribute the time of the judges across the areas of litigation where demand is greatest. I believe those in country areas will recognize that they have been in a favoured position in recent times.

Mr Hann—That is not true.

Mr CAIN—It is true. If one examines the times, it becomes obvious that a litigant has to wait to get on in the city compared with the country.

Honourable members interjecting.

The SPEAKER (the Hon. C. T. Edmunds)—Order! Members of the National Party, particularly the Leader, the Deputy Leader and the honourable member for Murray Valley, are continually interjecting. I ask them to cease interjecting.

Mr CAIN—The last matter raised for my consideration was raised by the honourable member for Balwyn and it concerns Bishopsgate Insurance Australia Ltd. I am not sure what could be done by legislation to protect the sorts of persons referred to.

Mr Ramsay—It was not a matter of legislation.

Mr CAIN—Very well. I am not sure what can be done to protect the sorts of people about whom the honourable member is concerned. Perhaps a guarantee fund could be established to provide some capacity for protecting those people. It would have to be a guarantee fund of considerable proportions to meet the problem that seems to have arisen in that insurance company. I do not think we have had a more spectacular, audacious or breathtaking event for some time. Approximately \$20 million is alleged to have found its way out of the accounts of that organization in a very short time.

It is, basically, a New South Wales company that conducted business in New South Wales and I am not sure how any Government anywhere can provide protection of the kind we seek to provide in the commercial community against that sort of operation. I must say, I wonder how it is—and I wondered the same thing with the Trustees Executors and Agency Co. Ltd matter—that directors are seemingly unaware of the sorts of activities that some persons in high executive positions in those organizations seem to carry out, but they seem to occur.

I should be interested to know what it is suggested can be done to protect the community, policy holders or shareholders, as the case may be, from thefts of that spectacular proportion. The fact is that a guarantee fund providing some assistance after the event has occurred is perhaps the only way.

The honourable member may be aware that the Law Reform Commission considered the whole question of insurance some time back and made certain recommendations about controls and the prospect of a guarantee fund. Perhaps the Commonwealth, which is primarily responsible, should pick up those recommendations and indicate whether they can be introduced at an early time. Beyond that, I think we have to recognize that the commercial community and our society at large is afflicted by events of this kind all too frequently.

Mr CRABB (Minister of Transport)—The honourable member for Kew raised the matter of a constituent who had applied for a touring bus licence in March of this year.

Mrs Sibree—No, September of last year.

Mr CRABB—It was approved by the Transport Regulation Board in March this year and was awaiting Governor in Council approval when the Act changed. The practice of the Transport Regulation Board was that, after such licences had been approved by it, an interval of time was allowed in which people could make further objections. This was so that advice could be given to the Governor in Council. It is a fairly peculiar arrangement but it has been a long-standing practice. As I recall it, the period was three months, but I could be wrong on that.

It appears that this licence approval was either objected to or it did not arrive at the

office of the Governor in Council through that process.

Mrs Sibree—Plus three others.

Mr CRABB—If the honourable member wants to raise the three others in the next three nights, she may do so, but I presume that the same discussion will take place all over again.

In regard to this issue, what the honourable member puts is that the new Road Traffic Authority has apparently considered that her constituent needs to reapply and go through the entire process all over again. That would hardly seem to me to be necessary. However, the peculiarity and vicissitudes of the transport regulations which continue under the new Transport Act are often beyond my understanding also. The honourable member for Kew, who is again interjecting, seems to think that Ministers have all sorts of ways of intervening. She thinks she has the answer to all the problems of the world. I advise the honourable member that she probably does not have all the answers and, indeed, during the time that she sat on the Government backbenches, she was unable to produce any. At the time she was the Liberal Party representative on the Metropolitan Transit Authority Board, she was unable to provide the answers and is unlikely to provide any tonight.

I shall consider the issue the honourable member has raised. If the honourable member had written to me, I would have been able to consider it earlier. However, I shall examine the situation and determine what can be done to ensure that no disadvantage is being experienced by her constituent, but I also counsel the honourable member that no particular advantage will be afforded her constituent because of her having raised the matter in this place.

The matter of providing licences needs to be handled carefully because each time one provides a licence to one person, one receives objections from other people who are in the same business. There needs to be some degree of balance in these cases. The issue, as I understand it, has been heard but not resolved because the resolution of these sorts of issues rests with the Governor in Council, as has been the case since the 1930s.

The honourable member for Murray Valley raised a matter of concern which he

would like me to convey to the Minister of Labour and Industry. It concerns the contentious issue of supermarkets opening on Saturday afternoons and on Sundays. The honourable member reflects a concern that is widespread throughout the community and among honourable members in this House.

The Government is committed to having no general extension of shopping hours during the life of this Parliament. Indeed, my colleague, the Honourable W. A. Lander-you, has pursued that Government commitment. However, it transpires that there is a loophole, as it were, in the Act, that enables supermarkets and the like to substantially avoid the original intention of the legislation.

The Government is examining the options it has available to it in that regard, and I shall inform the House in due course of the action the Government intends to take.

Mr Jasper—It will have to be very quick.

Mr CRABB—I would like to do everything very quickly, but the nature of the world is such that complex problems are not easily resolved. Indeed, if they were easily resolved, someone would have resolved them by now. I do not try to indicate in any way to the honourable member that there are magic wands one can wave around to resolve the shopping hours issue. I am pleased to hear that the National Party shares my concern about trading hours.

How other honourable members feel about the issue ought to be considered. I am aware that at least the Leader of the Opposition has espoused the view that there ought to be no regulation of shopping hours anywhere at any time. It will be interesting to see, when honourable members get to voting on the issue, how many members of the Liberal Party vote with the Leader of the Opposition.

Mr MATHEWS (Minister for Police and Emergency Services)—The honourable member for South Barwon expressed concern at the lack of police services in the Belmont area. I share his concern on this point, as I share the concern of many other members of this House in whose electorates the police are spread thinly.

As the honourable member would be aware, the Government inherited a significant backlog, in both police buildings and police strength. I will certainly take up the point the honourable member raised about the availability of the Glastonbury building and examine the possibility of something being done to more adequately meet the needs of his constituents.

The honourable member for Swan Hill put forward a helpful suggestion about the policing of Lake Boga. He rightly recognized that there is no realistic possibility of a unit of the Motor Boat Squad being made available for Lake Boga, but he drew my attention to the willingness of the local group of the State Emergency Service to work in co-operation with the local police to the extent of making available a boat for the purpose of policing the lake as well as providing the relevant training.

I am not aware of the exact nature of the protocol involved in associations of the type the honourable member suggests. There may be practical problems over matters such as insurance in taking up what, on the face of it, is a common-sense proposal. The matter will be examined and I will get back to the honourable member as soon as possible.

I was not sure whether the honourable member for Doncaster was asking me to intervene in a domestic dispute. As I understood him, he was expressing his unwillingness to have another member of the numerous and far-flung Williams family, a Norma Jean Williams, dictate where the family business should be located. However, I would be concerned about the more serious gravamen of the matter that he brought to the attention of the House, namely, that in February a complaint was lodged at William Street that certain police had acted with this Norma Jean Williams on a basis which would have involved collusion. The suggestion is that there has been no outcome to this serious complaint.

I will follow up the matter on behalf of the honourable member and will get a reply to him at the earliest possible date.

Mr CATHIE (Minister of Housing)—The honourable member for Wantirna raised a problem concerning Bayswater High School, where a house that had been occupied by cleaners had become vacant and is now being occupied by squatters. He referred to

the shortage of public rental housing in most of the eastern and south-eastern suburbs of Melbourne, and that is a direct result of the years of neglect of the former Government.

This Government wants to build up its public rental housing stock. In its first year of office it added 2800 units to the stock compared with an average of 1300 in each of the last three years of the former Government. The honourable member asked the Ministry of Housing to assist this school council in having the house moved and made available for welfare housing.

The Ministry of Housing does not take over houses if squatters are occupying them. It means a distortion in the Ministry's waiting list and that some people would receive priority over others who had waited three or four years and were in just as desperate a need for housing accommodation as the families who have squatted. However, it does accept them if they come within the Ministry's normal priority guidelines—that is, if they are homeless and have no viable alternative accommodation.

I will examine the issue, but I am not sure whether the Ministry will be able to resolve this matter. I do not know whether it is the role of the Ministry of Housing to widen its areas of responsibility in solving a certain school council's problem. The Ministry would have to consider the quality of the house, how maintenance-intensive it would be and how it would compare with other more suitable housing acquired through spot purchase programmes or through house and land packages in that area.

The honourable member for Westernport referred to a study undertaken by the Ministry of Housing into the private rental market. Together with others, he made

allegations about the factors that deter investment in the private rental market. This lack of investment has occurred over a long period and it is not something that has suddenly cropped up. Over a period of ten years there has been a host of complex reasons why people no longer invest to the same degree as they formerly did.

Most of those reasons are economic. It is a question of what type of economic return the investor receives as compared with other forms of investment. The Ministry has set up a study to investigate what type of factors affect investors or deter investment in this area.

Mr Jasper—Ask the taxation department.

Mr CATHIE—I will not debate that matter. The Ministry want the study to determine which factors are important. I am not sure of the date on which the advertisement was published, but the Ministry has advertised in the following terms:

The Ministry of Housing proposes to undertake a study which would analyse the influences on private rental investment, with particular reference to reforms of landlord-tenant legislation in Victoria, in other States of Australia and overseas.

The study, which is now continuing and has been continuing for some weeks, will analyse investment data, have discussions with the financial community about various factors that are involved, survey estate agents and landlords and make overseas comparisons. I do not wish to pre-empt the findings of the consultants. The study will be of value and will assist the Government in determining the final outcome and shape of its proposed legislation.

The House adjourned at 11.21 p.m.

QUESTIONS ON NOTICE

The following answers to questions on notice were circulated—

ACCESS TO MINISTRY OF TRANSPORT DOCUMENTS

(Question No. 880)

Mr WILLIAMS (Doncaster) asked the Minister of Transport:

1. What is the name, designated position and departmental extension number of the officer or officers charged with the duty of assisting persons seeking access to memoranda held by departments, authorities and agencies within his administration?
2. What staff training programmes have been instituted to facilitate implementation of the proposed Freedom of Information Act?
3. What steps have been taken to utilize information technology systems in assisting enquirers to identify and locate specific documents and memoranda?

Mr CRABB (Minister of Transport)—
The answer is:

1. *Ministry of Transport*

Mr D. Coulson
Officer in Charge—Registry
651 3444

Ports and Harbours Division

Mr D. Shallue
Executive Officer
669 8666

Metropolitan Transit Authority

Mr K. Sutton
Information Officer
618 3333

State Transport Authority

Mr S. Luxton
Information Manager
61 001 Ext. 1109

Road Construction Authority

Mr T. Holden
Freedom of Information Officer
861 5321

Road Traffic Authority

Ms A. Larkins
Manager—Freedom of Information
347 2233

2. Appropriate officers have attended briefing sessions conducted by the Public Service Board and the Interdepartmental Committee on Implementation of the Freedom of Information Legislation.

3. Reviews are taking place into the suitability of existing records systems in meeting the demands of the legislation.

MINISTRY OF TRANSPORT EXPENDITURE

(Question No. 885)

Mr WILLIAMS (Doncaster) asked the Minister of Transport:

What percentage of the vote of departments, authorities and agencies within his administration was actually spent in each of the months January to June 1981, and January to June 1982 inclusive?

Mr CRABB (Minister of Transport)—the answer is:

	<i>Country Roads Board</i>	<i>Transport Regulation Board</i>	<i>Ministry of Transport</i>	<i>Melbourne and Metropolitan Tramways Board</i>	<i>Victorian Railways Board</i>	<i>West Gate Bridge Authority</i>
Percentage 1980–81						
January	6.5	6.7	4.0	4.27	7.7	8.0
February	7.6	10.3	2.0	—	7.6	7.8
March	9.7	5.0	1.0	—	7.3	7.9
April	9.2	7.1	12.0	12.27	6.9	8.3
May	10.1	7.3	7.0	10.00	6.7	8.3
June	20.1	20.4	22.0	20.45	6.9	8.7
1981–82						
January	8.9	3.9	6.0	10.60	7.3	8.1
February	5.9	6.4	11.0	9.76	6.7	8.0
March	9.9	7.7	6.0	3.18	7.3	8.6
April	7.8	9.6	14.0	14.80	10.5	8.3
May	8.9	10.0	8.0	6.51	9.3	8.3
June	13.8	15.0	28.0	28.04	9.0	10.8

The Railway Construction and Property Board's monthly entitlement of Vote Funds has been fully claimed in each month.

The source of funds for the Road Safety and Traffic Authority during the period in question was through the Traffic Authority Fund and not Parliamentary appropriation.

The Melbourne Underground Rail Loop Authority did not receive funds through Parliamentary appropriation.

BALLARAT RAILWAY WORKSHOPS

(Question No. 950)

Mr A. T. EVANS (Ballarat North) asked the Minister of Transport:

Whether he will arrange for part of the work to construct the 100 new tram and light rail vehicles to be carried out at the Ballarat Workshops so as to ensure a continuation of a high level employment at this Government establishment?

Mr CRABB (Minister of Transport)—
The answer is:

All of the sub-contracts for the current contract for the new trams and light rail vehicles have been let and it is not possible to vary these arrangements.

The possibility of work being offered to the Ballarat Workshops in future contracts will be examined at the appropriate time.

VICRAIL FREIGHT CHARGES

(Question No. 954)

Mr A. T. EVANS (Ballarat North) asked the Minister of Transport:

Whether he is aware of VicRail's policy of charging a minimum rate of \$10 for each parcel consigned between Ballarat and Melbourne; if so, whether he will order a substantial reduction in this minimum charge to allow the railways to compete on a more equitable basis with road transport?

Mr CRABB (Minister of Transport)—
The answer is:

A study is being carried out into the movement of freight in Victoria and the minimum charge will be reviewed in light of the outcome of the study.

BALLARAT RAILWAY WORKERS' REQUESTS

(Question No. 999)

Mr A. T. EVANS (Ballarat North) asked the Minister of Transport:

Whether he will take action to fulfil a request from Ballarat railway men to—(a) modernize and restructure the Ballarat North railway workshops to allow construction of modern commuter passenger carriages and railway freight wagons; (b) reduce passenger fares; (c) introduce door-to-door delivery of rail freight and parcels with the use of railway owned vehicles; and (d) electrify the Ballarat to Melbourne line to speed up the service?

Mr CRABB (Minister of Transport)—
The answer is:

(a) The State Transport Authority has informed me that it plans to modernize and upgrade equipment and facilities at the Ballarat Workshops, as finance permits.

However, due to physical limitations it is not planned to undertake passenger carriage construction at Ballarat. Current plans are that Ballarat North and Bendigo Workshops will continue to construct wagons while the construction of carriages will continue to be undertaken at Newport where appropriate physical facilities are available.

(b) No decisions regarding passenger rail fares will be made until the review currently proceeding has been completed.

(c) The whole question of the future of general freight and parcels is the subject of investigation by a special task force which includes union representation.

(d) There are no proposals, at present, to electrify the Melbourne to Ballarat line beyond Melton.

SUBSIDIES AND GRANTS AVAILABLE FROM MINISTRY OF TRANSPORT

(Question No. 1166)

Mr WILLIAMS (Doncaster) asked the Minister of Transport:

What steps the Minister has taken to provide a consolidated and easily comprehensible compendium of all subsidies and grants available from all departments, agencies and authorities within his administration?

Mr CRABB (Minister of Transport)—
The answer is:

No completed compendium of subsidy payments presently exists. However, in the 1982–83 financial year subsidies of grants were provided from transport sources for:

- Victorian Railways Board (Freight rate subsidy).
- Private Bus Industry.
- Multi Purpose Taxi Scheme.
- Community Bus Services.
- Municipal Councils for roads, Statcom maintenance, school crossings supervisors and bicycle facilities.
- Melbourne and Metropolitan Tramways Board.
- Motor Cycle Rider Training Programme.
- Maroondah Driver Training Centre.
- T.A.F.E. Colleges at Box Hill, Richmond, Moorabbin and Ballarat for driver training.
- Emerald Tourist Railway Board.
- Broadmeadows Task Force.
- Taxis—Country Centres.

MINISTRY OF TRANSPORT COMMUNICATION SYSTEMS

(Question No. 1446)

Mr WILLIAMS (Doncaster) asked the Minister of Transport:

1. Whether any department, authority or agency

within his administration is installing an automated text communication system, and at what cost?

2. Whether any such system will be linked to any public media group; if so, which group or groups?

3. Which offices are connected to special Telecom land lines?

Mr CRABB (Minister of Transport)—
The answer is:

	1	2	3
Road Traffic Authority	Yes VocaDex fac-simile machine \$1 000	No	Ferny Creek. Melbourne University Computer Service. Government Computer Services. Russell Street Police Headquarters
Metropolitan Transit Authority	No	No	Tie lines to all metropolitan depots
Road Construction Authority	No	No	All regional offices and some projects offices are connected by tie lines to the Authority's Head Office, Kew and its Central Depot, Glen Waverley.
State Transport Authority	No	No	Tie lines between offices
Ministry of Transport	Yes Telex Machine \$1 884	No	Tie lines to Public offices, State Transport Authority, and Road Construction Authority.

USE OF VISUAL DISPLAY UNITS IN MINISTRY OF TRANSPORT

(Question No. 2071)

Mr WILLIAMS (Doncaster) asked the Minister of Transport:

1. How many visual display units are in use in departments, agencies and authorities within his administration?

2. What plans there are to increase this number, indicating the size of any increase?

Mr CRABB (Minister of Transport)—
The answer is:

1. 429.

2. The Ministry and agencies are continually examining their information systems requirements.

How many persons were employed at the Ballarat Railway Workshops on 3 April, 22 September and 30 November 1982, respectively?

Mr CRABB (Minister of Transport)—
The answer is:

The State Transport Authority has informed me that mid-week staff totals are not available for all of the periods requested. However, the total number of people employed at the Ballarat Railway Workshops for weeks ending 3.4.82, 18.9.82 and 4.12.82 were—

Week ending	3.4.82	469
Week ending	18.9.82	461
Week ending	4.12.82	464

RAIL SERVICES

(Question No. 2308)

BALLARAT RAILWAY WORKSHOPS

(Question No. 2224)

Mr A. T. EVANS (Ballarat North) asked the Minister of Transport:

Mr DELZOPPO (Narracan) asked the Minister of Transport:

1. Which—(a) passenger rail; and (b) goods rail services in Victoria have been closed in the last ten years?

2. Which of these lines the Government plans to re-open for—(a) passenger services; and (b) goods services?

3. In the event of the Government re-opening a passenger rail service, whether compensation will be paid to bus operators who have maintained passenger service in place of the previous passenger rail service?

Mr CRABB (Minister of Transport)—
The answer is:

1. (a) Passenger rail services which have been closed in Victoria in the last ten years are as follows:

Strathmerton–Tocumwal
Echuca–Balranald
Murtoa–Hopetoun
Kerang–Koondrook
Ballarat–Linton
Swan Hill–Piangil
Korong Vale–Sea Lake
Tallarook–Mansfield
Castlemaine–Maryborough
Traralgon–Maffra
Warrnambool–Port Fairy
Nyora–Wonthaggi
Woodend–Daylesford
Bendigo–Robinvale
Elmore–Cohuna
Geelong–Ballarat
Benalla–Yarrawonga
Lilydale–Healesville
Bendigo–Deniliquin
Frankston–Mornington
Frankston–Stony Point
Ararat–Portland
Toolamba–Echuca
Numurkah–Cobram
Dandenong–Yarram

(b) Goods lines closed in the past ten years are as follows:

Stanhope–Girgarre
Cheetham Siding–Queenscliff
Allendale–Newlyn
Maldon Junction–Maldon
Everton–Beechworth
Dennington–Port Fairy
Koroit–Hamilton
Coleraine Junction–Coleraine
Braxholme–Casterton
Nyora–Wonthaggi
Carlsruhe–Daylesford
Kerang–Koondrook
Mortlake Junction–Mortlake
Tallarook–Mansfield
Cathkin–Alexandra
Diggara West–Cohuna
Hamilton–Balmoral–Noradjuha
Coldstream–Healesville
Bandiana–Cudgewa
Long Island Junction–Stony Point
Baxter–Mornington
Royal Park–Fitzroy.

2. (a) The Numurkah–Cobram line will be re-opened for passenger services when track relaying has been completed.

The Frankston–Stony Point and Dandenong–Leongatha lines will also be re-opened for passenger services when suitable rolling stock and locomotives are available.

(b) It is not planned to re-open any of the closed lines for goods services.

3. The Government will observe the contractual arrangements entered into with all bus operators.

ST KILDA RAIL BRIDGE

(Question No. 2402)

Mr DELZOPPO (Narracan) asked the Minister of Transport:

What is the structural condition of the St Kilda rail bridge across the Yarra River and what maintenance and/or repairs have been carried out to that bridge during each of the years 1980 to 1982 and in 1983 to date?

Mr CRABB (Minister of Transport)—
The answer is:

The Metropolitan Transit Authority is satisfied that the present condition of the bridge does not represent any danger to rail traffic.

Maintenance since 1980 has been restricted to minor repairs to the decking.

PUBLIC INPUT INTO TRANSPORT STUDIES

(Question No. 2404)

Mr DELZOPPO (Narracan) asked the Minister of Transport:

Whether the Government obtained public input into its transport studies from study teams in St Kilda, Mornington and the Sandringham/Caulfield/Moorabbin areas; if so, from which organizations and individuals this input was received?

Mr CRABB (Minister of Transport)—
The answer is:

Yes, the Government obtained public input into the transport studies conducted by study teams in the following areas:

(1) St Kilda/South Melbourne/Port Melbourne

- (2) Caulfield/Moorabbin/Sandringham
- (3) Mornington Peninsula.

The following means of input were used:

(a) Steering Committees. These were set up for each study and comprised of representatives of the relevant authorities, unions, bus operators and the community.

(b) Articles and public notices were placed in local newspapers seeking public submissions and comments.

(c) The study teams visited the areas for discussions and meetings with:

- Councils
- Community and Interest Groups
- Government Departments and Authorities
- Public transport operators
- Unions
- General public or discussion groups

From these sources a broad response of both formal and informal submissions were received.

Details of submissions received are not available for publication due to reasons of confidentiality.

If the honourable member requires knowledge of a specific submission or on a particular study then arrangements can be made for the details to be provided.

ENTRY TO PRIVATE PREMISES

(Question No. 2425)

Mr WILLIAMS (Doncaster) asked the Minister of Transport:

1. Which departments, agencies and authorities within his administration have right of entry to private premises to—(a) interrogate and/or arrest persons; (b) inspect and/or seize documents, records, land and objects growing, built or otherwise located thereon; (c) sell or otherwise dispose of anything so seized; (d) discontinue or otherwise interfere with an individual's civil rights to benefits, services or any other privilege as a result of such entry; or (e) impose any penalty or other sanction for breach of the law?

2. What are the broad details of such powers, indicating their legal basis?

Mr CRABB (Minister of Transport)—The answer is:

I refer the honourable member to the Transport Act 1983, which includes the powers and responsibilities of the Ministry of Transport and the four statutory authorities.

BUCKLEY'S BEACH

(Question No. 2434)

Mr DICKINSON (South Barwon) asked the Premier:

In respect of the Environment Protection Authority Port Phillip Coastal Study of 1977, whether the Government's designating of Buckley's Beach as a proposed nude beach with a consequent increase in the numbers using the beach would be incompatible with the "Port Phillip Coastal Study" findings?

Mr CAIN (Premier)—The answer is:

An interdepartmental committee chaired by a representative from the Department of Local Government has been established to investigate and report on appropriate sites for prescription under the proposed Nudity (Prescribed Areas) Act. The committee has been asked to consider the findings of the Environment Protection Authority Port Phillip Coastal Study of 1977 as they relate to use of the Buckley's Park Foreshore Reserve.

ANSWERS TO QUESTIONS ON NOTICE

(Question No. 2491)

Mr WILLIAMS (Doncaster) asked the Minister of Transport:

In respect of questions on notice Nos. 880,885, 889, 891, 892, 895, 1015, 1018, 1162, 1164 to 1168, 1442, 1445, 1446, 1759 to 1762, 1922, 2071, 2348, 2365 and 2425:

1. Whether he is aware of the limitation of 200 pounds sterling set by the Minister of State Treasury in the Parliament of the United Kingdom as the maximum permissible cost associated with the answering of questions; if so, whether it is expected that the cost of answering any of the above questions would exceed the Australian equivalent of this amount indicating which questions?

2. Whether the Minister will answer these questions within the next 10 sitting days of Parliament; if not, whether he will provide an explanation to the Parliament?

Mr CRABB (Minister of Transport)—The answer is:

1. Not until the honourable member brought it to my attention in this question.

I am not prepared to commit resources to determining the cost of answering individual questions on notice.

2. No. The questions will be answered as soon as possible, given the priorities of my Ministry and the resources available.

C.3 ARTERIAL ROAD LINK

(Question No. 2516)

Mr LEIGH (Malvern) asked the Treasurer:

What compensation will be paid to residents along the C.3 arterial road link who—(a) lose their homes as a result of the arterial road link; (b) own properties but rent them out and as a result of construction may not be able to let them; and (c) will have their homes devalued because of the construction of the link?

Mr JOLLY (Treasurer)—The answer is:

Where houses are compulsorily acquired by the Road Construction Authority for the purpose of the South Eastern/Mulgrave Arterial Road Link, compensation will be paid in accordance with the relevant provisions of the Lands Compensation Act 1958. The compensation will include solatium and, as appropriate, the other allowances referred to in section 11B of that Act.

Thursday, 18 August 1983

The **SPEAKER** (the Hon. C. T. Edmunds) took the chair at 10.35 a.m. and read the prayer.

QUESTIONS WITHOUT NOTICE

ALCOA OF AUSTRALIA LTD

Mr KENNETT (Leader of the Opposition)—Is the Premier aware that because of the delay in reaching agreement between the Government and Alcoa of Australia Ltd over the price of energy for Portland, several businesses in that town are presently being foreclosed by the holders of their mortgages. To prevent those foreclosures and others that will follow, will the Premier give an assurance that a decision on the Alcoa problem will be made by 1 October, to keep people currently employed by those businesses in continued employment?

Mr CAIN (Premier)—I believe the Parliament knows well the Government's attitude regarding this matter. I have indicated to the House on more than one occasion where the matter rests.

The **SPEAKER** (the Hon. C. T. Edmunds)—Order! I advise the House that I intend to halt proceedings while there are continuous interjections, particularly from the honourable member for Murray Valley. If he wishes to continue interjecting I shall allow him to do so but I shall stop the questions without notice.

Mr CAIN—The Government has been determined to do what it can to assist the town of Portland which is suffering, like a large number of country towns, from the economic downturn. I believe the members from that area will be well aware, as are members of the House generally, of the priority that has been given by the Government to job retention in Portland. When the Government met with the deputation from Portland and earlier with the deputation led by the Honourable Digby Crozier I again assured the people from Portland that the Government would continue to do all it could in the future to ensure that the hardship felt in that town, and country areas generally, would be met. The Leader of the Opposition knows well the situation.

Honourable members interjecting.

Mr CAIN—As I said before, I resist with all the strength at my command getting into a political brawl about this issue at this time. To do so would not assist the cause of the Portland citizens. I am charitable enough to believe the Opposition, and certainly the National Party, wish the project to go ahead.

The sort of comments that are being made by the Leader of the Opposition and some others are not assisting that cause.

Mr ROSS-EDWARDS (Leader of the National Party)—If the Premier cannot give the House a time-table as to what happened at Alcoa of Australia Ltd, will he give further consideration to the proposition I put to him a fortnight ago that there be a conference of the Leaders of the three parties in this Parliament to try to resolve this problem which is driving Portland bankrupt? I say that constructively; all my approaches have been constructive. I cannot impress upon the Premier too much the seriousness of this matter.

Mr CAIN (Premier)—I responded to the suggestion made by the Leader of the National Party approximately two weeks ago and thanked him for his offer. Although I accept in good faith the spirit in which the suggestion was made, I said at the time that I believed such a course would not assist in the negotiations that were and are taking place at present.

An Honourable Member—How do you know?

Mr CAIN—It is a judgment I have made. I can only emphasize and say to the House again that unless the Government and business can discuss these matters free of any suggestion of breach of confidentiality, those discussions and negotiations are impeded.

Mr Kennett—Sixteen months!

Mr CAIN—As I have said before, the Leader of the Opposition is like a cockatoo mouthing platitudes. That does not help.

Mr Kennett—You could do it on nudity but not on Alcoa!

Mr CAIN—To go on in the way in which the Leader of the Opposition seems to want to continue will not assist the matter. The clear intention of both parties is to ensure that these discussions take place in the atmosphere that I have indicated has occurred and will continue to occur. We are

not going to have this issue politicized by the Opposition or anyone else.

INVESTIGATION OF MEMBER

Mr NEWTON (Bennettswood)—In view of the re-assertion of the wild allegations made by the Leader of the Opposition, has the Minister for Police and Emergency Services carried out further investigations into claims about the activities of the fraud and drug squads? Can he inform the Parliament of the results of those further investigations?

Mr MATHEWS (Minister for Police and Emergency Services)—The House will remember that on Tuesday the Leader of the Opposition asked me whether members of the drug and fraud squads had gone to the Titles Office to seek information in connection with the affairs of the Honourable W. A. Landeryou. He was told that I had no knowledge of the matter. The following day the Leader of the Opposition returned to the matter and gave additional information to the House obviously intended to lend credibility to the allegation and the smear which, by way of innuendo, he had sought to put about the previous day.

I told the Leader of the Opposition then that I had discussed the whole matter with the Chief Commissioner of Police and received an assurance from him that there was no basis whatsoever for the allegations put forward in the question of the Leader of the Opposition. A more prudent Leader of the Opposition might have accepted, if not my assurances, then the word of the Chief Commissioner of Police on the matter. This Leader of the Opposition chose not to do so. He repeated his allegations on television last night. He endeavoured to keep the smear alive.

Honourable members interjecting.

The SPEAKER (the Hon. C. T. Edmunds)—Order! The individual honourable member who made that interjection is not in order. I ask honourable members to be more restrained.

Mr MATHEWS—Last night on television, the Leader of the Opposition chose to reiterate the allegations and he tried to keep the smear alive. As a result, there have been further discussions with the most senior police in this State and they have repeated

the assurance, which I gave this House yesterday, that there is no foundation whatsoever for the allegations made by the Leader of the Opposition—no foundation whatsoever.

Mr Ross-Edwards—No policemen at all?

Mr MATHEWS—No policemen at all. I have gone further than that, I have also had inquiries made at the Titles Office. The Titles Office has assured me that it has received no request for information from the police. I believe propriety—

Mrs Patrick—Did you speak to everyone at the Titles Office?

The SPEAKER—Order! I warn the honourable member for Brighton to cease interjecting and to respect the authority of the Chair.

Mr MATHEWS—I can assure the honourable member for Brighton that the inquiries at the Titles Office have been very widespread indeed. Those inquiries have not been a formality; they have been an exercise designed to get at the truth of the matter and that has involved speaking to more than one officer at that place.

I repeat: The Titles Office has given me a clear assurance that no request for information of any sort pertaining to this matter has been sought.

Mrs Patrick interjected.

Naming and Suspension of Member

The SPEAKER (the Hon. C. T. Edmunds)—Order! I name the honourable member for Brighton for continually disregarding the authority of the Chair, and I ask the Acting Leader of the House to take the necessary action.

Mr WILKES (Minister for Local Government)—I move:

That the honourable member for Brighton (Mrs Patrick) be suspended from the service of the House.

The motion was agreed to.

(Mrs Patrick withdrew from the Chamber).

Mr Kennett—What a cover-up! So says the Cain Government!

Mr MATHEWS (Minister for Police and Emergency Services)—The Leader of the Opposition, by interjection, accuses this Government of a cover-up. I have ascertained from the police and from the Titles Office that there is no substance whatsoever

in the lie that the Leader of the Opposition told this House on Tuesday.

The proprieties of the Leader of the Opposition prostituting the forms of this House in order to smear the reputation of an honourable member of this Parliament and the community were sufficiently traversed yesterday.

Two very serious additional matters arise in view of the persistence of the Leader of the Opposition with these allegations. On the one hand, it may be that the Leader of the Opposition is trying to brazen out an attempt to mislead this House on the basis of innuendo, which he knows and must have known had no foundation in fact. On the other hand, more seriously it may be the Leader of the Opposition has in his possession information of crucial importance to the Victoria Police Force which he is withholding—information which he should, with any sense of responsibility, have made available either to me as Minister for Police and Emergency Services or, if he chose not to do that, to the Chief Commissioner of Police.

Now that it is known that no member of the Police Force visited the Titles Office over this matter, two possibilities arise. On the one hand, police acting without the knowledge or the authority of the Chief Commissioner of Police may have embarked on a totally illicit course of action or, on the other hand, some person who is not a member of the Police Force, but purporting to be a police officer, may have endeavoured to obtain information from the Titles Office.

If the Leader of the Opposition has information at his disposal, he has an unequivocal and unavoidable responsibility to make that information available to me or to the Chief Commissioner of Police.

Mr Kennett—What have you got to hide? Have a judicial inquiry.

Mr MATHEWS—The Leader of the Opposition asks me what I have to hide. Caught out in a brazen lie, the Leader of the Opposition asks me what I have to hide!

The SPEAKER (the Hon. C. T. Edmunds)—Order! The Minister for Police and Emergency Services has used an unparliamentary expression, and I ask him to withdraw it.

Mr MATHEWS—I withdraw it.

The SPEAKER—Order! I ask the Minister to conclude his remarks.

Mr MATHEWS—Either the Leader of the Opposition stands exposed as having a total lack of the responsibility which he, as the Leader of the Opposition and a former Minister of the State, should have to the Police Force in the performance of its responsibilities, or he stands exposed as having had no information in the first place and embarking on his course of smear with no justification other than the desire to do mischief.

CONFLICT OF INTEREST

Mr MACLELLAN (Berwick)—Is the Premier prepared to resolve the apparent potential and damaging conflict of interest that arises when Ministers of his Government accept the position of returning officer for union elections; and is he able to confirm the fact that, since 1978, Mr David White, MLC, has been the returning officer for the Federated Storeman and Packers Union of Australia?

The SPEAKER—Order! I point out to the House that I cannot see the relevance of union elections to the Premier's responsibility as Leader of the Government. I call on the Premier in the manner that the honourable member for Berwick has asked a question regarding Ministerial responsibility.

Mr CAIN (Premier)—For some days, I have invited members of the Opposition to provide any information they believe requires examination outside the matters presently being examined. If the Deputy Leader of the Opposition has any hard information or facts which he believes should be examined, that will take place.

SLAUGHTER-HOUSE LICENCE FEES

Mr HANN (Rodney)—I address my question to the Minister for Local Government, representing the Minister of Agriculture. In view of the present recession in the abattoir and meat processing industry, will the Minister advise the House of the reasons why the Government has apparently increased slaughter-house licence fees by approximately 950 per cent from last year to this year? For example, the licence fees

for the Pyramid Hill slaughter-house increased from \$21 in 1982 to \$200 in 1983.

Mr WILKES (Minister for Local Government)—I will secure the relevant information from the Minister of Agriculture and advise the honourable member for Rodney accordingly.

ROYAL SOUTHERN MEMORIAL HOSPITAL

Dr VAUGHAN (Glenhuntly)—Has the Minister of Health recently had discussions with representatives of the Royal Southern Memorial Hospital; if so, will he inform the House of the results of those discussions and of any proposed action by the Government?

Mr ROPER (Minister of Health)—This morning, I had a most productive meeting with the President and the Acting Manager of the Royal Southern Memorial Hospital. We discussed actions being taken by that hospital to overcome the obvious problems that have developed over time.

Dr Brand made 24 recommendations, the last of which was that the chief executive officer be sent on eight weeks' leave and that a competent administrator be placed in the hospital for this period. The board acted immediately and Mr Gary Henry is now the competent administrator of the hospital while Dr Stitfold is on leave for eight weeks. Mr Henry is an excellent administrator and is formerly of the Wimmera Base Hospital and now the Royal Women's Hospital.

A third of the 24 recommendations already is being put into effect. A third is being discussed at present and is about to be put into effect and the other third will be addressed by the hospital board's acting health manager and the Health Commission.

I emphasize that the maladministration of the hospital was no threat and is no threat to the patient care at the hospital. Patient care is being provided on an excellent basis by the medical staff and other staff at the hospital.

I reiterate what I said yesterday. It is the belief of the Government that the over-payments to the general doctors at the hospital were made without their organization and, indeed, without their knowledge.

The same cannot be said for Professor Nayman, who obviously did organize matters so that he received what he said was a reasonable income from the hospital of \$99 000, and that does not include the other \$100 000 that he received for treating out-patients and private in-patients. If honourable members believe that is a reasonable income for a person, the Government certainly does not.

More importantly, the Royal Southern Memorial Hospital exercise reveals weaknesses in the information and reporting system not only to the Health Commission but also to hospital boards of management. The president and I were concerned to examine ways in which that can be overcome.

The exercise also revealed a matter which the Government has been addressing recently of the problems of auditors in public hospitals where it has been the tradition almost that the audit of a public hospital is done as a charitable gesture by the audit firm and audits are done cheaply and not always done thoroughly.

The cost of the audit at the Royal Southern Memorial Hospital, which spent \$13.5 million or thereabouts last financial year, was \$3000. That is a weakness in the Hospitals and Charities Act that needs to be addressed and which is being addressed by the Government and the commission.

The Government has decided that this matter of the Royal Southern Memorial Hospital should be referred to the Economic and Budget Review Committee for proper examination. That was my recommendation to the Premier, with which he agreed. At present, the terms of reference are being concluded. It is the intention of the Government, which I made clear to the hospital board this morning, to consult the board about the terms of reference because, obviously, the board has its views about how its problems can be overcome in the future.

Again, I emphasize that there is no threat to patient care at the hospital. The Government is examining the matter more to perfect operations in the future and to rectify problems than simply to conduct a witch-hunt on past problems. Most matters dealing with the past already are being examined.

The Economic and Budget Review Committee will be considering all the material and will be examining the method by which the Health Commission can have its own activities improved to ensure that these problems do not recur.

MINISTRY OF CONSUMER AFFAIRS

Mr RICHARDSON (Forest Hill)—I refer the Minister of Consumer Affairs to the appointment of Mr Hourigan as Assistant Director, Complaints and Claims, because in the Minister's own words:

The interviewing panel could not find a suitable person for the position.

Since 47 applicants were interviewed and rejected by a panel of which Mr Hourigan was a member, will the Minister inform the House why the position was then reclassified, and, having been reclassified, the 47 rejected applicants were given only a cursory re-examination and again rejected? Mr Hourigan was then appointed without the reclassified and upgraded position being readvertised so that additional and possibly superior applicants could have been considered.

Mr SPYKER (Minister of Consumer Affairs)—I have been waiting for a question on this for the past week. Again it shows that the Opposition's ploy in this place is to smear people, particularly people who have no opportunity of defending themselves. As the honourable member for Forest Hill will be aware, the positions for the five assistant directors were advertised on 24 January this year and, as he indicated, a number of applicants applied for the position. After consultation with the members of the panel, Mrs Benn, Mr Hourigan and Mr King, it was considered that the applicants for the position in the complaints and claims division were not adequate to fill that position. As honourable members will be aware, that is one of the most vital positions in the Ministry of Consumer Affairs. It is a most difficult area and it is the area with which we have had the most problems, as honourable members have mentioned from time to time in this House. It was then considered that the criterion that was set up by the Public Service Board in consultation with the Chairman of the Public Service Board was not adequate for that position. The position was then, with the approval of the

Public Service Board, reclassified for a period of up to eighteen months. As the honourable member will be aware, it is not normal practice to readvertise a temporary position.

Mr Hourigan will have that position for the next twelve months. The classification will then be reconsidered, because it is most essential that after a restructure is done of the Ministry that we have a competent, long-term person in that position. Again, we want to ensure that the Ministry of Consumer Affairs functions much better than it did under the previous Government, when it was totally neglected.

I am surprised at the belated interest of members of the Opposition because many of them did not know where the Ministry was, let alone take an interest in it. Again, the position will be readvertised in twelve months. The unsuccessful applicants will be advised that they will be able to reapply for the position.

TAFE BOARD

Mr McGRATH (Lowan)—I direct my question to the Minister acting on behalf of the Minister of Education. Is it a fact that the Victorian TAFE Board has been announced? If so, why was not the Deputy Leader of the National Party, the party spokesman for education along with the Opposition spokesman for education, the honourable member for Hawthorn, consulted on this matter, bearing in mind that when the Post-Secondary Education (Amendment) Bill was before the Parliament on 14 June, and I quote from *Hansard* at page 5083—

The SPEAKER (the Hon. C. T. Edmunds)—The honourable member is out of order.

Mr McGRATH—I refer to remarks made by the Minister of Education who said, "I should be happy to discuss further with the Deputy Leader of the National Party—

The SPEAKER—Order! I advise the honourable member for Lowan that he cannot quote in any manner during a question without notice.

Mr McGRATH—During the debate the Minister of Education gave an undertaking to the House that he would confer with both the honourable member for Hawthorn, as

spokesman on education for the Opposition, and the Deputy Leader of the National Party, as spokesman on education for that party, before those appointments were announced.

Mr MATHEWS (Minister for the Arts)—It is true that the composition of the Technical and Further Education Board has been announced. It is also true that, in the Minister of Education, we have a member of this Parliament who has engaged more in consultation with people across the community than any previous Minister in the history of the State. I am unable to comment on the matter raised by the honourable member for Lowan, as the decision, which has been announced since I became Acting Minister of Education, was reached prior to my assuming that position. I shall, however, refer the honourable member's query to my colleague upon his return.

PETITION

The Clerk—I have received the following petition for presentation to Parliament:

Health care services

TO THE HONOURABLE THE SPEAKER AND MEMBERS OF THE LEGISLATIVE ASSEMBLY IN PARLIAMENT ASSEMBLED:

We the undersigned petitioners being Health Industry employees, and citizens of the State of Victoria, are deeply concerned at the level of health care available in this State and the threatened cut-backs in finance and staffing which will reduce the services to an unacceptable and dangerous level.

Your petitioners therefore pray that you will re-examine priorities and review the Health Budget for the coming year in order that the overall service to the citizens of Victoria can be maintained and improved.

And your petitioners as in duty bound will ever pray.

By **Mr Lieberman** (4759 signatures)

It was ordered that the petition 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:

Trade Unions—Report of the Government Statist for the year 1982.

DRUGS POISONS AND CONTROLLED SUBSTANCES (AMENDMENT) BILL

Mr ROPER (Minister of Health)—I seek leave to move:

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

Drugs Poisons and Controlled Substances (Amendment) Bill—Second reading—Resumption of debate.

and that the Bill be withdrawn.

Mr LIEBERMAN (Benambra)—Leave is not granted without explanation.

Mr Wilkes—You cannot give an explanation without leave.

The SPEAKER (the Hon. C. T. Edmunds)—Order! Leave is either granted or it is not.

Mr MACLELLAN (Berwick)—Mr Speaker, can I raise a point of order to enable me to say to you that I know nothing of this proposal that leave be granted? It has not been mentioned to me. What I suggest is that, in the circumstances, not having had prior warning as to what might or might not be put to the House, leave should be granted to the Minister of Health to enable him to make some explanation of why he might be seeking leave to do something else. I should certainly agree to leave for the Minister to give an explanation of why he is seeking leave.

The SPEAKER—Order! Was that a point of order?

Mr MACLELLAN—Yes, Sir.

The SPEAKER—I uphold the point of order.

Mr ROPER (Minister of Health) (*By leave*)—The reason for this is that I am concerned that, when the Bill comes forward for debate—and the Government agreed, prior to this sessional period with the National Party and the Opposition that it would not be debated until September—the House ought to have a good and accurate print of the Bill. There are a significant number of typographical errors in the print that was presented to Parliament, and I took the view, and the Government agreed, that the House should have a debate on something that is typographically accurate so that honourable members who wished to raise matters would not be raising matters of

concern that were the cause of typographical errors. Therefore, it is intended that the House receive a new and clean copy of the Bill so that the debate can take place on that basis.

Accordingly, I move, by leave.

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

Drugs Poisons and Controlled Substances (Amendment) Bill—Second Reading—Resumption of debate.

and that the Bill be withdrawn.

Mr LIEBERMAN (Benambra)—The Minister mentioned to me just after the commencement of question time that it was his intention to move this motion to withdraw the Bill. Honourable members will recall that the Bill was introduced into Parliament in the early hours of the morning in June of the last sessional period. Honourable members will also recall that the content of the Bill and the second-reading speech was widely published and reported in newspapers before the second-reading speech was commenced. Certainly, a number of comments were made about the Bill by a number of people, including me.

The Bill the Minister now seeks to withdraw was held out by the Government and trumpeted through the community and throughout newspapers and other media as one on which there had been careful discussion and deliberation by the Government and one which was a major reform in this State regarding a most important issue.

The Minister is now proposing an unprecedented step with a major Bill. He now proposes to withdraw the Bill rather than follow the normal course of action. Having presented the Bill to the House and having committed the Government to the Bill, he now wishes to introduce an amended Bill and deprive honourable members of the opportunity of debating the measure now before the House and the Minister's second-reading speech, which received wide publicity, or to allow the House to go into Committee to hear the Minister's proposal. I wish to hear the Minister's proposals regarding amendments to the Bill.

The Minister mentioned that the Bill was in a mess. The inference is that there are many typographical errors. If the typographical errors are of such seriousness as

to justify withdrawal of the Bill, the House should be given more detail about the matter before it is withdrawn.

The Bill has caused a number of industries and professional people in this State to comment on certain of its aspects.

Some organizations have gone to a great deal of expense and spent a lot of time on presenting submissions and the Minister ought to explain the major errors in the Bill, because the community knows nothing at present about why this is happening. It is a most unusual situation, and I suggest that the Minister sticks to the Bill in the normal way and proposes amendments to the Bill in Committee.

Mr WHITING (Mildura)—The National Party is not unhappy with the fact that the Minister seeks to withdraw the Bill, particularly as he has explained that it contains a large number of typographical errors. However, the National Party will be extremely cautious when the new Bill is introduced and will try to ensure that the Minister has not included in the new Bill some major changes to the original measure, which has occurred in the past.

Mr Miller—Not with this Minister.

Mr WHITING—Perhaps not with this Minister. However, honourable members need to be assured that no major changes have been made in the process. Although the National Party accepts the motion at present, when the Minister introduces the new form of the Bill, I indicate that the National Party will seek a reasonable adjournment to allow honourable members to check through its contents.

Mr WILKES (Minister for Local Government)—An unusual stance is being taken by the honourable member for Benambra. It is not unusual in this House for a Bill to be withdrawn. When the Opposition was in government, there were many instances in which Bills were withdrawn simply to correct typographical errors and to save the time of the House having to make unnecessary corrections. Because of the nature and time scale that is operating, the Minister has said that if there are to be any major alterations in respect of representations that have been made by various bodies, those

alterations will be made and explained to the House when the new Bill is presented.

That has nothing to do with the clean print that the Minister wants to introduce in Parliament, and it is in the interests of Parliament that he should be given the opportunity of doing so.

The motion was agreed to, and the Bill was withdrawn.

ADJOURNMENT

Mr WILKES (Minister for Local Government)—By leave, I move:

That the House, at its rising, adjourn until a day and hour and venue to be fixed by Mr Speaker, which shall be notified to each member of the House by telegram or letter.

I do so because of the reconstruction work that is taking place in the Legislative Assembly Chamber and to cover any exigencies that may arise in relation to that work.

Mr MACLELLAN (Berwick)—The acting Leader of the House moved the motion by leave, as I understand it, and I am happy for leave to be granted, and I would now like to address you, Mr Speaker, on the subject of the motion.

All honourable members are aware of the programme in the Legislative Assembly Chamber, but I want to know if the acting Leader of the House is signalling to honourable members that there is some doubt about when the House will sit again. If there is a chance the House will sit earlier, that needs to be made clear. If the acting Leader of the House is undertaking that it is not going to meet earlier, that should also be made clear so that there is no doubt.

If the Minister of Public Works is signalling that there may be some difficulties about the resumption of sittings in the Assembly Chamber, some indication should be given whether it will be a matter of days or weeks, because what is being asked is to authorize you, Mr Speaker, to put the Parliament to sleep.

Everybody is aware of the difficulties the Government is facing at the moment and its desire not to have both Houses sitting concurrently. I do not want to give the Government the opportunity of running away from the resolution of some important

reconstruction matters within the Cabinet that will have to be undertaken in the next few days or weeks, and I seek the assurances that I sought in my earlier remarks.

I also want to know whether we can anticipate a delay and, if so, whether it will be a major delay and whether some undertakings should be given that, for instance, the House will not resume earlier than was previously advised to the various parties and members; that the House will not resume later than, say, a week after that date, and that members will be kept up to date with the situation during the recess. I do not necessarily mean, speaking on behalf of the Opposition, that every member has to be circularized; I accept that advice to the secretary of the Liberal Party will be sufficient to enable him to advise all our members.

I am not asking for a telegram indicating progress reports, but I do seek these assurances and I ask the acting Leader of the House to supply that information.

If the honourable gentleman seeks leave to speak again on this motion, I shall be happy to grant it.

Mr WILKES (Minister for Local Government) (*By leave*)—In response to the Deputy Leader of the Opposition, I point out that I am not anticipating any problems in the work on the Legislative Assembly Chamber keeping to schedule. The Minister of Public Works has informed me the work is on schedule, but it is a mammoth task to remove the scaffolding and it is possible there may be delays. If it is not completed on time, the next sitting of the House may be delayed by a day.

At this stage I do not expect that to happen. The motion would cover that exigency if it did occur. If the meeting of the House was delayed beyond that, suitable arrangements would be made by Mr Speaker for the House to meet at an alternative venue, but I do not expect that to happen. What is proposed in the motion is merely a precaution. The House will not meet before 6 September, and the motion is a precaution to allow for anything that may happen in the removal of the scaffolding from the Legislative Assembly Chamber.

Mr MACLELLAN (Berwick) (*By leave*)—Following the remarks of the Minister for Local Government and Acting Leader of the House, I ask you, Mr Speaker,

to obtain advice on whether it may be necessary to augment this motion, in the event of the Legislative Assembly Chamber and the Council Chamber not being available to the Legislative Assembly, to authorize the calling of a sitting at some other venue.

The SPEAKER (the Hon. C. T. Edmunds)—Order! The motion clearly gives me the authority to arrange the next meeting of the Legislative Assembly, and when I receive advice on the matter, I shall arrange a suitable venue.

The motion was agreed to.

GRIEVANCES

The SPEAKER (the Hon. C. T. Edmunds)—The question is:

That grievances be noted.

Mr MACLELLAN (Berwick)—The grievance debate is an opportunity for honourable members to raise a range of matters, and I commence my remarks by quoting Lord Acton who said:

Power tends to corrupt, and absolute power corrupts absolutely. Great men are almost always bad men even when they exercise influence and not authority. There is no worse heresy than that the office sanctifies the holder of it.

That is a famous quotation and was made by Lord Acton in a letter in 1887 and has been entrenched in both the legal and constitutional annals of Australia and other Western countries. The matter I am about to raise is one in which we must concern ourselves with the corruption of power and the fact that power corrupts. In making my remarks to the House I want it clearly understood, that if I use the word "corruption", I am using it in those terms.

Honourable members must concern themselves with a simple question: Who cares about Issac Brott? Issac Brott is a Melbourne solicitor; he is a man who has formed and dissolved a partnership with other legal practitioners. The dissolution of the partnership seems to be well-reasoned and well-based if one accepts the statements he has made. He has sought help in every quarter that it is reasonable to approach.

He has sought help from the highest law officer of this State, the Attorney-General and Premier; he has gone to the Federal Attorney-General and he has gone to every

place where he could seek help because he believed he needed help.

His offices were raided by two of his former colleagues in the partnership and six other persons who smashed in through the door and broke up his new offices. Obviously, this was distressing to him. He has since received threats, and been subject to pressure, which enables those who want to exercise corrupt power and influence to suppress small people. The Issac Brotts of this world have been persecuted for thousands of years. They are the first to be burnt; they are the first to be imprisoned; they are the first to be gassed. Issac Brott is calling out to our community for help. He has been to the State Attorney-General, to the Federal Attorney-General and to the president of the political party that he supports.

I want to say something of the difficulties he faces, and I will read, from a letter that he wrote in which he states:

Dear Sir,

Re: Messrs. Alfred Branicki, Morris Milder

In the first week of June 1982, I left the partnership of Messrs. Branicki, Milder, Issac Brott for the following reasons:

(a) Tax Fraud,

(b) Offers of Political corruption to clients after the State Labor Government was elected (Mr Milder was at the time a member of the Administrative Committee of the State Labor Party).

(c) Direction to compromise the Vietnam Veterans Common Law Case of which I had the care and conduct.

The above are merely but a few of the allegations I have made. Mr Milder is a member of the State Labor Administrative Committee and City Council. These allegations were made to my Counsel at the time—Mr Hartog Berkeley, as well as to Mr Neil Brown, Mr Cain and since to Mr Gareth Evans in general terms.

In more specific terms such allegations were made to the Law Institute of Victoria yet they did not seem to be terribly interested at the time.

As a consequence of my refusal to "collaborate" with Messrs. Branicki, Milder in their course of conduct and as, post State elections, I had seen total change in Mr Milder and further as Mr Milder discussed with me the "possibilities" for the firm once he was to be elected to Council the course of conduct which I perceived as a danger, I have been subjected to every form of physical intimidation, verbal character assassination in order to undermine my credibility in a lengthy financial war of attrition directed at my asset base.

It is general knowledge that our firm was vending as is known as tax minimisation arrangements. The distinctive feature of the particular arrangement which my partners vended without my knowledge was that with respect to that "arrangement" we had already received advice that the scheme had no basis at law and no hope of success from Senior Counsel. Only after an accountant who received a secret commission without his client's knowledge thanked me did I investigate and discover that this arrangement was being vended by my partners. My partners seemed to be charging around 13 cents in the dollar and I believe the nett takings would have been in excess of one half a million dollars in terms of commissions alone.

Mr Milder has threatened myself and Mr Branicki with physical violence. Mr Milder did so before a witness. Both Mr Milder and Mr Branicki shortly after I disassociated myself launched an "open assault" on my office accompanied by six thugs—two of whom were armed with small pieces of metal. A door was smashed down and an occupant of the premises—Dr Malcolm Barr was attacked when he objected. Over a dozen witnesses remitted statements to the Police but as Milder stated to me subsequently—"it doesn't matter what they do—the unions have it stitched up".

Mr Milder has assured me that he has nought to be concerned about from the tax department as he is on the verge of getting the Taxation Clerks Union as a client—whether bluster or not—Mr Milder in the short time I was a partner with him did secure the Australian Transport Officers Federation, Victorian Veterans Association . . .

I presume that is meant to be the Vietnam Veterans Association.

. . . and Australian Federated Union of Locomotive Drivers and Enginemen as clients.

Mr Milder is currently acting on behalf of the Hyatt Group and has secured such clients by informing that group of his influence with the Council (He is still on the City Council) and Mr Branicki's building partner, Mr Ian Freeman, one the assailants on the office, has informed other parties of the vast commissions available.

There are more specific instances which I feel are more appropriate to personal contact rather than to be contained in correspondence.

I await your further contact.

Yours faithfully,

ISSAC BROTT, TIMOTHY MEPSTEAD

There is a cry of distress from a member of our community, written seriously and commandingly, asking for action, and the response has been, if anything, alarming.

A telegram, sent by Issac Brott to Mr John Cain, Attorney-General and Premier of Victoria stated:

Now nine months since Morris Milder member administrative committee Victorian Labor Party Alfred

Branicki eight thugs raided offices 274 Brunswick Street Fitzroy threatened me union retaliation threatened attacked Dr Malcolm Barr kicking door down caught in act by Police all as a result of objection and exposure tax fraud and Vietnam veteran sellout to date no action taken by authorities.

Whatsoever note excess fifteen independent witnesses sworn statements remitted Federal and State Government Milder continues boasting re special relationship with attorney general and Howard Nathan Q.C. awaiting weight of law nine months later still awaiting weight of law

Isaac Brott solicitor

That again is a distress signal addressed to the highest law officer in this State and the highest public official in this State—the Premier and Attorney-General. Mr Brott received further correspondence in due course. I have another letter addressed to Mr Howard Nathan, counsel assisting the Attorney-General, which states:

Dear Sir,

re: Branicki, Milder

Further to your correspondence dated 7 June 1983 I make the following points.

This is from Isaac Brott. The letter continues:

My moral duty of informing yourself and the Premier of the offence which Messrs. Branicki, Milder have committed has now been discharged.

It is the Attorney-Generals obligation to indicate any investigation.

I further make the point that the level of intimidations from unknown sources has reached new horizons on this day my car engine has been filled with sand and consequently wrecked.

It is suggested that the allegations made are of such a weighty nature concerning not only a member of society but a senior member of the labor party vis a vis taxation avoidance (see also Hyatt group) that it would be thought the Premier would at the very least bother to make further enquiries.

The printed letter received back from the State Law Offices is addressed to Mr Brott, and states:

Your private and confidential note to the Attorney-General of 2 June 1983 has been passed to me in confidence for reply. The Attorney-General wishes me to advise you that the confidentiality of your correspondence to him will be respected.

As previously advised, any matters relating to breaches of the law will be referred to the appropriate authorities. The matters of which you ask the Attorney-General to take note have been recorded by him. The Attorney-General does not feel that you can assist him further.

It could have been a letter from a Czarist leader in answer to a letter from some poor Jewish constituent written from the furthest province. The letter is cold, calculated and uncaring. Last night honourable members discussed discrimination and equal opportunity. Today honourable members are discussing the sort of corruption that goes with power and the sort of corruption that goes with the peddling of influence. On 27 June 1983, Mr Howard Nathan wrote the following letter to Mr Brott:

The matters that you have raised have been referred to the appropriate law enforcement authorities. Thank you for reiterating the points you have made and keeping the Attorney-General informed of this matter.

A further communication dated in June 1983 to Mr Brott states:

Under instructions from the Attorney-General I acknowledge receipt of your letter of 5th May, 1983.

I note that you allege that the above-named persons were promoting illegal tax-minimisation arrangements. You also indicate that you have brought this matter to the attention of the Taxation Department. I assume you are referring to the Commonwealth Taxation Department.

If you allege that offences against the laws of Victoria have been committed, you should consider reporting these matters to the police for investigation.

However, it is not appropriate for the Attorney-General to intervene or otherwise interfere with any such inquiries.

Yours Sincerely

Howard Nathan,

Counsel Assisting Attorney-General

This is another wipe off. I suppose it was never meant to see the light of day, but here it is before the Parliament because Parliament has to be concerned with this sort of matter. There seems to be nowhere else to go for the appropriate people to take the appropriate action. Therefore, in desperation, Mr Isaac Brott wrote to Mr George Crawford, the State President of the Australian Labor Party. I will not quote the letter except the last paragraph because in his reply to the letter, George Crawford referred to the last paragraph. Mr Brott said that he was involved in legal practice and dissociated himself from it because it was involved in the vending and sale of fraudulent tax arrangements involving tens of millions of dollars. Mr Brott explained that the attitude of his partners to the unions the

firm was representing was greedy and that he was given instructions at variance with the best interests of the Vietnam veterans common law case. He also referred to offers of political corruption to all and sundry by Milder following the State Government's election. The letter further stated:

As a Labor solicitor and personal inherene to the principals of social justice albeit not an active member of the party—

Mr Brott provides an appeal to George Crawford in the final paragraph which states:

I would also still like to believe that the party and a core of the party element still makes its decisions not based on expediency and greed but on principal.

That is the point that George Crawford takes up rather surprisingly to many of us. The reply to Mr Isaac Brott states:

Dear Sir,

Re: M. L. Wilder

I acknowledge receipt of your letter of 28th June, 1983 and the information you convey confirms comments from other persons in the Labor Movement.

Mr Milder is not impressed with my attitude to him at A.L.P. meetings nor my comments about him to other Party members at meetings.

With respect to the comments you make in the last paragraph . . .

That is where Mr Brott says that surely there is someone left in the Labor Party who works on principles not greed. The letter continues:

. . . of your letter is the reason why I and other good members formed the Socialist Left, who base their policy and actions on principal not expediency and opportunism, which are the guiding principals of the centre Unity.

Yours Faithfully,

G. R. Crawford

State President,

Australian Labor Party

Let us get it out into the open. I know it causes embarrassment to the Government to talk about factions or groups. However, George Crawford is saying that the Socialist left has principles and the centre unity has not. He clearly states that we have a political party running the State that is split from top to bottom and factionalized.

Mr WILKES (Minister for Local Government)—On a point of order, I have listened attentively to the Deputy Leader of

the Opposition while he put the case for Mr Brott. However, the honourable member is now removing himself and his discussion from that case and is addressing his remarks to the President of the Australian Labor Party. Whatever philosophy the president may possess and espouse has nothing to do with Government administration.

The SPEAKER (the Hon. C. T. Edmunds)—Order! I uphold the point of order. The Deputy Leader of the Opposition knows precisely what he is doing. He is a capable individual, but he is now stretching the subject-matter that he raised initially. Although the grievance debate allows the honourable member a wide canvass, he is dipping his brush in a deep bucket. The honourable member is now stretching the credibility of his argument and I uphold the point of order.

Mr MACLELLAN (Berwick)—I could not have put it better than you, Mr Speaker. It is a deep bucket. I now turn to the acknowledgment letters emanating from the Federal Attorney-General's office addressed to Mr Isaac Brott. One letter states:

Dear Sirs,

I acknowledge receipt of your letter of 31 May 1983 to the Attorney-General concerning irregularities in the Legal Partnership of Branicki, Milder, Isaac Brott and Co.

The Attorney-General will write to you on this matter.

A further letter addressed to Mr Brott states:

Dear Mr Brott,

I acknowledge receipt of your letter of 5 May 1983 to the Attorney-General concerning the promotion of tax minimisation arrangements.

The Attorney-General will write to you on this matter.

If one were imprisoned in a Soviet re-examination camp, this is just the sort of letter one would expect to receive from the authorities if one had somehow managed to sneak a letter out. The letter is cold, careless, uncaring and from power-corrupted authorities reacting to a little man raising a voice of distress.

After months and months, nobody has taken any action. At page 11 of *Hansard* of August 1983, the Premier is reported as having said, *inter alia*;

I put it this way: If Opposition members continue to make assertions, I believe the proper course for those assertions is to ensure that the people who are examining those matters have the material which they assert is relevant. It is up to them; I can do no more. I simply ask Opposition members, if they are to continue to say these things, that they make the material available.

That is what the Premier is reported as having said about Mr Landeryou.

The SPEAKER (the Hon. C. T. Edmunds)—Order! I advise the Deputy Leader of the Opposition that, if he wishes to make imputations of any discrimination—

Honourable members interjecting.

Order! I am seeking to uphold the Standing Orders. If the Leader of the Opposition wishes to scoff, he is a lesser person than I believe him to be. The Deputy Leader of the Opposition appears to be on a course in respect to an honourable member of another place. If the Deputy Leader of the Opposition wishes to make imputations against any honourable member of either place, he should do it by substantive motion.

Mr RICHARDSON (Forest Hill)—By leave, I move:

That Standing Order No. 59 be suspended to enable the honourable member for Berwick to continue his speech for 10 minutes.

The SPEAKER—Is leave granted?

Mr WILKES (Minister for Local Government)—No.

Honourable members interjecting.

Mr MACLELLAN (Berwick)—I accept your ruling, Mr Speaker. I was merely saying that the Premier is reported as having made that comment on matters raised in this House by the Opposition. I have attended both the Black and Balmford inquiries.

The SPEAKER—Order! The honourable member's time has expired.

Mr ROSS-EDWARDS (Leader of the National Party)—I regret that I will be speaking for the next 10 minutes rather than the Deputy Leader of the Opposition. Although I will be speaking on what I regard as an important matter, the issue of principle that has been raised by the Deputy Leader of the Opposition is of grave importance.

The SPEAKER (the Hon. C. T. Edmunds)—Order! Would the Leader of the National Party repeat what he said?

Mr ROSS-EDWARDS—I do not know if I can repeat what I said word for word. I said that I regret that I will be making my speech for the next 10 minutes rather than the Deputy Leader of the Opposition because of the seriousness of what he has to say. I would have preferred the speech by the Deputy Leader of the Opposition to have taken precedence over my speech.

The SPEAKER—The Leader of the National Party is in order.

Mr ROSS-EDWARDS—Although I will be speaking about a matter that is different to that raised by the Deputy Leader of the Opposition, it is a matter that is of vital importance to Victoria, namely, the problem faced by Alcoa of Australia Ltd at Portland.

The future development of Alcoa at Portland is of desperate importance to both Portland and the Western District. Indeed, it is having an economic impact on the State of Victoria.

During the past six months, I believe I have acted in a responsible manner. Myself and other members of the National Party have made many representations to the Government, have had discussions with Alcoa and have made many visits to Portland. At no stage, have I tried to make a political issue out of Portland because the situation is too serious to do that.

Indeed, it would be fair to say that I have distanced myself from the Alcoa company because I do not wish to know of any confidential information. It would be better for me not to know of any discussions the company is having with the Government because, if any information were leaked on those discussions, I would certainly not want to be felt responsible for what may be said publicly.

As I said during question time earlier today, when I returned from overseas, which was a little more than a fortnight ago, I contacted the Premier forthwith at the request of members of my party and my deputy, who had been most active in my absence, and put to the Premier the proposition that the three party Leaders of this State should

confer with a view to resolving this problem. I said I could not speak on behalf of the Opposition but that I would certainly use my best endeavours to ensure that the Opposition would co-operate in any discussions that occurred.

The Premier replied by saying that he felt the matter was close to a solution. The Premier appreciated my offer but, at that stage he did not feel my proposition would help the situation. I accepted that. However, a fortnight has elapsed since that discussion.

The Government has been in office for the past sixteen months. Whenever the Premier answers questions about Alcoa, he talks about confidentiality. There is no question about confidentiality. There must be confidentiality between the Government and Alcoa. I do not dispute that.

However, the cold, hard facts are that some businesses in Portland are in the process of going bankrupt. As the honourable member for Balwyn has informed the House, and I know it to be a fact, one of the leading banks in Australia is foreclosing on several businesses in Portland. Nobody has any idea when a solution will be found to the problem of pricing of electricity for Alcoa at Portland.

The Government has been in office for sixteen months. There is no way that the Premier can blame the former Government. The honourable gentleman has had sixteen months in which to negotiate with Alcoa. To the best of my knowledge and belief, there is no reason to believe the Premier has made any progress whatsoever.

The Premier has appointed a new supremo, the Minister of Transport, to take over the negotiations. The Minister of Transport has not made any announcement on those negotiations. I want to know what the time-table is. Is the Premier confident? Will the Premier announce that he is confident that, in the next month, this matter will be resolved?

If the Premier were to make that announcement, it would save many business enterprises in the Portland district. The Premier cannot continue to avoid the questions and give nonsensical answers and talk about confidentiality. I do not expect to be told of any details of the negotiations that have taken place.

I remind you, Mr Speaker, that in days gone by when the present Government was in opposition, especially in the days when the honourable Clyde Holding was Leader of the Opposition, the Labor Party never stopped abusing both the Bolte and Hamer Governments about the Point Henry agreement.

The Point Henry agreement has expired. There is some secret arrangement for the interim period no doubt between this Government and Alcoa. I do not dispute that there should be. However, the original contract has expired. A new interim agreement has been in operation between the Government and Alcoa. I do not know what it is, but there is no doubt that it is a holding agreement that will exist until a new agreement is negotiated.

Now that I have returned from overseas, it is my duty and obligation to visit Portland at an early date, as my deputy and other members of my party have done in recent days. When I visit Portland, I will be asked what is happening in the Parliament and who is looking after the interests of the people of Portland. I believe both the Opposition and the National Party have done every conceivable thing to help the communities of Portland and the Western District and the economy of this State.

However, the Opposition and the National Party are receiving no information at all. To the best of my knowledge and belief, no progress has been made by the Government. When the present Government was in opposition, it used to accuse former Premiers of not being able to make decisions. There has been no worse example of that accusation than this Premier.

The sad aspect is that there is clear evidence that the demand for aluminium is increasing around the world. There is a general upturn in demand and price for aluminium. If an agreement is made on price today and work is recommenced at Portland, it will be a long time before production of aluminium commences. Victorians could be in the ridiculous situation of facing demand for aluminium at a sensible price and not having the Portland site completed. I have demonstrated all the patience that anyone could demonstrate about Alcoa. I

have had confidential discussions with both the Premier and Alcoa.

In no way have I made this a political issue. I regard it as my duty—that view is shared by every member of the National Party and the Opposition—that from now on, I must get rough. I will use politics and kick and yell and go for the normal political manoeuvres in order to help Portland. I advise the Minister for Local Government to pass on my remarks to the Premier. My patience is exhausted; the patience of the people of Portland is exhausted, and my heart bleeds for them. They are going bankrupt because of the disinterest of this Government.

Mr SHELL (Geelong West)—The matter I raise in the grievance debate concerns the response of the constituents of the Geelong West electorate to the performance of the Government over the past sixteen months. To ascertain the feeling of the people in the electorate I represent, I undertook to visit it suburb by suburb street by street. During the seven-week winter recess, I knocked on 4529 doors. The reception I received was marvellous.

Mr Ross-Edwards—Why don't you do something about Alcoa?

Mr SHELL—If members of the National Party listened they would hear what the constituents of Geelong West have to say about Alcoa, and I will deal with that point later.

The object of my visit to the constituents of the electorate was to find out what the person in the street had to say, to cover the entire electorate so I would have a balanced view of people's opinions, and to provide accessibility from the constituents to their representative in Parliament.

Mr McNamara—Weren't you well received?

Mr SHELL—I was well received. A resident of the electorate told me that she just moved from Stawell. When I asked her the name of her local member when she lived in Stawell, unfortunately, she could not name him.

Mr B. J. Evans—Did she know yours?

Mr SHELL—No, but I do not think that is surprising as she had been living in the

electorate for only two days. In two days, I had called at her house. When I was a candidate for the last election, I went from house to house to listen to what people had to say. I said that I would come back again, and I did. The response I received was, "It is good to see a politician keeping his promise".

Some members of this House should take note of this comment. I knocked on a person's door, a woman opened it and said, "I knew you were coming around; I do not trust politicians, I think you are a liar. No politicians keep their promises and you are not worth listening to". I countered that by saying, "I am here to listen to what you have to say and I do not have any particular issue to push to you". She said to me, "I think you had better come in", so I went in.

She sat me down and then explained to me her problems. She was paying a steep rent on the unit she was living in and that was a matter of concern to her, even though it may not be to honourable members opposite. She was pleased with the Government's initiative in providing the rent relief programme, and she was extremely pleased that she received the relevant papers within two days. She said to me, "At least you have restored my faith in some politicians".

On another occasion, a daughter was going to see her mother and saw me outside in the street talking to a constituent. She said to her mother, "You had better stay inside, you are going to have a politician call on you". Despite that, I was well received.

I noted that there was strong recognition for John Cain Snr. People were willing to be associated with him during his time in office. They said he was a fine Premier in his day. I will make some comments on the standing of the Premier and the Leader of the Opposition in this State. Most of the comments are from people who support the Liberal Party or National Party. The electorate of Geelong West is a popular area for people to retire in. Those people have said that John Cain is a responsible Premier.

Mr McNamara—He is a reasonable man. He has told us on numerous occasions.

Mr SHELL—People say that John Cain is a reasonable man because he does not "mouth off" like the Leader of the Opposition. Some people said that they like John

Cain but, "Kennett has to go". They said that John Cain is doing a good job, but the Leader of the Opposition is a dill.

A supporter of the National Party went to a meeting at which the Leader of the Opposition was speaking about shop trading hours. After hearing the honourable member, her comment was that she was not impressed. A previous president of the Young Liberals in Geelong said, "Cain is doing a good job and Kennett is not the answer". From time to time, I was put in the position where I had to defend the performance of the Leader of the Opposition. I found it extremely difficult to do so.

I now bring to the attention of the House some of the matters that constituents raised with me.

Mr ROSS-EDWARDS (Leader of the National Party)—On a point of order, I refer to the relevancy of the remarks of the honourable member for Geelong West. This is a grievance debate. The honourable member has raised no grievance up until now. The House is being taken on a Cook's tour of Geelong West and is being given the honourable member's revelations of what people in that electorate have to say in praise of John Cain. One could hardly call the honourable member's remarks appropriate for a grievance debate.

If there are matters of public interest or Government administration, that is a different question. However, for 7 or 8 minutes there has been no suggestion by the honourable member of that. His remarks seem to be a report to the public of Victoria of a tour through the Geelong West electorate.

Mr WILKES (Minister for Local Government)—On the point of order, the grievance debate in this House is one of the widest debates. It gives honourable members an opportunity of discussing a range of matters that directly or indirectly affect Government administration. I believe the honourable member for Geelong West is in order in relating to Parliament the views of his constituents about the Leader of the Opposition and the Liberal Party and the praises of those constituents for the Premier.

The DEPUTY SPEAKER (Mr Wilton)—Order! As the Minister for Local Government said, the grievance debate is a wide-ranging debate. It is something of a

tradition in that often it is referred to as the "back-benchers day". In my time in Parliament, I have heard varying and wonderful points brought forward in grievance debates.

Mr Ross-Edwards—That do not bear repeating.

The DEPUTY SPEAKER—I do not uphold the point of order of the Leader of the National Party. I have been listening extremely carefully to the honourable member for Geelong West. As the Speaker has pointed out before, apart from any honourable member attempting imputations against another honourable member either of this place or the other place, the grievance debate is pretty much an open go. That has been the tradition of this place.

Mr B. J. Evans—That is a good ruling—this is the funniest speech that I have heard in twenty years.

Mr SHELL (Geelong West)—The honourable member for Gippsland East may be interested to know what the constituents of Geelong West are saying about extended trading hours by supermarkets, which the supermarkets have introduced themselves on the week-end by trading Saturday afternoons and Sundays. Extended trading hours of supermarkets will result in increased prices.

The aged, those on fixed incomes and single-income families have said that this is not acceptable. The workers employed in this industry are most disturbed that they have to work on Saturday afternoons and Sundays. Their leisure time on Saturday afternoons is being taken away from them. They can no longer play their sports, whether football, tennis, cricket or whatever, on Saturday afternoons. There is no opportunity for them to participate in those sports during the week.

Mr B. J. Evans—Do you door knock on Saturday afternoons and on Sundays?

Mr SHELL—Yes, I do.

Mr B. J. Evans—What about a 40-hour week for politicians?

Mr SHELL—No politician works only a 40-hour week. The people who are happy about extended trading hours of supermarkets are those two-income families who work normal Monday to Friday jobs and do not have the time during the week to shop. They are happy to shop on the week-ends

and they do not care whether prices are increased as a result of extended trading hours by supermarkets. That does not worry them. They will pay extra prices for the convenience of shopping on week-ends. Those on fixed incomes, the young, the unemployed, and those people with a limited access to money, are very concerned about increases in prices.

Opposite my electorate office, a 7-Eleven store opens for 24 hours a day. The prices at that store are approximately 30 per cent higher than normal prices. There are people who are willing to pay those prices. Other people are concerned that the small businessman will go out of business and that the little corner shops will cease to exist. These people recognize that the prices for goods in a corner shop are dearer than the average supermarket prices, but they like the individual service of a corner shop. Mrs Smith who goes to the corner shop likes to be asked by the shopkeeper about her dog, her family and the weather. People like that personal contact compared with standing in a queue at a supermarket and being ushered past a cash register.

There is concern in the electorate of Geelong West about gas and electricity tariffs and price increases.

Mr Reynolds—How did you answer that?

Mr SHELL—It is easy to answer. Those on a fixed income recognize that the Government will provide relief with a 20 per cent cut on their winter bills. They are happy with that. Also, they recognize that the Government came to office in crook times and that it will take time to adjust and to get Victoria moving again.

My constituents are concerned also about the lack of an extension, the north wing, to the hospital in Geelong. However, they recognize that the previous administration dug holes throughout the State as a last ditch effort to win votes.

Mr B. J. Evans—Why did you go door knocking if it was not to win votes?

Mr SHELL—Some honourable members should understand that they were elected to this place to represent people and that they cannot represent people if they do not know what those people are thinking and saying.

It is all very well to say that people will come to an electorate office to speak to an

honourable member. Usually the people who go to an electorate office have a particular point of view or want to ask an honourable member to do something. Those people are less likely to offend an honourable member by saying something that an honourable member may not like to hear.

However, if a politician is on a person's doorstep, on his territory and in his home, that person is more likely to speak honestly to the politician. If the honourable member for Gippsland East wants to know the views of the electorate of Gippsland East, I suggest that he try door knocking in the electorate that he represents.

Mr B. J. Evans—You should try door knocking in the electorate of Gippsland East!

Mr SHELL—The public image of politicians is very low. Some of the comments I have received are: "Stop digging up muck and get on with the job"; "stop slinging mud at each other, you have more important things to do". Unfortunately, this is what politicians often are doing. Politicians need to be more considerate in their approach. That is what the electorate is saying.

Concern has been expressed in the electorate about Alcoa of Australia Ltd. I notice that the Leader of the National Party is not present in the Chamber—he does not have very much patience. The constituents of Geelong West are warning the Government to be very careful about what it does about the Alcoa plant at Portland. They do not want to be subsidizing Alcoa. They do not want Alcoa to be getting power cheaper than they do, than Ford's, or than the cement company. They say it should all be on the one base.

They do not want Alcoa at Portland to go ahead at the expense of Alcoa at Point Henry. That is a very real concern. They are seeing a modern plant with modern technology being built at Portland and they look at Point Henry, a facility that is nineteen years old and in parts obsolete, and they can see what will happen. Portland will come on stream employing fewer workers because of computerized technology and they see their jobs on the line at Alcoa at Point Henry.

Mr Burgin—It will happen sooner than that if there is no agreement with Alcoa.

Mr SHELL—It is very much of concern. It takes time to negotiate agreements. The people of Geelong West understand that.

Mr McNamara—Sixteen months is too long, isn't it?

Mr SHELL—It must be remembered that Alcoa did not want to go ahead because of the dramatic slump in the world market. Alcoa wanted to evaluate the situation before going ahead and that is part of the reason why negotiations took so long.

There was concern expressed about cancer patients having to come to Melbourne to be treated. There was concern that the Government was going ahead with fluoridation. There was great praise given to Mr Steve Crabb, the Minister of Transport, because of the implementation of the Geelong transport system where a flat fare of 60 cents was instituted for a 2 hour trip, with half fare for pensioners.

Mr McNamara—That was the honourable member for Berwick.

Mr SHELL—He did not introduce it in Geelong.

The DEPUTY SPEAKER (Mr Wilton)—The honourable member's time has expired.

Mr AUSTIN (Ripon)—I am afraid I will not be as entertaining as the previous speaker, but I wish to raise matters that are very serious to the farming community. I am glad to see that the Minister for Local Government, representing agriculture in this House, is present.

The farming community is suffering very much indeed from Government decisions, particularly in regard to increased taxes and charges. Nothing indicates the attitude of the Labor Party better than the increase of 10.4 per cent in the farm rate of the State Electricity Commission as opposed to the over-all increase of 7.9 per cent. The Government claims that farming industrial power is mostly off-peak, and Mr Kent, the Minister of Agriculture, made what I think is a very misleading statement when he said that, on average, the increase for farming industrial power was 5.9 per cent.

I would like to inform the House of the situation in the dairy industry. An extensive survey was carried out by the United Dairyfarmers of Victoria in the Shepparton

area on the dairy industry in that district. A study was made of a case of a dairy farm with a 110 cow herd. The increase from 1981-82 to 1982-83 was 17.6 per cent. The State Electricity Commission charge from one year to the other went from \$1069 to \$1257. In a 170 cow herd, the State Electricity Commission bill for the 1981-82 year was \$2216 and for the 1982-83 year it was \$2710. That was an increase of 22.3 per cent, and the average increase for the total district was 18.5 per cent. That shows that the rate increases were the increase in volume; in other words, the system works against increased productivity; the more one increases one's productivity, the more cows are milked, the higher the rate.

The further lack of concern by this Government, which has been going on for a long time now, is that it has failed to recognize the need to increase the price of milk to the dairy farmers. There has been no increase since 1 February 1982. In the early part of that period there was a wage pause and price restraint, and following February 1982 the Liberal Party would have been opposed to an increase, in line with these other wage and price pauses. It was appropriate that the dairy farmer, like everybody else made their contribution, but that is now a long time ago and there have been general increases in taxes and charges throughout the State, something of the order of 27 per cent and, in particular, the dairy farmer has had to bear the brunt of those cost increases.

In answer to a question asked by the Honourable R. J. Long of the Minister of Agriculture, Mr Kent, the Minister replied along the lines that an increase in milk prices was not that significant to dairy farmers because liquid milk represented only 15 per cent of the total output of a dairy farmer. That again was misleading and it was an answer given to suit the Minister and to suit the Government's lack of action in increasing milk prices to the dairy farmer.

While it is true to say that the total amount of a dairy farmer's milk which goes into the liquid milk market is 15 per cent, it is not 15 per cent of his income. Taking a 100 cow dairy herd, and 3000 litres per cow per year, that makes 300 000 litres of milk per annum. If one takes 15 per cent of that which goes into the liquid milk market, that amounts to 45 000 litres. The price that the dairy farmer receives for that liquid milk

from the Victorian Dairy Industry Authority is 25.27 cents per litre, so that particular dairy farm that has 100 cows is getting for the liquid milk ingredient of his total output \$11 371. The balance of his output goes into the manufactured area and the amount on that 100 cow dairy farm into the manufactured milk prices would be 255 000 litres. That price is calculated on the butterfat test, and if 4.2 per cent of butterfat is taken as a reasonable test, then the total kilograms of butterfat from 255 000 litres would be 10 837 kilograms. The closing price last year for butterfat was \$3.60 a kilogram, so if one multiplies 10 837 by \$3.60 one gets a total of \$39 013 for the manufactured portion of the total output of that 100 cow dairy farm. If that is added to the amount of money the farmer received from the liquid milk content the dairy farmer is receiving a gross figure of \$50 381.

The point is that the percentage of the liquid milk of the total is 23 per cent and not the 15 per cent which was the figure used as being relative to the importance that increase would be to the dairy farmer. I am not sure that when the dairy farmer does get an increased payment for the milk what that price will be, but I understand that the submission to the Victorian Dairy Industry Authority and the Government was of the order of 5 cents. However, that was in November last year, and I suggest that it would be out of date today. Therefore, it should be more. Given that the farmer would receive about half of that increase, and the other half would go to the various charges that are made by the Victorian Dairy Industry Authority and the transport of milk and its distribution, it would mean the per litre cost to the consumer would move from 62 cents to 67 cents.

If we take the same 100-cow dairy—

Mr Wilkes—Is that the average, a 100-cow dairy?

Mr AUSTIN—I do not know what the average is. The average in the Shepparton area would be slightly higher than elsewhere. That is an approximation. There are some with more than 200 cows, a lot in between and quite a number with fewer than 100 cows, but 100 cows is not a bad figure to take.

If we then look at the 45 000 litres going into the liquid milk market and multiply it

by the 2.5 per cent increase we are talking about, we arrive at a figure of \$1125 as the increase in the price of milk to the average dairy farmer in Victoria. Therefore, it is wrong to suggest that the increase would be insignificant. I am sure every dairy farmer in Victoria would be delighted to receive an additional \$1125 a year to help pay the rising costs that have been imposed on him by the Government.

Mr Burgin—It would just about cover them.

Mr AUSTIN—That is right, but without that increase they will continue to get into serious difficulties. Farmers throughout the State have gone through one of the most difficult periods—and in many instances are still going through one of the most difficult periods in the history of agriculture. They have suffered through drought; they have battled through floods and through fire; and they have probably the worst burden of all to bear in the ever-increasing costs being imposed on them. There is a limit to the increase in productivity that farmers are able to create and that is really the only way in which they can battle rising costs if they do not receive an increase in the price of their product in line with inflation.

The lamb situation is a disaster today. The price of grain is not increasing with rising costs and with inflation. That brings me to the question of freight rate increases, particularly in the area of the carriage of grain. A figure of some 30 per cent has been bandied about as the increase. I do not, for one minute, believe that that is even a possibility because it would completely cripple the grain industry if such an increase were imposed. No doubt that figure has been bandied about so that when the increase is something less farmers might believe the blow has been softened.

I warn the Government that a severe increase in freight rates will have a most serious effect on the grain industry and it will also mean that many farmers will look at how they would stand if they either bought new trucks or used trucks. They already have to carry their own grain, which they would now be allowed to do. That would be detrimental to the industry. It would upset the running of farm operations and it certainly would not be very good for the roads around grain areas and from them to the seaboard.

I have always found the book-keeping of the railways fascinating when freight rates are being discussed. We have recently been told by the Minister of Transport that it will be necessary to increase freight charges on bulk goods in line with the user pays principle and that those freights must pay their way. He does not agree that passengers should pay their way. As I understand it, he believes that if freights are to be subsidized for farm activity that subsidy ought to be paid by the department concerned. I should think there would be some pretty exciting figures around if the same principle were applied to education, for example, and who pays the subsidy for rail passengers.

On the one hand, we are told that all freight is running at a loss, yet, on the other hand, the Treasurer, the Minister of Transport and the Government are saying there is a shortfall of some \$40-odd million that will affect the Budget because of the lack of grain movement last year. I should have thought that if all these freights were running at a loss the Treasury would not be out of pocket and there would, in fact, be a net gain if those trains and trucks did not have to move when there is no grain to move. The railways ought to give the public and members of Parliament a better understanding of their book-keeping practices in this area.

Recently, the Deputy Leader of the National Party in this House, the Leader of the National Party in another place and myself, accompanied a deputation to the Minister of Agriculture on the future of the Newmarket sale-yards. We were horrified by the Minister's attitude to the future of those sale-yards. I say, quite categorically, that it is the opinion of the Opposition that Newmarket ought to remain for the foreseeable future.

Mr Wilkes—What is the foreseeable future?

Mr AUSTIN—At least until 1990. If the sale-yards were to be removed or disbanded then, a further survey would be needed to ascertain the effect of their closure on live-stock markets throughout the State.

Mr Wilkes—That is not the view of the national body of the stock and station agents, is it?

Mr AUSTIN—I know only the opinion of the stock and station agents in this State.

They believe the sale-yards ought to remain at Newmarket. The stock and station agents, the Victorian Farmers and Graziers Association, the National Party and myself recently put arguments on this subject to the Minister. Those arguments were that Newmarket is a central selling market and is the barometer for the State. It provides the price mechanism for the rest of the State. Another argument put was the importance of Newmarket as a store selling centre. If one goes back through the records of what took place in the recent drought, one can see the number of stock yarded at Newmarket from all over this State and from beyond the border and one can see the prices received. Despite the fact that very few places could take stock, Newmarket was an outlet and the stock were sold at a reasonable price, given the conditions at the time.

The availability of Newmarket meant that the few buyers who came from more fortunate areas—some of them from as far away as Queensland—had a central market to which they could come. There is no way in which they would have gone to Hamilton, St Arnaud, Geelong or anywhere else but, with a central market in Melbourne, there is a place for the prospective sellers of stock that is difficult to sell—it is not suitable for the butchers—and they can find an outlet.

Mr Wilkes—Are you saying that the live weight selling yards throughout Victoria are insignificant?

Mr AUSTIN—No, I am saying that regional selling throughout the State is very important and that is shown by the increase in sales. More stock is sold through regional selling yards than used to be the case and less stock is being sold at Newmarket. As politicians representing regional areas, we could put in a plus for the yards in the areas we represent. We would all like to see more stock moving through them for the benefit of the regional towns but, knowing agriculture as we do, we support the retention of Newmarket because it is a vital cog in the whole selling mechanism. We will still increase the number of stock sold over the hooks and the amount sold by weight. That is an evolution that will take place gradually, but we do not want Newmarket suddenly to be closed down and all the stock to be pushed into the regional yards.

We realize that there is plenty of room in them and that they will grow, but Newmarket provides the mechanism for selling that vast amount of store stock, in particular, that would not find a ready market or an equal price elsewhere. It is significant that the farmers in Victoria and from interstate bypass many regional yards to get their stock to Newmarket. They would not go through Wodonga, through Wangaratta and through Bendigo to get to Newmarket if there were not a very good reason for it.

It is not just the Government's action affecting the farming community that concerns me and other honourable members on this side of the House; it is also the Government's attitude and actions regarding rural communities and towns.

The National Party and the Opposition are extremely concerned about any suggested changes to the decentralization system which may result in a removal of the rebate on pay-roll tax. I can say categorically that, if the pay-roll tax rebate disappears, businesses and industries throughout the State will go to the wall, and the effect of that on employment will be absolutely disastrous.

Mr A. J. SHEEHAN (Ivanhoe)—The grievance I wish to raise relates to the current attack on penalty rates in today's society. I am referring to the rates of pay that are paid in reward to those people who work extra hours, broken shifts or during holiday periods.

The push against penalty rates has been spearheaded by the fast food industry, and, to some extent, the hospitality industry, and that has been underwritten by the retail chains which are also pushing for 24-hour trading. The Liberal Party in Victoria and, to some extent, the conservative press—particularly the *Financial Review* and *The Australian*—are also supporting that idea.

The argument being put is that these industries face an excessive wages bill and, therefore, high costs. They argue that if these penalty rates, which are really a part of people's wages rather than an excess to them, were decreased, more people could be employed. Of course, it is an attempt to exploit the current unemployment levels and, in the long run, to force down wages across the board. This will have the effect of

undermining the standards of living and will ensure profit for the few at the cost of many.

Unfortunately, it is an attempt to do so by using in many cases, student labour to service the vast section of the retail industry which pays students pocket-money wages. That is what the retail industry is really arguing. It is saying that they are only students, that they do not need to receive penalty rates because they are working part time. It is argued that those students should be paid reduced rates of pay, and that the amount they receive ought to be in the range of a good amount of pocket money.

That sounds quite all right to those people who are fully employed. However, it is a fact that, in many cases, the students who are working in those fast food chains are all too often the only wage earners in the family. The effect of removing penalty rates will be to undermine permanent full-time employment in this State. Many things are being put at risk by this movement, the fundamental one being the right which was espoused in an early statement in Australia in the Harvester judgment, when Mr Justice Higgins upheld the right of every wage earner in this State to earn a reasonable wage.

An attack has been made on that almost century-old concept associated with the right of everyone to earn a reasonable wage—the widely-accepted convention of rewarding people for working excessive hours, broken shifts or during holiday periods while many others are enjoying themselves.

Not only have penalty rates been recognized as a reward for people who work excessive hours, but they have also been considered as something of a reward for those who are prepared to take on the extra work and for the initiative of those who are prepared to work the extra hours.

Apparently, it is thought that this reward ought to be paid only to those who profit and not to the wage earners. It is all very well for those businesses that operate during the week-ends, those in the hospitality and fast-food fields, to make a profit. However, it is not a good thing for workers to make a profit and that, of course, is a disturbing trend in society. It is disturbing to realize that respectable journals, writers and some politicians take up that attack. Part of that involves the insidious undermining of family structures because it is a fact that in

many of the northern and western regions of Melbourne, the students who are working in those fast food outlets are the only wage earners in the family. I had a recent experience where I found that many students were providing a large measure of family income as a result of their work in McDonalds-type stores.

If this drift continues, which is what many employers are arguing for, an unfortunate situation will develop where parents are at home and unemployed and the students are being put in a position of providing the only wage in the family.

There is also the more intangible aspect of the family life being undermined by the parents' helplessness and dependency on the child who is put in the position of being the only wage earner in the family.

Another point to which I wish to refer relates to the attempt to introduce a 7-day, 24-hour working week. Again, one is talking about intangible sorts of things. However, if this sort of aspect of an individual's life-style is developed any further—and it is happening in the suburbs now—a destruction will occur of something I consider to be very pleasant in Australian life; that is, the week-end. On a Saturday afternoon, one is able to enjoy the football, cricket, racing or whatever—it is particularly enjoyable when one knows that Fitzroy is heading towards a big win over Collingwood next week.

The week-ends are an important part of our lifestyles, and there is the quiet Sunday for those who wish to use it for church-going or family activities.

Those aspects of our lives are being eroded and it is hard to put a value on them. However, it is not hard to appreciate the possible destruction of families when one realizes that the people who work in these stores are losing contact with their families because they are working excessive hours and are unable to have the opportunity of enjoying sport, family life and so on.

Those are some of the pleasant aspects of the Australian way of life and ones to which Victorians should pay attention because, once eroded, they will never return. Associated with that is the destruction of small businesses in the community, such as the small grocers shops, fruiterers and the corner shops in Victoria's towns and cities.

They will be destroyed as a result of large chain stores such as supermarkets opening on the week-ends. It is not just the people who are employed in those small businesses who will be affected; it will also affect the vast train of people who service those shops, because their livelihood is being put at risk by this movement.

Of course, it is critical to the 24-hour retail trading movement that penalty rates be removed. While I have the opportunity, I will make reference to the quite spurious argument that a decrease in penalty rates will increase employment opportunities. This is the way the argument has been put, and Victorians always feel vulnerable when they are told that if wages were reduced more people could be employed. There is little evidence to support that contention.

There has been a vast amount of literature in the United States of America on the subject, especially with the advent of the monetarists there, but the only close econometric study of the impact of the wage done by the Organization for Economic Co-operation and Development levels was the study of the French SMIC, which refers to the French minimum wage level, conducted over two decades. The study found that when a standard two-equation model was fitted to data on French youth employment and labour force participation rates over the past two decades, the results suggested that increases in the SMIC had virtually no discernible impact on the French youth labour market.

The only academic research study that has attempted to quantify this finding, as distinct from those carried out as knee-jerk reactions, indicated that lower wage levels would have no impact on employment levels. Furthermore, the proponents of the scheme have not taken into account that the primary determinant of an individual's level of expenditure is his or her income. If one is going to say increased sales are needed, that cannot be achieved by reducing the income level of the people who want to purchase goods in their stores. The two propositions are mutually exclusive.

Another factor that has been conveniently ignored in this attack on penalty rates is that there is a limited retail dollar. People will consume only a certain proportion of their income and if they choose to spend it on consumer goods, it will be only up to a

certain level, and 24-hour trading does not increase the total turnover; all it does is attract certain markets.

It is well known that the attack on penalty rates is essential to the 24-hour trading movement. The argument should not be accepted that reduction in penalty rates will stimulate employment, and honourable members should be aware of the impact that the reduction in penalty rates will have on society. It puts at risk some fundamental concerns, and one of the most important is the right of people to earn a reasonable income. There are also many intangible features of our life which many of us hold dear and which are being put at risk by this campaign.

I urge all honourable members to resist the argument for reduction in penalty rates in Victoria.

Mr WILLIAMS (Doncaster)—I raise as a matter of grievance my deep concern that two of the Giannarelli brothers, Giovanni and Mario, have been gaoled for two years for perjury. I have read a great deal about the activities of these brothers and allegations of their relationship with the Federated Ship Painters and Dockers Union of Australia. I do not believe they are angels, but it is on my conscience that they have not had a fair deal.

It may be that they did commit perjury, but it is distressing to me that they have been gaoled for two years. I might have said a few harsh words about the Giannarelli brothers in the past, perhaps in Parliament, and I do not withdraw those remarks. However, I stand for what is right and proper. I am familiar with their activities and the allegations of their relationship with the Painters and Dockers Union, and I deplore those allegations, even if they are only half-truths; but we must all try to uphold the rule of law.

In my opinion these men should have been charged with proven offences and not punished in this way. Perhaps they should have been given two years gaol on some other offence, but it should have been proven in a court of law.

The problems of the Giannarelli brothers commenced in 1981 when they were called before the Costigan inquiry into the Painters and Dockers union. On the advice of their counsel, Frank Galbally, they went into

the witness box undefended. They were advised they had nothing to worry about as long as they answered questions put to them, and they attempted to do so. For some reason they were not examined on the allegations of their association with the Painters and Dockers Union; instead, they were questioned about their bank accounts in various names. Had they taken legal advice and had they been bush lawyers instead of stonemasons, they would probably have answered, "Yes" or they would have refused to answer on the grounds of self incrimination. Instead of that, these two men panicked and said "No". They were then confronted with the evidence of their bank manager and their accountant that they had accounts in various names other than their own, and based on American law they were entrapped.

Mr Costigan, to be fair to him, told them they should obtain legal advice, and they returned with counsel. They realized they had done wrong and humbly apologized to the inquiry, but as a consequence of the perjury which was found against them, they were severely punished.

The SPEAKER (the Hon. C. T. Edmunds)—Order! I interrupt the honourable member for Doncaster to ask whether he is aware of any legal proceedings associated with the matter he raised such as appeals or other legal proceedings in respect to the Giannarelli brothers.

Mr WILLIAMS—I am advised they did appeal; the appeals were heard and were refused. They appealed on three counts: A new trial, severity of sentence and acquittal.

The SPEAKER—The honourable member is informing the House there is nothing pending of which he is aware?

Mr WILLIAMS—Nothing of which I am aware.

The SPEAKER—The honourable member is in order.

Mr WILLIAMS—I have a document that fell off the back of a truck which is page 4835-4836 of the transcript of the painters and dockers inquiry relating to cross-examination of a gentleman. It states:

You were asked about the same matters on the 29 September, I would like you to look at page 4438 of the transcript . . .

I asked you, the only thing you were asked to do for us was to locate the accounts of the friends of Giannarelli? . . . Yes.

What are the names, G. Hayes and A. Hayes. That was not true, was it? . . . No.

A true answer would have included Sassalbo and Luca? . . . That is right.

It would not have included the other names, would it, Fivizano and Sarzana, they had not as at 23 April come into existence? . . . No, that is right, no.

False names? . . . Right.

Two-thirds down on that page I said, there are no other friends that we need to be concerned about and that was in relation to the \$90 000. Now if you look at the centre of the page, from your inquiries G. Hayes and A. Hayes added up to \$90 000, you say I did not check out the figures. You were quite clear when you saw the figures they were the ones you were looking for, you have answered that with a question and I say, there were no other friends that we need to be concerned about and you said, not that I am aware of. Now you knew that question was in relation to the \$90 000, did you not? . . . Yes.

And that was a false answer was it not? . . . Yes.

Under cross-examination, this man, who was the cause of two other men being sentenced to two years' gaol, gave a false answer to the inquiry, and no action has been taken against him. I cast no reflection whatsoever upon him. He may be in the same difficulty as those who were sentenced to two years' gaol—that through human frailty he gave wrong answers.

The transcript continues:

And that was a false answer was it not? . . . Yes.

And the reason for that false answer was the reason you have already given? . . . That is right.

And you knew when you were being asked those questions and you were giving those answers they were false answers? . . . Yes.

Commissioner Costigan said to the cross-examiner:

I do not think you should pursue this any further. It is obvious to me . . . that there is a good deal of difficulty in your position here—

He is talking about the witness—

. . . both in terms of your requirement under the Royal Commissions Act and your requirement based on the fact that you took the oath to tell the truth. As I indicated last week there are various courses of action that may have to be taken in relation to that and I also indicated to you that I would not take any steps without giving you an opportunity properly to seek advice and to make any submissions to me that you wished to make.

It is clear that Mr Costigan was doing the same thing that he did with the Giannarelli brothers. He realized that they had apparently committed perjury, so he asked them to come back to the witness box and to bring their lawyers. I am not disclosing this man's name because I do not want to judge him, but nothing I have heard suggests to me that the same charge as was brought against the Giannarelli brothers has been brought against this man. The facts should be investigated by the Attorney-General. He should obtain and read the transcript. I am sure he can obtain a copy from Mr Costigan.

I stand for what is just and right. Sometimes I say harsh words in this place against people whom I regard as being beyond the pale. I do not know why, but sometimes I feel sorry for them when they are the underdogs. One time I might have criticized these people by calling them members of the Mafia, but even members of the Mafia have rights in this society, and, in my opinion, they should not be treated like Al Capone. I know that he was guilty of all the crimes in the calendar, but he was put behind bars only for breaches of the taxation laws.

The poor Giannarelli brothers have been caught up in the same entrapment; they were caught up in an inquiry that was never intended to be the massive inquiry into tax avoidance that it turned out to be. It is a story for the history books how the then Prime Minister of Australia thought he could bring down the Labor Party by having investigations into what was alleged to be a scandalous trade union. If ever anything back-fired on a political leader, the painters and dockers inquiry did. Out of it came all the revelations of bottom-of-the-harbour schemes and evidence that men associated with the Painters and Dockers Union had been the recipients of what were once very profitable companies—intermediaries like Brian Maher and Donald Lockyer, John Walker Wynyard in Sydney, people such as Christo Moll in Western Australia, some of whom were tied up with the Liberal Party and some in Melbourne who were tied up with the Labor Party, like Morris Milder, Branicki—people of that eminence. They were all tied up with tax avoidance schemes. The Federal political leader of the day thought this would help to bring down the Labor Party. Unfortunately, it had side effects that we are still

bearing the brunt of. Unfortunately, the mud stuck more against some members of the Liberal Party than against the union that was being investigated.

As you would know from your political experience, Mr Speaker, voters are not always distracted by side issues. If a Government is brought down by scandal, there must always be other causes of dissatisfaction: That Government has been in office too long, has become run-down or is not energetic. There are all sorts of reasons. Scandal-mongering is only one aspect of government. I think it was the honourable member for Geelong West who said that people deplore scandal-mongering politicians who, day after day, blackguard one another. People are not interested in this; they are interested in whether the economy is sound and whether it will provide jobs, particularly for bread-winners and for young people coming on to the labour market. Housewives are interested in the stability of prices that they pay in the supermarkets. They are not very interested in politicians fighting one another day after day and occupying all the attention of the newspapers, distracting people from the real problems of the Australian economy. It is about time we established a commission of inquiry into all these commissions that have cost the Australian taxpayer and the Australian community millions of dollars. An inquiry into the activities of Mr Matheson and Mr Combe is currently being conducted, and our top Federal leaders, including the Prime Minister and the Minister for Foreign Affairs, have been in the witness box.

Mr Simpson—And Andrew Peacock.

Mr WILLIAMS—I was pleased to hear that the Leader of the Opposition went into the witness box to show that he had nothing to be frightened of. I was worried about the fact that the Leader of the National Party was shrewd enough to be in a caravan up north on the beach where the Russian Ambassador could not get to him! Poor old Andrew Peacock had to "carry the can". The article that appeared in the *Sun-News Pictorial* this morning, which suggested that Mr Matheson could be a double agent for the Australian Security Intelligence Organization and the KGB frightened the day-lights out of me. I thought this happened

only in spy stories written by Ian Fleming and John le Carre.

I wanted in the past a crimes commission and all sorts of investigating commissions, but I wonder whether people like myself, who pursue organized crime——

Mr Simpson—Out of his own mouth! We all heard that.

Mr WILLIAMS—It is a plea for penance. I never thought the day would come when I should have to defend people in organized crime. No doubt abuses have occurred in the conduct of Royal Commisisions where the rules of law are not as strict as they are in a court of law.

The sitting was suspended at 1 p.m. until 2.7 p.m.

Mr WILLIAMS—Before the suspension of the sitting I was about to paraphrase the remarks of Sir Robert Gordon Menzies that, disregard for the rule of law arises because of man's inhumanity to man. It does not matter whether it is Francis Xavier Costigan, of Irish descent, Morris Thomas Williams, who is Welsh, or Giovanni and Mario Giannarelli who are Italians; we are all equal before God and the law.

Even enemies of society are entitled to justice before the law. It is inconsistent and biased when one person can be charged, convicted and gaoled on the evidence of a person who has committed exactly the same offence. In my opinion the evidence of their bank manager and the accountant convicted the Giannarelli brothers, particularly that of one of them, and it is up to the court to decide whether they gave the wrong answers. I table the testimony given by them——

The SPEAKER (the Hon. C. T. Edmunds)—Order! The honourable member cannot table those documents. He may make them available to honourable members.

Mr WILLIAMS—I hereby make available to this House testimony given by the Giannarelli's bank manager and the bank accountant before the Costigan inquiry. This relates to pages 3086 to 3097, 4107 to 4117, 4363 to 4375, 4435 to 4445, 4541 to 4595, 4610 to 4634, 4814 to 4836 and 4888 to 4892 of the confidential transcript of evidence of the Costigan inquiry into the Painters and Dockers Union, and in my

opinion the Giannarelli brothers were not given even-handed justice in the courts.

Mr HASSETT (Dromana)—I raise a matter relating to a number of national parks and reserves in my electorate on the Mornington Peninsula. They are the Cape Schanck Coastal Park and the Seawinds and Greensbuch areas of the Nepean State Park, which are possibly the best in Victoria.

During summer a large number of visitors come to the area to see the magnificent reserves and bushland in the Mornington Peninsula area. This time of the year is a particularly good time for visitors because the beaches and bushland are alive with the blossom from wattles and the foreshore is clean because the huge impact of tourists is not as evident during the winter months.

A major problem in the parks and reserves around the Mornington Peninsula is weeds. *Chrysanthemoides monilifera*, commonly known as African boneseed, is acknowledged as a major noxious weed in the area and considerable work has been undertaken by the councils and the Lands Department to keep the area free of this weed.

The other problem weed in the area is not so well known. I refer to *Asparagus asparagoides*, an exotic plant which is steadily and relentlessly spreading throughout our parklands on the Mornington Peninsula and Phillip Island. The weed spreads underground through its root system and the seeds are scattered and spread by the flowers.

The perennial boneseed bush grows to a height of 3 metres and is reproduced by seed. Flowers begin to appear at this time of the year. Boneseed can be noticed by its particularly bright yellow flower on a short stalk, which is approximately 1 inch or 25 millimetres in diameter. Boneseed flowers from July to October. The particular characteristic of the boneseed plant is that it is shallow rooted and has no distinct tap root. Therefore, the plant can easily be pulled from the ground.

As I mentioned, boneseed is an exotic plant which was introduced from South Africa. The plant should have been boycotted a lot earlier than it has been. The weed has long been a noxious weed in Victoria, with the exception of the metropolitan area. City residents consider it to be a pretty plant to keep, but it causes untold damage to parks

and reserves around the Mornington Peninsula.

Boneseed spreads mainly by its seed. The plant grows flesh which the birds enjoy eating and consequently they spread the seeds throughout the parklands. Boneseed is a spreading bush and blocks light from native plants growing around it. Its rooting nature causes the plant to spread out and take the life-giving moisture from surrounding plants. Boneseed dominates the whole environment in which it is found. It has been found commonly in the gullies and creeks around Mount Eliza, Mount Martha and on foreshore reserves around Port Phillip Bay where it dominates the bushland area. Many keen and hard-working volunteers work in conjunction with the Shire of Mornington to clean out the weed. Where the weed grows into a large bush, with a thick trunk, one cannot pull out the bush without disturbing the surrounding soil. In this case one has to chop off the bush at ground level and treat the stump with weedicide. This cannot be achieved in one year. The seeds lie dormant on top of the soil and one has to continually attack and work on the problem.

Mr Norris—Rather like the Liberal Party.

Mr HASSETT—That is true. A further problem with the weed is that it is persistent and reappears unless volunteer groups, councils and the Lands Department work to clear the weed from the bushland. If this work is not undertaken regularly, within a couple of years the weed will return just as badly—if not worse—than it was in the first place.

I support the excellent volunteer work and the work of the Shire of Mornington and suggest that they continue their good work with the “boneseed pull”.

The other weed to which I referred earlier, *Asparagus asparagoides*, is spreading and becoming quite a serious problem. Although it is not so well known, it could become a much more serious problem than boneseed and is acknowledged in the area to be a noxious weed. *Asparagus asparagoides* has a characteristic that makes it harder to eradicate than boneseed. This weed unfortunately has been spreading in areas where boneseed is not evident. Boneseed survives on the cliff sides and poor soils around the bay whereas *Asparagus asparagoides* tends

to enjoy the sandy bushland area and unfortunately destroys most of the plants around it.

The plant can be identified by its sinuously wiry green stems that twist around bushes and trees and anything upon which it can climb. It will strangle anything. What one can see of the plant above ground is only part of the story. Beneath the ground the plant develops a tuberous bulberous mass, which spreads rapidly throughout the soil. This makes the plant extremely hard to eradicate because if one breaks off the foliage above the ground, one does not destroy the plant; the plant reappears soon afterwards. It is quite an attractive fern-like plant and the vines grow profusely at this time of the year. Although at present the plant is confined mainly to the Mornington Peninsula and Phillip Island, it could affect farming areas as well.

The green growth, which is clearly visible at present in bushland areas, is most insidious because it is strangling and destroying many native plants. Indeed, many plants and trees have been strangled by smilax asparagus. The root system consists of a thick mat of roots, which deprives surrounding plants of nourishment.

Smilax asparagus bears a strong relationship to boneseed, which also comes from South Africa and, like smilax asparagus, poses a major threat to Victorian bushland. Birds have been a major agent to the spread of boneseed as they readily eat the fleshy fruit.

The eradication of both smilax asparagus and boneseed is being fought on a number of fronts. Unfortunately, the only way to treat smilax asparagus is to spray it with a chemical known as amitrol.

Mr Brown—How safe is it?

Mr HASSETT—Amitrol is not a residual spray but it kills grasses and broad-leaved weeds. The eradication process is labour intensive because only a small area can be sprayed at one time to ensure that the spray does not kill other plants in the vicinity of the weed.

Eradication pulls have been conducted in Mount Eliza and Mount Martha by concerned citizens and valuable support has been received from the Mornington Shire Council to continue this work. Recently, the Port Phillip Authority employed a special

gang of workers who have worked extremely hard on clearing the foreshore reserves of the weed in the shires of Mornington and Flinders. One area of particular note was the area around "Anthony's Nose" in Dromana.

Unfortunately, one pull is not enough. As I explained earlier, once cleared, a heavy regeneration usually occurs and it takes a couple of years to effectively clear an area. I make a special plea to have the workmen employed on the foreshore improvement project kept on for some time yet so that the boneseed problem can be effectively overcome.

Another matter of concern is that of bicycle safety. The issue is of concern to every parent and road user in Australia. During the winter months, there is a large increase in the number of road accidents involving cyclists. The peak accident time in the winter months is usually at dusk, that is, between the hours of approximately 4 p.m. and 5 p.m., when many children use their bicycles on the roads. Many children either do not wear the safety helmets purchased for them by their parents or they do not own a helmet. During the winter months at dusk, it is hard for a motorist to see a young cyclist on the road if that young cyclist does not have adequate lighting affixed to the bicycle or is not wearing reflective clothing. Indeed, at dusk, many motorists either do not have their headlights on or, if they do, the headlights are usually fixed on low beam. Those cyclists who do not wear reflective clothing or have reflectors affixed to their bicycles present a serious hazard to both themselves and to motorists.

In 1978, the House of Representatives Standing Committee on Road Safety found that during the winter months the number of accidents involving cyclists rose by 25 per cent.

The Government should give strong consideration to the safety standards of the bicycle, namely, the wheels, tyres, handling characteristics, brakes and lighting.

The Road Traffic Act of Western Australia contains regulations and provisions covering pedal cycles. It is interesting to note that, in Western Australia, a bicycle on the road after the hours of dusk or whenever should have a bell or other effective warning device affixed in a convenient position. A bicycle should also have certain design

characteristics. A line dropped vertically from the centre of the pivot head bearing on the front tube of the frame shall not exceed 250 millimetres.

The regulations also cover the handling characteristics of a bicycle and require a bicycle to have affixed a red reflector on the rear and white reflector on the front.

Many bicycles used in Victoria by young children do not carry reflectors and often do not have a bell. Bicycles ridden after the hours of darkness should carry a lighting system that readily warns other road users of the presence of a cyclist on the road.

Crash helmets and reflective safety vests are also vital equipment for cyclists. Indeed, reflective safety vests should be worn at all times by cyclists.

The SPEAKER (the Hon. C. T. Edmunds)—Order! The honourable member's time has expired.

Mr LIEBERMAN (Benambra)—The honourable member for Dromana spoke about noxious weeds and the destruction that they cause. Honourable members should note that the Government is acting like a noxious weed in respect to hospitals and the general health system in Victoria.

I am sure that you, Mr Speaker, would have shared the concern that many thinking Victorians have had in recent days about the announcements that the Government has made, through the Minister of Health and the Premier, regarding cuts in hospital expenditure.

Victoria's hospitals system is regarded as the finest in the world. That view is held by me not merely because I was a member of the former Government, which helped build many of the excellent health services.

Honourable members will recall that the report of the Jamison Committee of inquiry, conducted by the Commonwealth and State Governments regarding hospitals in Australia, indicated that, of all the States in Australia, Victoria held its head high. Victoria's percentage of beds per thousand of population was among the lowest, unlike New South Wales which had a reported excess of beds, Victoria also had a good average in relation to the availability and dispersal of nursing home beds.

Over the past five years health services in Victoria have been subjected to stringent

budgetary controls and, in many areas, a no-growth situation has occurred. That has been brought about by a number of factors, not the least being the change in financial policies regarding health services that the Commonwealth Government has imposed on the States. Following those five years of budgetary control, the hospitals, particularly those in Victoria, have little or no fat left to cut. However, this week honourable members saw the spectacle of the Minister of Health and the Premier announcing that, like all other Government departments, the health area will have to suffer a cut in State Government expenditure of up to 2 per cent.

The reaction from people who are not in Parliament but are involved in the health area, and who have no axe to grind other than their concern for the health and safety of Victorians and maintenance of the system they are proud of, has been well reported. I do not have to embellish that with comments made as the shadow Minister of Health. Honourable members have heard the cries from these people that they can no longer cope with any further cut-backs in budgets.

Honourable members know that an ever-increasing waiting list exists, particularly in Melbourne, for people wanting to have operations. There are approximately 6000 people waiting for operations in Melbourne. Those operations are classified as non-emergency operations, but they are needed for the health and well-being of the persons concerned.

Dr Coghill—What is the average waiting time?

Mr LIEBERMAN—That depends on the operation. Honourable members will have read in the press today that it is alleged that an 18-year-old youth involved in a motor accident had to be taken to three different health institutions before he could receive treatment as they were unable to cope because of stringencies regarding staff and services. Tragically, the youth died as a result of internal haemorrhage on admission to the third hospital. When the inquest is held into the death of the youth, I am sure it will indicate that the haemorrhage could have been allayed and the youth's life could have been saved if services had been available.

Victoria is in a crisis situation; I am talking about the care of fellow Victorians and it should not be a matter of "them and us" and the cut and thrust of politics that dominates the debate about the future of health services.

In today's edition of the *Herald*, the Treasurer has admitted to the people of Victoria that he has mucked up the running of the State and run the State into an overdraft.

The State has a deficit to the tune of \$135 million. That is the first public occasion that such an official admission of the ineptitude of the Government has been made.

Following the disaster of Ash Wednesday, the Premier correctly went to the Prime Minister and asked for additional help because of the downturn in the economy due to the bush fires as well as the drought. The Prime Minister made available to the States in a crisis situation additional funds to help them cope. What is happening today? The Treasurer does not mention those extra funds and says that the reason for the deficit in this State is not his Government's ineptitude, nor the bad decisions the Government has made in the past sixteen months, but purely because of the downturn in the economy, the drought and bush fires.

Mr Simpson—You missed out the \$105 million for the pipeline.

Mr LIEBERMAN—The pipeline is not reflected in the deficit; the High Court decision was handed down after the end of the financial year.

The Premier is insulting and denigrating the people working in the health area. He is supported by the Minister of Health, a professional denigrator who, under pressure, cleverly and adeptly produces a scapegoat. The Premier has stated that he must cut health services. What he has not been taken to task and judged for—I am sure he will be at the next election—is why health services in this State must be cut.

I will inform the House of two instances in the decision making of this Government regarding health which, had they not been made in the way they were, would not have given the Government any need to ask the

hospitals to make any adjustments to their budgeting for this year. From 4 July this year, the Government insisted that, despite my calls for deferment of the implementation of the 35 hour week from independent people, it would implement and thrust into the health industry—the most labour-intensive industry in Victoria—the 38 hour week. At first, the Minister said it would not cost anything because he was going to jack up the charges in cafeterias and create other offsets. The Minister has now admitted to me, in writing, that the actual net cost will be approximately \$17 million to \$18 million. I believe that estimate is wrong; it is a Mickey Mouse figure and is more likely to be approximately \$35 million. Time will show whether I am correct.

If honourable members accept the Minister's estimate of \$18 million and compare it with the Premier's announcement of the cut in health services, they will realize that the hospitals will suffer a cut of \$20 million this year and the whole health industry will suffer a cut of \$28 million. Had the Premier and Minister agreed to defer implementation of the 38 hour week, the need to cut services would not have arisen.

I will give another example of how the Government has caused people involved in the health industry and those who need health services to suffer, and they will suffer more as the months go by. The Government has been intent on commencing construction of the Queen Victoria Medical Centre at Clayton. It transpires that, as part of its determination and zeal to get that building under way, the Government has made a sweetheart deal with the Australian Builders Labourers Federation—Mr Gallagher's lot—to ensure that no strikes will occur at the site. A system now exists in our society where people must be paid extra money so they will not disrupt work programmes. The Labor Party supports that system. The Government has introduced an extra cost into the health budget because of the building of the Queen Victoria hospital. It has provided a site bonus whereby every building worker on the site will receive a bonus, on top of his already high pay, of 75 cents an hour for the entire duration of the building work, which will be of some years' duration. What is more, the union said that the Premier should backdate it, and he has agreed to do so.

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An examination of the files reveals that the agreement—the sweetheart deal—is backdated to October last year. The work started in February of this year. It was backdated and becomes a bonus outside the wage freeze agreement and outside the Conciliation and Arbitration Commission guidelines following the March summit. It is a 75 cent an hour bonus for every worker on these building sites, which is indexed automatically every six months according to the movement in the consumer price index in the six Australian States.

Mr Reynolds—That is prices and not wages!

Mr LIEBERMAN—Yes, and by the time that the Queen Victoria Medical Centre is constructed, those costs will have increased enormously. The remainder of Australians have been operating under the wage pause since March. However, the Premier says that the building unions are special; the Premier has given them a special deal.

Mr Landeryou, when Minister for Industrial Affairs, announced after the election of the Government that there would be no sweetheart deals while the Labor Party was in government. He said that there would be fewer strikes and fewer industrial disputes.

Mr Walsh—There has been!

Mr LIEBERMAN—Yes, certainly there has, but at what price?

Mr Simpson—You really want strikes, don't you?

Mr LIEBERMAN—Certainly not! The Minister said: "We will not negotiate behind closed doors and make sweetheart deals and on labour contracts and agreements negotiated by the Government, such as the Queen Victoria Medical Centre; we will ensure that they are put to the Arbitration Commission for ratification and registration so that the people of Victoria can see that we are an open Government and that we are not paying off IOUs to get us through the door." These are the Minister's words, not mine.

However, as of today, that site agreement has not been lodged with the Arbitration Commission for ratification and registration. It is only as a result of me calling it to the attention of the community on Monday

that the Government announced that it will make a move in that direction.

Honourable members interjecting.

Mr LIEBERMAN—This site has been the subject of questioning in national wage cases at the Arbitration Commission. Mr Justice Maddern and Mr Justice Williams, on two occasions in the past three months, have asked the Government representative why the site agreement has not been presented to the Arbitration Commission for ratification.

Honourable members interjecting.

The DEPUTY SPEAKER (Mr Wilton)—Order! As the Speaker has informed the House on several occasions previously, it is impossible for *Hansard* accurately to record the speeches made in this Chamber through the noise of constant interjections.

Honourable members are destroying their own chances of their speeches being recorded accurately because of the continual barrage of interjections and I ask the House to come to order.

Mr LIEBERMAN—I reiterate that this agreement has been mentioned in the national wage case and that the Government representative has been asked why the agreement has not been ratified in the Arbitration Commission. The Government representative, representing the State of Victoria, said in effect that work had not yet started, but, a little later, he had to retract when he was pressed on the start of the work.

He was asked: "If it had started, why had the agreement not gone to the Arbitration Commission?" He replied: "We are waiting a little longer until more work has been done at the site so that the disadvantages outlined in the agreement can be recognized."

That is nonsense. The Victorian Government was hoping that the private building industry would make similar site arrangements and site deals so that the Government's site deal would not be seen as a pacesetter. That has not happened because of the downturn of the economy and the Government is embarrassed because it has made an unprecedented sweetheart deal outside the wage freeze and the prices accord. As a

result, the Builders Labourers Federation, Mr Gallagher and his ilk, have been armed with weapons that they can use against other public bodies and against other jobs in Australia.

That indexed \$500 000 a year in the sweetheart deal could have been used in the health field to avoid the cuts in expenditure that the Premier has now inflicted on the State.

Another instance of the Government's ineptitude and how it affects human services is the proposed Medicare scheme. The Minister of Health campaigned for years when shadow Minister and when Minister of Health to destroy the Fraser medical health insurance system. He supported Mr Hayden and now Mr Blewett on the proposed Medicare scheme. He has locked Victoria into an agreement that Victoria cannot get out of and which involves the introduction of Medicare in November but without guarantees of adequate funds.

With the introduction of Medicare, there will not be enough money to maintain existing services and staff to meet the requirements of the people of Victoria. The Minister of Health and the Premier have mucked up their negotiations on Medicare. They have failed to protect Victoria and to secure adequate funding to maintain services.

The introduction of Medicare will cause a massive increase in demand for hospital and medical services by many people who will cease to take out private health insurance for medical and hospital care for themselves and their families. That increase in demand on public hospital services will create even greater pressure on the health budget and will cause a further crisis.

The Minister of Health and the Premier have said that the health cut will be 2 per cent, which they say is \$20 million for hospitals. That figure is a lie.

The DEPUTY SPEAKER (Mr Wilton)—Order! The honourable member will know that the word, "lie", is an unparliamentary expression and that he will have to withdraw that expression.

Mr LIEBERMAN—I withdraw and say that it is totally untrue. The Premier said

that \$20 million represents a 2 per cent cut but the State's contribution to the health budget for this year is \$481 million, or should be, and a \$20 million cut is almost 4 per cent. The Government is fudging the figures.

The Minister of Health has announced a grave matter concerning the Royal Southern Memorial Hospital and has said that the Economic and Budget Review Committee will examine the matter urgently. The Minister of Health has not told the community and Parliament that the budget about which he criticized the hospital is a budget that he had approved.

The DEPUTY SPEAKER—Order! The honourable member's time has expired.

Dr COGHILL (Werribee)—I refer to yet another example of the utterly unprincipled level of political debate undertaken by members of the Liberal Party both Federally and in the State. I will not refer to the most recent example from the possibly temporary Leader of the Opposition in Victoria.

I raised the issue in November 1981, as recorded at page 3676 of *Hansard*, and I referred to the more fundamental aspect—the very reason for the existence of the Liberal Party—and I referred particularly to the way in which it advocates its policies.

I am seeking to refer to the Liberal Party's blind commitment to free enterprise, not to private enterprise.

Mr KENNETT (Leader of the Opposition)—On a point of order, Mr Deputy Speaker, I am sure that the honourable member has every reason to be concerned about the policies of the Liberal Party, but I submit to you that the grievance debate is directed towards Government business, and if the honourable member is going to continue in this fashion, he is obviously out of order in terms of the grievance debate and its guidelines:

The DEPUTY SPEAKER (Mr Wilton)—I point out to the Leader of the Opposition that the grievance debate is not confined to Government business. The grievance debate, as I understand it, is a debate in which honourable members have the opportunity to raise in the Parliament any matter on which there is a grievance,

whether or not it relates to Government business. It is for the House to determine the question on the honourable member's remarks.

Dr COGHILL (Werribee)—Thank you, Mr Deputy Speaker. Again we have seen an example of the Liberal Party, and this particular Leader, seeking to subvert the practices of Parliament, knowing as he would, from his relatively long experience in this place, the provision for the grievance debate.

As I was pointing out, the Liberal Party has an absolutely blind commitment to what it describes as free enterprise as distinct from private enterprise, and a blind commitment to unrestricted market forces determining the way in which our society and our economy should operate. Conversely, the Liberal Party has a completely blind opposition to the policies and practices of Socialist and Democratic Socialist parties and party members within Australia, or elsewhere for that matter. The Liberal Party, by its performance, seems to believe that all of the problems that we might have economically, or in other ways, can be solved by deregulation, by lifting controls and by removing restrictions. Some of the most rabid advocates of those views would include members presently opposite, the member for Caulfield—

The DEPUTY SPEAKER (Mr Wilton)—When the honourable member is referring to other members of Parliament he should refer to them as the honourable member.

Dr COGHILL—Thank you for your guidance, Mr Deputy Speaker. Amongst the most rabid advocates are a number of honourable members sitting opposite. The honourable member for Caulfield frequently, when speaking in this Parliament, speaks in support of free enterprise. In the Federal Parliament there is the Honourable Jim Carlton, MHR, one of the leaders of the much depleted "dries" in the Federal Parliamentary Liberal Party and, of course, the Liberal Party has supporters, such as journalists and others whose writings we can read frequently.

What the Liberals do in these advocacies is to completely ignore history and the reasons for which controls and restrictions have been introduced, measures which generally have been put in place to guide the econ-

omy and to guide the distribution of power, wealth and income within the community. What the Liberals ignore is that laws and regulations have been introduced by this Parliament, and other Parliaments, because people with personal power over resources generally use that power to advantage themselves and those with whom they most closely identify.

Taking firstly political power, it is virtually impossible to find a benevolent autocrat, whether it be a monarch or an uncrowned dictator. In virtually every instance where a person has autocratic power, he uses it to his personal benefit and to that of his closest affiliates, whether it be family or other affiliates.

Exactly the same can be seen in the economic field. It is rare, indeed, to find an individual who will voluntarily relinquish or devote and decentralize control over economic resources which he or she owns or controls. As a consequence, we have taxes with redistributive effects because the wealthy have not, and will not, voluntarily share their wealth; they will not share it with the community generally for the provision of community facilities and services, and they will not share it with those who are in need of assistance and support arising from one or a combination of the myriad forms of disadvantage that people suffer within society.

Mr Jona—How do you share yours? It is all rubbish.

Dr COGHILL—There are controls over corporations because owners have and will manipulate corporations for their personal advantage. There are controls over food standards, again because food producers, more particularly processors rather than farmers, will manipulate standards and will produce contaminated food if they think they can get away with it. There are controls over trade practices and consumer affairs legislation, because there is a sad but a very long history of traders—not of all traders, but a significant proportion of traders—seeking to exploit their customers in one way or another, whether they be individual customers or corporate customers.

There is a long history of people who have been prepared to take short-term advantage, even though in the long term they may lose out, as the honourable member for

Wantirna suggests, and similarly in the matter of environmental control. Probably more dramatic examples of that are seen than in most other areas. In the absence of environmental controls, manufacturers and others have been prepared to destroy the environment around them for their own personal advantage and for their own personal economic gain.

Mr Jona—What about the people who take wages and site allowances that they have not earned?

Dr COGHILL—I am glad the honourable member for Hawthorn has referred to that matter because we regulate rates of pay and conditions of pay to avoid the sort of exploitation that occurs in countries and in societies where wages and conditions are not regulated. The honourable member for Hawthorn, I would expect, would have the integrity to recognize the inequities which exist in the United States of America, the home of free enterprise, the lack of benefits which are available to workers generally and the discrepancies which occur between various parts of the United States of America not only within but between the states of the United States of America. The list goes on and on.

There is a sound reason for every one of these statutes which are current law in Victoria and for every one of the regulations which have been introduced under the provisions approved by this Parliament. Yet the Liberal Party continues to deny these lessons of history; it continues to advocate free enterprise and it continues to refuse to acknowledge the point that free enterprise, as distinct from private enterprise, is freedom to exploit. It is the rich getting richer and the poor getting poorer. The Liberal Party, in justification of these policies, suggests that more efficiency and better economic performance results from them. It is simply not so, as I shall go on to demonstrate.

The Liberal Party further claims that a superior economic performance produces greater equity; in other words, a fairer distribution of wealth and incomes within society. That is simply not so, as I will demonstrate.

I have a number of tables that I seek leave to have incorporated in *Hansard*. I point out that I have had these cleared with the Speaker, with *Hansard*, with the Opposition and with the National Party.

Leave was granted, and the tables were as follows:

TABLE 1
COMPARATIVE ECONOMIC PERFORMANCES OF REPRESENTATIVE COUNTRIES APPLYING
VARIOUS GOVERNMENT POLICIES

Nation	GNP per capita 1979 \$US	Growth rate GNP per capita (real) 1970-78	Govt. Share of GDP % 1977	Income of the top 5% compared with the bottom 20%—1970's
Chile	1 690	2.1 (a)	12 (b)	6-10 times (c)
USA	10 820	2.3	17	1-5 times (d)
Australia	9 100	1.5	16	1-5
U.K.	6 340	1.9	20	1-5
France	9 940	3.1	15	1-5
W. Germany	11 730	2.4	20	1-5
Austria	8 620	3.6	18	n.a.
Sweden	11 920	1.1	29	1-5
Yugoslavia	2 430	5.0	n.a.	1-5
E. Germany	6 430	4.8	12	less than bottom 20%
Poland	3 830	5.9	12	1-5
USSR	4 110	4.3	22	n.a.

(a) relates to 1974-78

(b) 1977 figure

(c) 1968 figure

(d) 1980 figure

n.a. not available

Sources: Column 1—World Bank Atlas

2—World Bank Atlas

3—Adapted from "State of the World Atlas" M. Kidron and R. Segal, Pan Books 1981.

4—United States Department of Commerce Bureau of the Census. *Current Population Reports; Consumer Income; Series P-60* No. 132 July 1982.

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TABLE 2

Consumer Prices (annual increase based upon First Quarter 1983)		Unemployment Rate 1982-83	Consumer Prices (annual increase based upon First Quarter 1983)		Unemployment Rate 1982-83
CHILE	23.3%	20.0% (1982)	AUSTRIA	3.9%	5.3% (1983)
U.S.A.	3.6%	11.1% (1983)	SWEDEN	8.9%	3.2% (1983)
AUSTRALIA	11.5%	10.3% (July 1983)	YUGOSLAVIA	32.6%	12.7% (Nov. 1982)
U.K.	5.0%	13.6% (March 1983)	E. GERMANY	n/a	n/a
FRANCE	9.3%	n/a	POLAND	n/a	n/a
W. GERMANY	3.7%	9.8% (1983)	U.S.S.R.	n/a	n/a

Source: 1. IMF Quarterly Financial Report

2. OECD Main Economic Indicators

TABLE 3
TOTAL GOVERNMENT TAX REVENUE AS A PROPORTION OF THE NATIONAL PRODUCT

Country	Percentage	Country	Percentage
Sweden	53.5	Norway	47.0
Luxembourg	49.9	Netherlands	46.8

Country	Percentage	Country	Percentage
Belgium	44.2	New Zealand	30.4
Denmark	43.6	United States	30.2
Austria	41.4	AUSTRALIA	28.8
France	39.7	Portugal	26.2
Germany	37.8	Japan	24.1
Finland	36.5	Spain	22.8
United Kingdom	34.5	Turkey	22.5
Ireland	33.4		
Italy	32.6		
Switzerland	31.5		
Canada	31.1		

(Source: OECD 'Revenue Statistics of OECD member countries' 1980 cited in Campaign Against Public Sector Cuts RAZOR REPORT Vol. No. 5, 23 October 1981)

TABLE 4

Income Distribution, Quintile Data, Selected Countries, 1960's

	Czechoslovakia (1964) *	Hungary (1962) *	Poland (1965) *	Yugoslavia (1964) *	Austria (1962) *	West Germany (1964) *	France (1962) *	Australia (1963-4) +
1	1.000	1.000	1.000	1.000	1.000	10.00	1.000	1.000
2	.744	.676	.649	.608	.622	6.27	.485	.536
3	.633	.519	.506	.482	.481	5.08	.369	.417
4	.511	.407	.396	.373	.383	4.03	.292	.302
5	.390	.264	.258	.262	.231	2.24	.174	.170
Percent of all income to (1)	30.5	34.9	35.6	36.7	36.8	36.2	43.1	41.26

Sources: *adapted from Jiri Vecernik, "Problemy prijmu a zivotni urovne v socialni diferenciaci," in Pavel Machonin et al, Ceskoslovenska spolecnost: sociologicka analiza socialni stratifikace (Bratislava: EPOCH 1969) p. 298, cited by Connor W. D., in "Socialism Politics and Equality" (Columbia University Press, 1979) p. 217; +adapted from Ternowsky, G. W., (1979) The Australian and New Zealand Journal of Sociology, 15 (2): 16-23.

Dr COGHILL—Table 1 refers to the comparative economic performances of representative countries applying various Government policies. The nations listed are, in order, Chile, the United States of America, Australia, the United Kingdom, France, West Germany, Austria, Sweden, Yugoslavia, East Germany, Poland and the Union of Soviet Socialist Republics. As can be seen, they are a range of countries with Governments that go from the extreme right wing, Chile, to the most doctrinaire left wing, as I would describe the Soviet Union.

Column 1 shows the *per capita* gross national product for 1979 in (US) dollars. What can be seen is that there is no particular correlation between the form of government and the *per capita* gross national product at that time. However, honourable members should note that the highest figure relates to one of the Democratic Socialist countries, Sweden, which had a *per capita* income of \$11 920. I suspect that the range of figures shown in this column of the table simply reflects the level of political stability

in recent decades in those countries and the resources they have had available to them.

More interesting is column 2, and the figures are again derived from the World Bank, which shows the growth rate in the *per capita* gross national product in real terms—that is, adjusted for inflation—for the period 1970 to 1978. In this column, by far the highest growth rates are those for the Democratic Socialist and Socialist countries. I direct particular attention to Austria, with a growth rate of 3.6 per cent, Yugoslavia, with a growth rate of 5 per cent and East Germany with a growth rate of 4.8 per cent, as distinct from West Germany with 2.4 per cent, Poland with 5.9 per cent and the USSR with 4.3 per cent.

Mr Saltmarsh—They were a long way further back, though.

Dr COGHILL—That is a valid point, the USSR started off a long way behind. That is one of the factors involved, but it is certainly not the only one. Earlier this year there was a report from the Central Intelligence Agency of the American Government

that pointed out that over the past 30 years the economy of the USSR has had a much higher growth rate than the economy of the USA. That includes a period of post-war reconstruction in the USSR that did not apply in the USA. That point was recognized, nevertheless, by the American Central Intelligence Agency.

Those figures absolutely refute the claims by conservatives, in this case the Liberal Party, as to the effects of Socialist government on economic performance.

The third column shows the Government's share of gross domestic product in the various countries. Again, there is quite a range. The figures are interesting to compare but I shall not do that in detail. The fourth column shows a rough measure of income distribution within those countries and I shall give a more detailed analysis in Table 4.

Table 2 compares the consumer price index for those countries for the first quarter of this year. It is only a brief snapshot of what has happened in those countries over the past decade or so but it is, nonetheless, illustrative of the performance of the various economies. A wide range is shown for the countries of various political complexions.

Column 2 of Table 2 shows the unemployment rates in 1982-83 in the various countries. The lowest unemployment rate, by a very wide margin, relates to the two Democratic Socialist countries, Austria with 5.2 per cent and Sweden with 3.2 per cent in 1983.

I now turn to another of the untruths repeatedly put forward by the Liberal Party and the National Party in this place. It is their assertion, their untruth, that Australia is one of the most highly taxed countries of the world. That is not true. Admittedly, the former Federal Treasurer had the integrity to recognize that but most Liberal spokesmen do not. I refer to Table 3, which shows the total Government tax revenue as a proportion of the national product for a number of countries. The figures cited are for 1980, but the relativities have not changed much since then.

The table shows that Australia, with 28.8 per cent, was one of the least taxed countries in the world for Government tax revenue as a proportion of gross national

product. The only countries with a lower tax rate than Australia were Portugal, Japan, Sweden and Turkey. With the exception of Japan, all of those countries are poor countries with poor resource bases and it is not surprising that they are relatively little taxed. As we know, in Japan, many of the services that would here be provided by government are in that country provided by employers, so there is quite a different structure to the economy.

I return to the matter of income distribution and I refer to Table 4, which shows income distribution broken up into one-fifth of population—that is, the one-fifth of the population earning the highest income and so on down to the one-fifth of the population earning the lowest income. The figures shown relate to the 1960s but, once again the relativities have not changed significantly since then. The table shows that the Socialist and Democratic Socialist countries had the most equitable distribution of income. In fact, the most inequitable distribution of income at that time was in France.

Mr Jona—What year was that?

Dr COGHILL—It is shown on the table as 1962. France had then for a long time been under a conservative Government and one of the major reforms of the Mitterand Government has been to attempt to change this grossly inequitable distribution of income. Although it is true that there have been changes in economic direction by the Mitterand Government, there has been no attempt to pull back from this redistribution of wealth and income within French society. That is something for which the French Government can be commended.

What is clearly illustrated by all these figures is that the Liberals' commitment to free enterprise is based on a false premise. Free enterprise has not in any country where it has been attempted produced a higher growth rate in the long term. It has produced booms and busts, but it has not produced high growth over a long period. It has not produced as consistently a high rate of economic growth as Socialist and Democratic Socialist Government policies around the world and it certainly has not produced the most equitable form of wealth and income distribution.

These figures show that the Liberals' case is based on untruths. Every time members

of the Liberal Party stand up and say that the system they advocate produces the best results for the economy as a whole or for various sections of the community other than those with economic power, they are telling an untruth. What has been shown to work is democratic control over the economy with central planning and with the work force having control over the work place, over the way in which the resources of the workers are used. The only answer from the Liberals is to say that those who have economic power should retain that power and should increase their economic power rather than allowing the effects of democratic policies to channel benefits to the entire community.

Mr JONA (Hawthorn)—I shall discuss a number of aspects of the Victorian education system that are causing a great deal of concern among wide sections of the community. I shall refer particularly to three areas. The first is the question of Government funding for non-Government schools. I shall not now debate the issue itself but I shall debate very strongly the manner in which the Minister is handling the matter.

The second matter about which I shall speak is one about which every honourable member has received widespread representations and complaints from schools right across the countryside—that is, the compulsory imposition of powers on school councils and, again, the manner in which the Minister is attempting to implement the proposal.

The third point I wish to raise relates to the effect of the report of the working party on the abolition of corporal punishment and the manner in which the Minister is implementing that report, with the one exception of providing the additional support services which that committee recommended ought to be introduced into the schools following the abolition of corporal punishment.

I regret that the Minister of Education is out of the country while these three issues are raging and I also regret that the Acting Minister of Education is not present in the House during this grievance debate. However, I hope the Minister of Public Works, who is at the table, will convey to the Acting Minister of Education—who, I hope, will convey it to the Minister of Education when he returns from overseas—some of the areas of concern which have been channelled

through to the Opposition and which have been raised by the National Party in this House. I am certain that those matters of concern have also been channelled through to individual members of the Labor Party, who have either remained silent or have not relayed the messages to the Minister. If they had relayed the messages to the Minister, the Minister would not have been as inactive as he has been and he could not have refused to make the sort of response that the community requires him to make on these issues.

Let us consider the first report of the State Board of Education which is titled "Grants to non-Government schools for 1984 and 1985". I am not intending to debate the subject of this report. That can wait until another occasion, because the Opposition holds just a faint optimistic hope that the Minister will introduce a Bill to Parliament before he implements the recommendations of the report. Of course, there is no guarantee that the Minister will do that but, if he does, honourable members will be able to debate it. If he does not introduce a Bill, the Opposition will have to take up the other forms of the House to ensure that the matter is debated.

This report was tabled in Parliament—although it was first tabled by the Minister outside Parliament—last Wednesday, after the Minister had received the recommendations from the Chairman of the State Board of Education on 29 July. When the Minister tabled the report in Parliament, he indicated that the principal recommendations of the report would be adopted. If one of those recommendations is implemented, private schools, which account for one-third of the school population in this State, will suffer. The parents of the children attending those schools will have their funding grants reduced by percentages ranging from 12 per cent to 50 per cent in 1984, which is to be extended up to 80 per cent in 1985. The Minister stated that the reductions would occur in various groupings according to the school recurrent resource index rating as determined by the Australian Schools Commission. The Minister indicated that there would be six groupings under which this reduction would take place, but he did not name the schools.

As a result, there was not a single parent last week who had any idea of whether the

assistance he or she would receive from the Government would be reduced in respect of the school which his or her children attend.

Mr Simpson—The Minister did not name the schools that would get an increase either.

Mr JONA—That is right.

Mr Simpson—He said he would do so at a later stage.

Mr JONA—I ask the Minister at the table to let me finish my remarks. Last Wednesday, I asked the Minister, before he went overseas, if he would name the schools concerned.

Mr Burgin—He did not know them.

Mr JONA—Of course he did not know them, and he still does not know them. In an attempt to provide a service to the people of Victoria, the Association of Independent Schools of Victoria, which has a substantial number of non-Catholic independent schools affiliated with it, tried to reveal which schools had a recurrent resource index that would be affected by the grant. The association published in the *Age* and the *Herald* a list of 58 schools. Most honourable members in the House and most people in the community thought that that was the complete list. Therefore, the people who looked at the list and realized that the school that their children attended was not on the list, thought that they had not been caught up in this new Government grab at taxpayers' money. Therefore, they thought they were safe.

The association attempted to alleviate the stress and concern of as many parents as possible, but it was unable to do so because the information was not available of whether it would include all schools. As a result of that, even today, in the absence of the Minister declaring which schools would be affected, the parents of some 257 000 children in this State do not know whether the State subsidy for next year in secondary schools will be \$600, as low as \$250, or whether it will proceed even further, according to the Minister's promise, and be reduced to about \$120 in the second year.

As a result of that list which was published by the Association of Independent Schools of Victoria as a service to the community—because the association became utterly frustrated by the Minister's refusal, or inability, and I believe it was inability to

name which schools would be affected—the schools which were listed in the *Age* and the *Herald* were, in the main, Protestant schools. Many sections of the community immediately started to think that that was rather strange because, out of the 58 schools listed, some 56 of them were Protestant schools. There was a belief by the public that a transfer of funds would occur from those schools to non-Protestant schools. The Minister still remained silent, when he knew quite well—or his advisors should have known—that there was a substantial number of other schools and non-church independent schools which would also suffer substantial cuts. Yet he would not name them.

I do not think he has worked it out, but he still rushed in to table the report in this House before he left the country. That report indicated that there would be substantial cut-backs. As a result of the report being presented, there have been many expressions of the sort of bigotry which I believe all honourable members would want to avoid. There have been all sorts of suspicions and doubts that some people had bought favours, that they had been given favours because the Government is afraid of a loss of votes, and all those sorts of unjustified speculations, which is a type of human behavioural reaction to an incomplete statement made by the Minister that has been allowed to go unchecked.

I make a personal plea now, on behalf of the entire community and in the interests of all concerned—

Mr Simpson—You do not have to look up into the press gallery. No one is getting writer's cramp up there.

Mr JONA—I do not care whether anyone is writing this down or not. What I am concerned about is whether the Minister of Public Works is concerned about getting the Minister of Education to do the right thing. I plead with the Minister at the table to ask the Acting Minister of Education to release a list of all the schools throughout Victoria that will suffer cuts and to indicate the extent of those cuts, so that the parents and the school councils will know exactly where they stand. The councils will then be able to sit down and do some homework on the fee structure that they will have to prepare for next year.

The Minister should also give the House a clear and unequivocal undertaking on whether a Bill will be introduced in this regard in the current sessional period and, if a Bill is to be introduced, the Minister will have to work quickly because the needs-based formula in the report of the State Board of Education, which is going to push up the funds of the schools, has not yet been devised.

The honourable member for Portland interjects and raises the question of consultation. In the letter accompanying the report of the State Board of Education, the chairman, Dr McKinnon, states:

The task has been difficult for the Board in its first year.

That was an understatement. He continued:

As might be expected it has not been possible to achieve unanimity among members for all the views and recommendations set out in the paper.

Therefore, they were not even able to get a consensus view, and they were frightened to take a vote because the vote would have been twelve to two.

The chairman went on to say:

Although broad decisions and consultations have taken a considerable time, it was not possible to adhere to our original hope of further consultations.

In other words, they wanted to have further consultations but they did not have the time. The Minister of Education was pressing them to get a report in time for the session. Dr McKinnon then said:

Accordingly, it may be appropriate for the Government to allow a period of, say, one month to receive and consider reactions before making decisions about non-government grants for 1984.

What did the Minister do? He got the report, kept it for a week and then announced his decision. It is too late now for any schools to make representations to him about what they believe is unfair treatment. It is difficult because the schools do not know which ones will suffer a reduction or which will receive additional funds.

The statement made by Bishop Kelly in a letter to the editor of the *Age* of 17 August 1983 should not go unnoticed. Bishop Kelly expressed his concern about some of the so-called schools of need taking the additional money that will be channelled through to

them from other schools because he is not satisfied that the manner in which it is to be done is fair and equitable and in the interests of both the Catholic and non-Catholic school systems.

Mr McDonald—It is fairer than it was.

Mr JONA—The honourable member says that it is fairer than it was. The State Board of Education has based its recommendation upon the SRRI formula which the Australian Schools Commission adopted and which the commission in 1979, under the chairmanship of Dr McKinnon, who is now the Chairman of the State Board of Education, said was unacceptable. The expression of the inaccuracy of the SRRI formula was repeated in that Australian Schools Commission report of 1982–84.

The Minister has multiplied 2.3 by 2.8, calculated the answer to the seventh decimal point and said that it is accurate. The Liberal Party does not go along with that sort of dishonest, inequitable, misleading and unfair treatment of any group of citizens in the community, whether they are parents of students in private schools, State schools or other sections of the community.

The Liberal Party registers its strong protest, and accuses the Minister and the Government of dividing this community by setting one section against another, setting one religious section against another and setting the supporters of individual schools against supporters of others simply because no one knows what will apply to the various sections, and the Minister remains silent. The Liberal Party does not believe it is a matter for smiling, as the Minister of Public Works is doing at the moment.

Mr Tanner—And he is laughing now.

Mr JONA—The honourable member for Caulfield says that the Minister of Public Works is treating this matter as one big joke, and that is why the community is becoming upset and disturbed about the way a so-called responsible Government is irresponsibly handling a serious matter.

I refer also to a similarly awkward situation where the Minister of Education made it abundantly clear that from 1984 all school councils, whether they like it or not, will have additional powers which they will be required to exercise. However, he has not told them precisely what those powers are going to be, in what form they will be and

in what areas. He has given no undertaking that they would have anything like the additional administrative or other resources necessary to cope with those powers.

The Liberal Party has copies of 400 letters from representatives of schools that have written to the Minister saying they do not want those powers imposed on them. In many instances they say the school council does not have the competence to administer the powers, even if it wanted them.

The honourable member for Dromana smiles; he is so far out of touch with what is going on in the school community that he does not realize the Minister has been badly advised. This is too serious a matter to be taken lightly.

I am talking about the future education of our children. The honourable member should know about the war that is going on in metropolitan and country Victoria and the battles that are raging to get control of school councils. He ought to know in the north-eastern and north-western regions of Melbourne and the Broadmeadows area, where parents of school children are not quite as articulate in fighting for their rights as are the teachers—

Mr Sidiropoulos—Rubbish!

Mr JONA—I regret that the education system in Victoria is going to be thrown into chaos and Victorian children will be in a very serious position before the honourable member for Richmond is proven to be wrong. It is time the Government took notice of what some intelligent people in the teaching profession, parent organizations and school communities are saying about the shocking and inexcusable manner in which this Minister is allowing the school council re-organization to take place. He is more concerned about honouring his commitments to some outside sources to meet a 1 January 1984 time-table than he is about ensuring the scheme that is going to be put into effect is in the best interests of the community and school children. They have played a secondary role in this whole exercise.

The Minister of Public Works knows what I am saying is true. He must see his mail occasionally. The honourable member for Richmond must know what has been occurring in schools in Richmond, because representatives of the schools have been writing

to me. Obviously they are not receiving an understandable or sympathetic response from the Minister.

Unless the Minister gives an undertaking that legislation will be brought into Parliament this session which will give legislative effect to the re-organized school council powers, and unless he gives an undertaking that there will be acceptable State guidelines laid down and inbuilt safeguards established to ensure the safety and protection of the educational system that all honourable members should value dearly, there will be no alternative but to side with those tens of thousands of concerned parents and others in the community who are worried about the effects of this proposed legislation. The Liberal Party will have to join with them and take whatever other steps are available to remedy the situation.

I am not prepared to treat this matter as a joke. I do not treat any aspect of education as a joke, particularly when a whole future community going through the schools at the moment will be subject to attitudinal changes within a few years that will affect the nation's future, and the members of the Government treat this matter lightly.

Mr GRAY (Syndal)—The matter I raise today in the grievance debate is not one that I raise lightly or enjoy raising. It concerns a student at Monash University, a Mr Norman Rosenbaum, who is 25 years of age and married. He sat for his final law examination in November 1982.

He applied for special consideration in respect of his examinations because he was ill. He was granted one deferred examination and a supplementary examination in another subject. Mr Rosenbaum passed all of his subjects with the exception of the one in which he was awarded a supplementary examination, and he obtained a mark of 43 per cent in that supplementary examination.

Under the existing rules and regulations of the Faculty of Law at Monash University, he wrote to the dean of the faculty, Professor Baxt, on 18 February and requested a supplementary examination in Property I, the subject in which he had achieved the mark of 43 per cent, on the basis that it was the last subject he needed to complete his law degree and that rule 9 of the faculty rules made it mandatory for

the dean to grant a supplementary examination in that circumstance.

On 21 February the dean wrote to Mr Rosenbaum declining his request for a supplementary examination. On 11 March Mr Rosenbaum's solicitors, Messrs Kahn and Clahr, upon receipt of advice from counsel, wrote to Professor Baxt requesting reasons, and pointing out that, under the existing rules of the university, Mr Rosenbaum was entitled to a supplementary examination.

On 16 March the university's registrar, Mr Butchart, wrote to Monash University's then legal officer, Mr Pilley, requesting his opinion on the matters raised. On 23 March the legal officer wrote to the registrar giving his views. On that same day the registrar contacted the dean and I will quote briefly from each of those two documents. Before doing so I point out that I do not want to become bogged down with statutory interpretations but I will read briefly from the university faculty's rules:

7. Subject to Rule 9—

- (b) a student who has sat for a supplementary examination in a law subject which is a compulsory subject for that degree or, being enrolled as a candidate for the degree of Bachelor of Jurisprudence, in a non-law subject, shall not be allowed to sit for another supplementary examination in that or any other subject.

9. A student enrolled as a candidate for the degree of Bachelor of Laws who—

- (a) needs to pass only one more law subject in order to qualify for that degree; and
- (b) has failed to pass that subject but has obtained a final mark of not less than 40 per cent in that subject;

shall, upon application to the Dean within fourteen days of the publication of the results in that subject, be allowed to sit for a supplementary examination in that subject.

The memorandum from the university's legal officer, Mr Pilley, to the registrar canvasses the arguments for and against the question and applies the rules of statutory construction, and the legal officer comes to this view:

In my view therefore, Mr Rosenbaum should be granted a further supplementary examination and the faculty of Law should be advised to alter their rules immediately so that this set of circumstances, albeit rare, will not re-occur.

I might add I have advised Professor Baxt of my view and the reasons for it and he, reluctantly, agrees I am correct.

I should like the House to take particular note of the last sentence.

On that same day the registrar, Mr Butchart, wrote to the dean and pointed out that the legal officer had concluded that Mr Rosenbaum was entitled to a supplementary examination. However, he concluded his memorandum as follows:

Since all this is a matter not free from doubt, I believe you should refuse to admit the student to a second supplementary examination in respect of the same annual examination. There are grounds enough I think for believing that the courts will not intervene and while he may have recourse to the Visitor if he is aggrieved, from a common sense point of view he would be well advised to repeat the subject which would enable him to qualify for his degree and become registered well before a decision by the Visitor would be available.

There was a flurry of correspondence backwards and forwards between the solicitor, Mr Rosenbaum, the dean, the registrar and the secretary of the Faculty of Law and eventually myself. I do not propose to go through that. The attitude adopted by the dean and the registrar was that Mr Rosenbaum was not entitled to a supplementary examination.

At no stage did the university or any of its officers provide the documents from which I have quoted. These documents came into my hands through my own contacts at the university. The solicitor acting for Mr Rosenbaum is still in the dark as to the reason for the decision taken by the university officers.

The matter came to a head on 19 July when the board of the Faculty of Law met. The board was provided with a number of documents but not with the memorandum prepared by the university's legal officer. The matter was raised that the legal opinion had not been provided and, after some debate, the board determined to establish a sub-committee that would have the responsibility for determining a number of questions. One of those questions was whether Mr Rosenbaum was entitled to a supplementary examination and, if so, whether there was any need for the rules to be amended.

Mr Dickinson—Mr Speaker, I draw your attention to the state of the House.

A quorum was formed.

Mr GRAY—As I have mentioned, the board met on 19 July and established a sub-committee to determine whether Mr Rosenbaum was entitled to a supplementary examination. On 22 July I contacted the registrar to ask why it was taking so long to determine the matter. I received a reply from the acting registrar which reads, in part:

Because of the diverse views expressed at that meeting, a small sub-committee was established to look at the issue and resolve the matter, with a request from the Faculty Board for a speedy decision.

After lengthy discussion, the sub-committee reached a series of decisions in respect of the matters referred to it. I will quote briefly from its report of 29 July:

Hence, as there was no dispute as to the relevant facts and as no question of academic discretion arose, the Committee saw its function as being purely one of legislative interpretation. It took the view that the Faculty Board had entrusted the decision in this matter to the five members of the Committee, and it therefore decided to receive no further submissions on the issue but to base its decision entirely on those documents which were before the Faculty Board on 19 July 1983, except that it decided to take note of the memorandum from the University's Legal Officer to the Registrar dated 23 March 1983 because this was referred to in the memorandum from the Registrar to the Dean of same date and its production had been requested by some members of the Faculty Board.

As a preliminary matter, the Committee did not doubt that the intention of the Faculty when the Rules were drafted was that a student should not be entitled to sit two supplementary examinations in respect of the same subject in the same academic year; and the Committee thought this was the desirable position. However, the substantial question before the Committee was whether the Rules give effect to that intention or whether they do authorize two supplementary examinations as alleged.

After lengthy debate, the Committee has unanimously come to the conclusion that the Law Faculty's Supplementary and Special Examination Rules—taken alone—do permit a student to sit two supplementary examinations in respect of the same subject in the same year. In reaching this decision, the Committee considered a wide range of arguments in favor of each interpretation; it was aware of the ambiguity in the Rules and noted that the same ambiguity appeared in the advice to students in the two issues of Law School News; and accepted the responsibility of resolving this ambiguity by the application of accepted rules of construction.

In view of our conclusion that Mr Rosenbaum is presently entitled under Rule 9 to a supplementary examination, this question does not now arise.

However, we should point out that our conclusion depends on an interpretation not only of the Faculty's Rules but also of the University's Examination Regulations, particularly 4-5. It may be that, in spite of advice from the former Legal Officer, the Registrar would decline to accept our conclusion as to Mr Rosenbaum's entitlement and would refuse to recognize or record the result of any supplementary examination awarded by the Faculty to Mr Rosenbaum.

We hope such a situation can be avoided.

Late last week I was concerned that the sub-committee established by the faculty board had met but that no decision had been conveyed to Mr Rosenbaum. I contacted the acting vice-chancellor of Monash, Professor Westfold, and I spoke with Professor Baxt. The next communication I received was from Mr Rosenbaum. He received a letter dated 15 August from Professor Baxt which read as follows:

The Executive Committee of the Faculty of Law, after considering the report of the ad hoc committee of the Faculty Board, your submission, and submissions by members of Faculty Board, has decided that you were not entitled to the further supplementary examination you sought in Property I. Faculty board will be advised of this decision at its October meeting.

I am concerned that in documents from the Monash University, the legal officer clearly stated that, in his opinion the student is entitled to a supplementary examination and if there is fault in that decision, it is a fault in the drafting of the rules. The rules should be amended for future cases.

I have a memorandum dated 23 March from the registrar to the dean which, in my opinion, is a confirmation of an agreement reached by the registrar and the dean that, notwithstanding the interpretation of the rules, the university administration would deny this student his rights under the existing rules and regulations.

The registrar goes so far as to state that in view of the time involved in the student having recourse to the other avenues available to him, namely, the Visitor of Monash University who is the Governor of Victoria—the student would be advised to do the subject again.

Mr Rosenbaum had sensibly arranged for a job at the beginning of 1983—but jobs are difficult to obtain in the legal profession and as a result of the delays the correspondence backwards and forwards and the misinformation and disinformation that had come from the law faculty and the university, Mr

Rosenbaum is now two-thirds of the way through studying this subject and has had to forgo his job with the law firm. It appears that the words of the registrar that he would be better advised repeating the subject, despite his legal entitlements, were spot on. Of what value was the decision of the faculty board to appoint a sub-committee whose express purpose was to determine whether this student would be entitled to a supplementary examination and that sub-committee resolved unanimously he was so entitled? The sub-committee contained representatives from the law faculty, a student representative and members of the practising profession.

That decision by the faculty board apparently was not worth the paper on which it was written, because the decision was taken by an executive committee of the faculty board to ignore the unanimous recommendations of the sub-committee, and Mr Rosenbaum has been told again he is not entitled to a supplementary examination under the rules and regulations of the university. I repeat that Mr Rosenbaum has been given no reason for the decisions taken and it concerns me that I have been unable to obtain information from the university except by virtue of my own contacts.

It appears that the due processes which are established under the regulations are being wilfully ignored by those responsible for their administration. I seek from the Acting Minister an immediate consultation with the vice-chancellor to bring to his attention the matters I have raised here today and some explanation of the behavior of the dean and the registrar and further a decision which would restore the rights of this student.

In making this request I am well aware, as is Mr Rosenbaum, that he does have recourse in other ways for the actions of Monash University. Certainly the saga has not reflected well on the university. I regret the necessity to raise this matter in Parliament but it seems that the chance I offered the university last week was declined and so it seems the university is impaled on a hook of its own making.

Mr MATHEWS (Minister for Police and Emergency Services)—I shall reply to the honourable member on behalf of the Minister of Education. It would be difficult for members of this House not to be impressed

by the meticulous information the honourable member for Sydnal has prepared and put before the House. It is indeed difficult not to experience some feeling of unease about the extent of his remarks. Although it is desirable that universities are autonomous, it is important that that autonomy be recognized by the Government and the Parliament to the utmost possible extent. Nevertheless, the Government has a responsibility in these matters, and it is undesirable that the need to act in this capacity should be forced on the Governor of this State by a turn of events. I will certainly do my utmost to ensure that the matters the honourable member has drawn to my attention are cleared up.

Mr SALTMARSH (Wantirna)—I raise a number of matters concerning the administration within the Department of Community Welfare Services and express grave concern on behalf of many people employed within the department about the inability of the current administration to make important decisions about important priorities and which has a process established whereby there is a continual activity of review upon review upon review.

At present there is concern and unease throughout the department because of the continual review process. The time of staff in conducting these reviews is considerable. Staff find there is no conclusion reached after the review and the system is subjected to yet a further review.

Since the decision to establish an Office of Corrections another review is to take place on top of all the other reviews to determine whether the staff wish to be associated with the Office of Corrections or whether they wish to remain within the Department of Community Welfare Services. An arbitrary decision has been made that those services relating to the adult area of the Department of Community Welfare Services will belong to the Office of Corrections and that the area dealing with families and children will belong to community welfare.

Many experienced staff in the department believe this to be an arbitrary and false decision. They are confused about the option they should take. This leads to resentment, frustration and deep concern in the department. It is regrettable that during the past fifteen or eighteen months, the

management of the department has led to a continual process of review upon review. This creates uncertainty, frustration and a lot of reaction which means that the essential human services that should be provided are not being provided.

This could be a reason why a number of young people in trouble—for example, those on probation or other services—are not being given the sort of important care and guidance which the community might expect. The low staff morale and the continual process of review, without ever reaching a conclusion, could be a contributing factor.

I refer in detail to the non-development of the remand centre. Honourable members will be aware that over a number of years concern has been expressed about the need for a new remand centre. Prior to the last election, the former Liberal Government had a scheme prepared for the establishment of a remand centre in West Melbourne. This was to be a high-rise scheme to accommodate 240 remandees. The scheme had advanced to the first stage and was ready to go to tender two weeks before the election.

Because of the proximity to the election the former Liberal Government did not take the matter further and it was expected that because of the high priority of this important project, the incoming Government would have taken up the work completed within the department. As is to be expected, any incoming Government wishes to review the commitments that may have been made by a former Government. The new Labor Government determined that the plans that had been prepared would no longer be acceptable. Therefore, the plans that had been prepared at considerable expense and with considerable professional interest were shelved.

Ever since the Labor Party assumed office, honourable members have heard statements from the Minister and, at times, the Premier, indicating that the remand centre was proceeding. It may sound amazing, but at this stage there is no detailed plan. There is no design scheme; there is nothing upon which anyone could make any judgment whatever. However, honourable members have been told continually that there is a design scheme which will be proceeded with. At this stage the project is a total phantom.

In June last year the Minister for Community Welfare Services said that caution needed to be exercised about the remand centre. Well there might be, because there have been no plans to proceed with it. In July, honourable members saw photographs in the daily papers of the Minister in a locked room making out that this was a full-size model of the proposed remand centre. This was a piece of chicanery and represented misleading information because the Minister was trying to convince the community that the Government was making plans on an important project.

We discovered that there were further reports. A report was received from Mr David Biles, an academic from Canberra, who, to my knowledge, has never worked with prison administrations.

However, he prepared a report which appeared to become a report for the Government to take further action. The report was an academic exercise which was further evidence of the phantom. The report produced only a few recommendations, one of which was that the committee—whatever committee that was—should investigate the Belconnen remand centre in Canberra. That centre holds fifteen to eighteen people at any one time and 46 officers are employed to man this highly expensive centre. The centre is a luxury which no State and only Canberra could possibly afford. It would appear that the recommendations of Mr Biles were that the Victorian Government should adopt something of the scheme applicable in Belconnen.

Mr McNamara—They shut the doors!

Mr SALTMARSH—They might not even do that. As a result of the recommendations of Mr Biles, concern was evidenced from the Law Department. An officer within that department was asked to review and comment upon the scheme suggested by Mr Biles. The report presented by the Law Department pointed out that the earlier comments were inaccurate and that the Department of Community Welfare Services had been inaccurate. I understand that that report has been kept secret within the portals of the Government. Apparently the Law Department indicated that many of the standards incorporated in the Biles report were unacceptable. One of the major unacceptable points was that the review by Mr

Biles, the academic criminologist, did not take into account—

Honourable members interjecting.

The SPEAKER (the Hon. C. T. Edmunds)—Order! I ask the Minister for Community Welfare Services to cease interjecting. The House had been behaving itself until the Minister returned.

Mr SALTMARSH—Mr Biles did not take into account the population growth between now and the year 2000, at least. The recommendations about the size of the remand centre were based upon existing figures rather than any population growth. Admittedly, Mr Biles sought to take into account some of the impact which would be felt if there were any changes to the sentencing arrangements based on the *per capita* remand figures in New South Wales.

If the number of persons on remand in Victoria was at the same level as in New South Wales, a remand centre would have been needed for approximately 450 to 460 persons. Mr Biles recommended that the remand centre have a capacity for 220 persons. That recommendation was ignored on the recommendation of the Law Department.

A further report was compiled by the Touche Ross Services Pty. In other words, there was a review process on a review process. The firm of Touche Ross was paid \$60 000 for the review, which concluded that the earlier scheme was useless and that the staff ratios were impossible.

In order to curry favour with the Government and obtain Cabinet support, Touche Ross claimed that the new remand centre should be staffed on a ratio of 4:1 instead of on the traditional basis of a ratio of 2:1.

However, it should be noted that at that stage the idea was a dream. There were no design plans and schemes. Further reports, photographs and editorials appeared in the newspapers, claiming that the Government was getting on with the job and doing something reasonable about a remand centre, when there was no design plan whatsoever.

In January this year, an advertisement was placed by the Government in the daily newspapers under the heading "Melbourne

Remand Centre". That advertisement states:

The Government of Victoria has determined that construction of the new Melbourne remand centre should proceed as quickly as possible.

There was no indication of when construction would commence. The advertisement continues:

The new centre will provide accommodation for 220 approximately male and female unconvicted detainees.

A client brief and indicative design with costing has been completed. The Public Works Department will provide over-all co-ordination of the project.

Only a few weeks ago, the Government appointed yet another team to work on a client brief and an indicative plan. The advertisement was a hoax, forced upon the community by the Government in an endeavour to make out that it was taking seriously this important issue, but there was no plan in existence to work on.

Even at this stage there is no plan. It will be a few more weeks before a client brief will be anywhere near ready for Cabinet to determine whether that brief is acceptable and whether the cost is within a bull's roar of the \$21 million that has been spoken about, or whether the cost will be higher.

Once the plan reaches Cabinet, it will have to be referred to the architects and engineers, who will have to undertake a study to ensure that the design is practical and that the needs of the remand centre will be properly provided for. The following stage will involve the detailed development of a plan. However, it will be at least another twelve months before there will be anything like a detailed plan to allow building work to commence.

It will take at least three years to construct the new remand centre. The centre will have to meet the needs of the detainees, security requirements and so on. Although yet another team is attempting to develop the first plan, there is still no plan in existence.

Yesterday, many property owners of the West Melbourne site were informed that their properties will be resumed by December this year. The Club Hotel is situated on the site. Many of the senior management of the *Age* newspaper drink regularly at that hotel. The owners of the hotel have been

advised that they will have to cease business by Christmas.

A number of small businesses are also situated on the site. Indeed, one or two small businesses have only recently moved to that site at considerable expense. The owners of those small businesses naturally feel concerned for both themselves and their employees. They moved to that site in the belief that, when they received a planning permit, they would be able to remain in business at that location for some time. In addition, a chemical factory and a number of other factories are situated on the site.

It will cost the Government millions of dollars more to purchase these sites. The owners of the sites will have to be paid compensation for the disruption. It is important that the Government knows whether it can acquire the necessary properties. The Government has moved from developing the concept of a medium high-rise remand centre to a single-level remand centre, which will mean the acquisition of more land. There has been an incredible mix up because the Government is now having to purchase additional properties before it has even obtained a design for the new remand centre.

The Government does not possess the ability to plan effectively. However, at this stage, it is comforting to know that the Minister of Public Works has become involved. It may be that, when there is a reshuffle of portfolios, the Minister of Public Works will become the Minister for Community Welfare Services.

The Government has still not determined what facilities will be included in the new remand centre. In the early stages, the new remand centre was to have included a swimming pool and other recreational facilities for the detainees, as well as facilities to provide access for professional visits and the preparation of briefs. At this stage, one does not know what facilities will be included, and I should imagine that some of those facilities I have just referred to will be omitted.

The Opposition supports the concept of a separate remand centre. However, the important decision has not yet been taken to provide the officers and resources in the new remand centre. There is no way that a design can be developed until a decision is made on what facilities will be included in the new centre.

I doubt whether the Government regards that as important. It is clear that the Government shelved the plans when it first took office. The Government has since made so many reviews upon reviews and spent thousands upon thousands of dollars at public expense on the reviews upon reviews. Even at this late stage there is no design. It will take a minimum of twelve months to obtain a plan to tender for and it will take a further three years from that time to construct the new remand centre.

I resent the fact that the community has been hoaxed and misled time upon time by the fact that there is no design plan and no scheme. The Government is working on that right now. Time and time again the community has been told that the scheme is on the way. The community has been hoaxed, and I resent that.

Mrs TONER (Minister for Community Welfare Services)—I should like to reply to the remarks made by the honourable member for Wantirna, who appears to have the same sources of information as does the Leader of the Opposition, namely, wrong sources.

I indicate that the honourable member for Wantirna appears to have the same false sources of information as the Leader of the Opposition, who has made various unfounded allegations in Parliament over the past few days. Whatever the sources are that the honourable member for Wantirna has, they provide him with a garbled version of half truths and total fiction.

The honourable member for Wantirna referred to the Biles report and intimated that Mr Biles had never worked in prisons. Had the honourable member tested his facts, he would have discovered that Mr Biles worked for many years in the French Island prison and Pentridge Prison. He worked in prisons as an education officer.

The honourable member for Wantirna also intimated that there were no plans. I state clearly and freely that the Government has made major modifications to the proposal for the remand facility and that these plans exist. I can understand the sour grapes of members of the Opposition who, for 27 years, produced plans for every election, but never provided a penny. I looked carefully for the detailed plans that the honourable member for Hawthorn said

existed regarding the high-rise remand facility proposed by the former Government, but they do not exist.

The Government has made a commitment to devise a cost-effective building to be completed by the end of 1986. The money has been provided by the Victorian Development Fund, and the project is ready to proceed under the supervision of Mr Pat Randolph, who has been appointed as the project director. I do not run away from the fact that the Government has evaluated the design of the building on the basis of providing reasonable recurrent costs. I also do not run away from the fact that the Government consults with people in the community, which was never done by the previous Government. This consultation has resulted in the modified remand proposal.

The honourable member for Wantirna, who has information from someone who sweeps the building and who may talk to the lift driver's aunt or has something that may have fallen off the back of a truck, is wrong again. I deeply resent the criticism he has made of dedicated administrators in the Department of Community Welfare Services. That criticism does no good in providing services for the clients of my department who need them in light of world economic trends and the difficulties currently being experienced.

The honourable member for Wantirna should attempt to get his facts straight. He should occasionally do his homework instead of relying on rumours. The honourable member has never come to me and asked "What is the situation at the present time?" He never asks for information and has never asked for a briefing by the Director-General of my department. The honourable member relies on rumour and innuendo from people who do not know the facts. It is not good enough, and the honourable member needs to lift his game considerably if he is going to speak out and provide positive suggestions about the welfare and correctional service needs in Victoria.

Mrs SETCHES (Ringwood)—I draw the attention of the House to the desperate need for public rental housing in the outer eastern region of Melbourne. The region comprises the municipalities of Knox, Healesville, Croydon, Ringwood, Upper

Yarra, Box Hill, Nunawading, and Doncaster and Templestowe. For historical reasons, the area has had virtually no public rental housing accommodation provided by the former Government and has had little provided by this Government.

A number of reasons exist for that. It is largely a middle-class area and the local government restrictions placed on the provision of public rental housing meant that none was provided. The result has been that an insufficient variety of housing types exists, both in physical and economic terms. Mainly two and three-bedroom brick veneer houses were provided for what was once known as the nuclear family. No accommodation exists for the housing of elderly and young people, and only fairly recently have strata title own-your-own units been provided in the City of Ringwood and other cities in that area.

I draw the attention of the House to the formation of the Ringwood Rental Housing Co-operative, which has been set up to address the needs of low income persons who need public rental accommodation on a permanent basis. The co-operative is supported by the City of Ringwood and other groups, such as the Outer Eastern Region Housing Council and the Maroondah women's refuge.

The City of Ringwood, where the co-operative is based, is the smallest local government authority in the outer eastern region, although it has the fourth largest population. The 1981 Australian Bureau of Statistics figures show that the population of Ringwood is 38 656. Next year, a large number of people will be attempting to enter the work force in that area. The figure has been estimated at approximately 2110. Approximately 25 per cent of those currently employed in Ringwood work in "at risk" employment, such as the textile trades, labouring and small manufacturing industries.

The 1981 Census figures show a drop of 2.6 per cent in the manufacturing employment areas from 1976 to 1981. There are 12 659 households in Ringwood and, although 724 did not reply to the request of the Ringwood Rental Housing Co-operative for a statement of income, 408 family households receive less than \$4000 a year. There are 5355 family households that receive less than \$15 000 a year, which is

below the average wage of \$17 000. Only 55 per cent of Ringwood households earn \$15 000 a year and over. Some 45 per cent of family households live in conditions that have the potential of poverty or hardship.

When examining the housing situation in Ringwood, one finds that 11 785 total dwellings exist. Of these, only 13 are public housing dwellings. That is a percentage of 0.11. When examining the wider context of the outer eastern region, one finds that 108 507 total dwellings exist and only 177 of these are public housing dwellings. That is a percentage of 0.15.

The acute shortage of public rental housing has meant that people have been forced to compete on the private rental housing market with the result that the high demand is bringing about high rents and creating low vacancy rates.

Recently, two surveys were carried out by the Ringwood Rental Housing Co-Operative into the private rental market in Ringwood. Six estate agents were handling 500 properties. In July, those agents had only six houses and one flat to rent. Three of those agents had approximately 26 inquiries a day for rental accommodation. The "RESI market" showed that in March 1983 there was a vacancy rate for the outer eastern region of 1.3 per cent. The vacancy rate in Ringwood appears to be below 1 per cent.

The response of the estate agents to the questions asked by the co-operative is worth noting. The estate agents were asked about the effect of more public housing being available in the City of Ringwood. A minority considered that public rental housing, termed welfare housing, would reduce the market value of houses available for sale. None of that minority of estate agents was aware that already there are thirteen welfare housing dwellings in the municipality.

Because of the dire picture painted of public rental housing in the outer eastern suburbs, particularly Ringwood, the Maroondah Social Justice Group of the Ringwood Uniting Church called together local community groups and community leaders. A meeting was held on 6 June 1983.

I congratulate the initiative of the Maroondah Social Justice Group committee of the Ringwood Uniting Church. It has had a fine record over the years and has drawn the attention of the people of the

outer eastern suburbs to varying problems such as civil rights throughout the world, especially in El Salvador, nuclear disarmament, and so on. It has conducted seminars on such subjects as a guaranteed minimum income for people living in poverty.

A steering committee for the Ringwood Rental Housing Co-operative was formed. It obtained council support and a public meeting held on 15 July, chaired by Councillor Lillian Rosewarne of the City of Ringwood, attracted more than 50 people. As a result of the meeting, several organizations pledged their support, including the Outer Eastern Region Housing Council, the Ringwood City Council and other community groups.

A committee of management was set up and it had two-and-a-half weeks in which to prepare a submission to be given to the Ministry of Housing last Friday. Those preparing the submission did an incredible job. Some people worked day and night on its preparation. Of the members of the committee, ten people are prospective public rental housing tenants whose requirements are a dire need for housing, who have come forward and given their enormous support and untiring efforts to the preparation of the submission. About six people are pensioners and single parents and there are unemployed people on the committee.

There is community back-up support from the secretary of the Outer Eastern Region Housing Council, the local council and, of course, Councillor Lillian Rosewarne.

I congratulate the members of that committee for the work they did in preparing that submission. I trust the submission will be successful and will result in a funding grant from the Ministry of Housing. I hope this worthy co-operative can succeed in Ringwood.

The question was agreed to.

HOSPITALS SUPERANNUATION (AMENDMENT) BILL (No. 2)

Mr ROPER (Minister of Health)—I move:

That this Bill be now read a second time.

The amendments proposed in the Bill are mainly unrelated and, accordingly, are best discussed in my comments on the clauses.

The Bill will give the Hospitals Superannuation Board greater flexibility in administering the Hospitals Superannuation Fund and will maintain the benefits payable to its contributors. The thirteen clauses in the Bill and the issues are:

REMOVAL OF DISCRIMINATION

Clause 9 (1) (e)—At present spouses of contributors and pension contributors are not permitted to reduce their pensions and to receive the equivalent entitlement by way of lump sum. The amendment is designed to provide the same rights to spouses as to other pensioners.

Clause 9 (2) and (3)—For the spouse of a female contributor, a pension is not payable unless the widower is, in the opinion of the board, wholly or substantially dependent. It is considered that widowers should enjoy the same benefits as widows.

ADMINISTRATIVE PROCEDURES

Clause 3—Administrative difficulties are being encountered by the board under section 6 (1) in relation to the employment and payment of staff. The Act currently specifies that the Governor in Council shall fix the salaries payable to staff. This effectively means that when staff are appointed, are eligible to be paid an increment or there is a Public Service pay rise, the Governor in Council has to approve of these matters. It is proposed that the Treasurer, as the responsible Minister, will approve of these variations.

Clause 4—It is proposed to amend the provisions relating to contributors who continue as contributors to the fund during a period in which they are not employed by a participating institution. The amendments take into account additional payments resulting from the introduction of new funds and provide for possible variations in the rate of contributions.

Additionally, it is proposed to extend the period during which a member may contribute under these provisions without the specific approval of the board and to ensure that when a contributor transfers from one participating institution to another, his membership of the fund will continue.

Clause 8—The calculation of pension benefits in sections 35F and 35I is based on

the "Average Weekly Earnings (Melbourne) Index published by the Commonwealth Statistician". There is no such index.

The calculation of contributions is dependent in part on the "minimum wage". "Minimum wage" is defined in section 35A and is based on awards of the Australian Conciliation and Arbitration Commission. A new basis for determining the minimum wage is now required.

RETRENCHMENT

Clause 2—It is proposed to alter the definition of retrenchment in section 3 (1) to provide retrenchment benefits to employees who have ten years service with relevant institutions, as opposed to the current requirement of at least ten years service with the particular institution from which she or he is retrenched.

Clause 5 (a)—Section 30 of the Act relates to persons who are on leave without pay and is primarily directed at persons who are on maternity or study leave. As the Act currently stands, all persons who are on leave without pay, whether this be one day or one year, have a number of alternatives in relation to paying contributions while on this leave. It is proposed to amend the Act to provide that persons who are on leave without pay, other than sick leave, shall have to pay full contributions, unless they are absent for a period in excess of four weeks.

TERMINAL BENEFIT SUBSIDY

Clause 7—Section 34 of the Act provides a terminal benefit subsidy for some employees. There are two categories of employers contributing to the fund and as the Act is currently worded the calculation of the terminal benefit subsidy is not consistent between these categories. It is intended to remove this anomaly and standardize the method of calculation.

COMMUTATION

Clause 9—The Act currently prescribes that a pensioner can commute his or her pension for a period of up to five years. A person who retires on account of age at less than age 65 years is suffering financially by not being able to commute for a period longer than five years. This amendment will allow commutation for a period of longer than five years. Additionally commutation can be granted only to persons in receipts of

a pension. This has considerable disadvantages for social security purposes. It is proposed to allow pensioners to commute from the date they retire without first having to be paid a pension.

WITHHOLDING PENSION INCREASES

Clause 12—Many persons in receipt of a pension under the Act are also in receipt of benefits under the Commonwealth Social Security Act. However, the increase in benefits that occurs when pensions are adjusted in accordance with movements in the consumer price index may mean that pensioners will become ineligible for Commonwealth social security fringe benefits in some cases for a sum of only \$2 to \$3. It is proposed to allow pensioners to elect not to have their pensions increased so that they may retain their social security fringe benefits. Section 35U needs to be amended.

INTEREST ON ARREARS

Clause 13—When employers are late in forwarding contributions to the fund they are charged a penalty at a rate of 6 per cent per annum. In view of the current high interest rates it is necessary to increase the interest chargeable on outstanding payments to a level which will give employers an incentive to pay contributions promptly. Section 47 (2) needs to be amended.

In addition, there are a number of amendments of a technical nature resulting from previous drafting errors.

Clause 5 (b)—The current wording of section 30 (9) refers to payment of disability benefits. The way the Act is currently written, a person who is to receive a disability benefit has the benefit calculated as if he had died. This is despite the fact that he is assigned a medical classification for the purpose of determining disability benefits. It is proposed to amend the Act to provide that the disability benefit will be appropriate to the person's assigned medical classification.

Clause 5 (c) and (d)—There a number of drafting errors in section 30 which result in service being excluded under one sub-section and included under another. The section relates to persons who are on leave without pay and provides that for a person to have his service recognized, he should have to pay three and half times his contributions. The way that the Act is currently

worded means that even if he pays these additional contributions, he still cannot have the service recognized.

Clause 6—The amendments are designed to—

- (i) ensure that the employer pays when employees are on extended sick leave without pay.
- (ii) remove contradictory phrases.

Clause 10—Increased pensions in respect of children should also apply under section 35J.

Clause 11—The existing wording of section 35M is considered unworkable and does not permit the determination of a common rate of interest, less charges for death and disability.

As I indicated in my introductory remarks, the purpose of this Bill is to maintain the benefits payable to the contributors to the Hospitals Superannuation Fund and it is also designed to bring them more into line with the State Employees Retirement Benefit scheme.

I commend the Bill to the House.

On the motion of Mr TEMPLETON (Mentone), the debate was adjourned.

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

PENALTY INTEREST RATES BILL

Mr WILKES (Minister for Local Government)—On behalf of the Attorney-General, I move:

That this Bill be now read a second time.

The Penalty Interest Rates Bill 1983 is designed to remove the uncertainties and difficulties which have arisen from the decision of the Australian Loan Council to discontinue the rate upon which the State penalty interest legislation relied.

On 1 July 1983 the Australian Loan Council discontinued publication of an approved maximum rate for long-term borrowing for new public securities issued by semi-Government authorities. This rate had been established by the Penalty Interest Rates Act 1981 as the rate to be applied in respect of defaults in payments of court orders and in respect of arrears in payment of purchase moneys under contracts for the sale of land which had adopted the model

conditions contained in the Property Law Act 1958 or the Transfer of Land Act 1958.

The Bill, when enacted, will repeal the Penalty Interest Rates Act 1981 and insert new provisions into the Supreme Court Act 1958, the County Court Act 1958, the Magistrates' Courts Act 1971, the Property Law Act 1958 and the Transfer of Land Act 1958.

The Bill contains the following features:

- (i) In future, the penalty interest rate will be fixed by reference to the long-term Commonwealth bond rate.
- (ii) The Attorney-General, having regard to the advice of the Treasurer, will announce the exact rate by notice published in the *Government Gazette*.
- (iii) The rate will be fixed quarterly, operative on 1 October, 1 January, 1 April and 1 July.
- (iv) The rate for the period 1 July 1983 to 30 September 1983, or the date of assent to the Act, whichever is the later, shall be 15.8 per cent per annum being the last approved maximum rate for long-term public borrowing issued by the Australian Loan Council.
- (v) There is provision for validation of orders made since 1 July 1983.
- (vi) There is provision for re-opening of judgments or orders made since 1 July 1983.
- (vii) If a maximum Commonwealth bond rate ceases to be set, the fixing of the rate will be left to the discretion of the Attorney-General, acting on the advice of the Treasurer. The 1981 legislation, introduced by the previous Government, had not contained such a fall back provision.

In reviewing the 1981 legislation, I received submissions that the method of publication of the Australian Loan Council rate was unsatisfactory. The rate was usually announced on a Friday and made operative from the following Monday. The announcement was made by way of a press release. The primary source of information as to the approved rate was the financial press. Courts and practitioners often did not have ready access to this information. These difficulties were compounded by the possibility that the rate might fluctuate from week to week. For that reason, the Government

has decided to implement a system of quarterly publication by way of an official notice in the *Government Gazette*. I hope that arrangements can be made for the official rate also to be published in professional journals and the daily law list, as has been suggested to me by the Law Institute and the Bar Council.

It is important to ensure that people should not be able to avoid their responsibilities to pay penalty interest on defaults which have occurred since 1 July. For that reason the legislation has a limited retrospective effect.

The Government recognizes the desirability of having a mechanism for the setting of the penalty interest rate which is commercially acceptable and is sufficiently flexible to take account of inflation. The Government has settled on the long-term Commonwealth bond rate as the most convenient reference point, as it is highly unlikely to cease to exist and it is widely utilized as a commercial measure of prevailing interest rates.

I commend the Bill to the House.

On the motion of Mr TEMPLETON (Mentone), the debate was adjourned.

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

VERMIN AND NOXIOUS WEEDS (RE-ORGANIZATION) BILL

Mr SIMPSON (Minister of Public Works)—I move:

That this Bill be now read a second time.

Its purpose is to make amendments to the Vermin and Noxious Weeds Act 1958 to give effect to a structural reorganization of the administration of the vermin and noxious weeds functions of the Department of Crown Lands and Survey.

The reorganization has been designed to satisfy the proposal to combine two divisions of the department, namely, the Division of Crown Land Management and the Division of Inspection and Vermin and Noxious Weeds Destruction, in the interest of improving the effectiveness and efficiency of the department's over-all land management programmes and services.

The structure of the Division of Vermin and Noxious Weeds Destruction has

remained unaltered for a period of 60 years. However, a change in the administration of the Act was made in 1959 when the Vermin and Noxious Weeds Destruction Board, the Central Advisory Council and district advisory committees were established.

The Division of Crown Land Management was established in 1974 to manage uncommitted Crown lands and Crown reservations and to provide professional advice to committees of management, lessees and licensees on land use and management.

The majority of the staff of both divisions is decentralized but not regionalized as control remains in Melbourne. Preliminary investigations by the department in 1980 and 1981 indicated that there are deficiencies in the structures of both divisions.

The existing structure in the Division of Inspection and Vermin and Noxious Weeds Destruction provides a fragmented central control over the functions of the division, certain powers being held by the Minister of Lands, the Vermin and Noxious Weeds Destruction Board, the Secretary for Lands and the Superintendent of Vermin and Noxious Weeds Destruction respectively. This division has a field staff of 790 persons.

The Division of Crown Land Management is understaffed in that its field force consists of only 22 permanent persons. Because of the differences in the structure and the specific duties of the staff of the two divisions, the field staff of the Division of Inspection and Vermin and Noxious Weeds Destruction are not available to assist with land management matters.

A Public Service Board review in 1981 recommended amalgamation and reorganization of the two divisions, the abolition of the Vermin and Noxious Weeds Destruction Board and that the Central Advisory Council be renamed, restructured and redirected.

Before any action was taken to implement those changes, a Public Service Board manpower effectiveness review of the whole of the department was conducted in early 1982. That review agreed to the changes but, in addition, recommended that the department's head office and field structure be developed to include regional entities each headed by a regional director, who would be in charge of all the functions of the

department in the particular region of the State.

The recommendation provided for a reduction in manpower of 30 persons, no net increase, preferably a net decrease in funding, and that there should be a general improvement in the effectiveness and efficiency of the combined divisions' land management programmes and services.

A departmental task force having representatives from the Public Service Board and the Victorian Public Service Association submitted a detailed reorganization proposal to the Public Service Board, which, with minor amendment, was approved in November 1982. The Bill gives effect to changes which are part of the actions necessary to implement the reorganization proposals.

The main thrust of the Bill is to abolish the existing bodies and to replace them with bodies designed to satisfy present day needs and philosophies. The bodies that will be abolished are the Vermin and Noxious Weeds Destruction Board and Central Advisory Council. The office of Superintendent of Vermin and Noxious Weeds Destruction will also be abolished.

The Vermin and Noxious Weeds Destruction Board was originally established to upgrade research and to set vermin and noxious weeds destruction policies and priorities. The research task has been achieved by the now self-sustaining Keith Turnbull Research Institute. Although the board has achieved much in policy and priority formulation, it is felt that nowadays these functions should more appropriately be a direct departmental responsibility. The Central Advisory Council is a body established to advise the Minister or the board on all matters relating to the control and destruction of vermin and noxious weeds.

The bodies that will be created under provisions in the Bill are the Land Protection Council and eleven regional advisory committees. The Bill also replaces the existing provisions in the principal Act in respect of district advisory committees with provisions suitably amended having regard to the proposed reorganization.

The Land Protection Council will have as its members the Minister of Lands, who shall be the chairman, an executive member, appointed by the Governor in Council,

who has expertise in the fields of vermin and noxious weed control and agriculture, a representative from each of the regional advisory committees, and a person nominated by the Victorian Farmers and Graziers Association.

That council will provide a direct source of experienced farming and grazing advice and recommendations, in the vermin and noxious weed destruction context, to the Minister. It will also provide a means by which rural advice can be integrated into departmental research, policy and operational planning at the head office level.

A regional advisory committee is to be established in each of the eleven regions of the State to provide a direct source of rural advice and to make recommendations, mainly in the vermin and noxious weed destruction context, to the department. A committee will be comprised of one representative from each district advisory committee within the region and regional officers of the department appointed by the Minister.

The existing system of district advisory committees will be retained but the number of such committees is to be reduced from 140 to 105 to match a proposed reduction in districts. There will be no loss in the service provided to the rural community. Rather, with a regional system there will be a much more effective use of manpower and resources.

The proposed three-tier structure is matched to the proposed departmental structure and will be highly interactive with it.

The provisions of the Bill enable a structural reorganization in respect of the functions of vermin and noxious weeds control, which will give more regional control in accordance with the Government's regionalization policy. The Bill also places the reduced central control with the Minister and the Secretary for Lands.

The opportunity has been taken to amend the provisions of the principal Act so that proper interest charges and charges for hiring of tools and equipment can be fixed from time to time by the Minister, to convert penalties expressed in monetary terms to penalty units and to repeal section 29, which no longer serves any purpose.

Section 29 of the principal Act makes provision for the State to contribute towards the costs incurred by municipalities in the metropolitan area in carrying into effect any by-law for the destruction of noxious weeds. The section is no longer applicable, as the provision in the Local Government Act for making such a by-law has been repealed. I commend the Bill to the House.

On the motion of Mr TEMPLETON (Mentone), the debate was adjourned.

Mr SIMPSON (Minister of Public Works)—I move:

That the debate be adjourned until Tuesday, September 6.

Mr TEMPLETON (Mentone)—Mr Speaker, this is a major Bill and I seek a guarantee from the Minister that, if either the Opposition or the National Party is not ready to proceed on that day, further time will be granted.

Mr ROSS-EDWARDS (Leader of the National Party)—So far as members of the National Party are concerned, it is not the case of agreeing to 6 September. We, here and now, require an additional week. The Bill is of vital concern to people throughout country Victoria. I put it to the Minister quite definitely and specifically that the first week of the coming sittings—and we may not be sitting anyway—is already full. There are two major Bills listed for the first two days. I am glad the Leader of the House is now with us and I suggest that the date for the resumption of the debate should be 13 September.

Mr SIMPSON (Minister of Public Works) (*By leave*)—If the Opposition and the National Party at a later stage indicate to me that they are not ready to proceed, we will be happy to accommodate them on 13 September.

Mr ROSS-EDWARDS (Leader of the National Party) (*By leave*)—I want to make it quite clear that the National Party is specifically saying, here and now—and it does not want any misunderstanding—that it does not want the Bill to be debated until 13 September. It is not a case of the National Party wanting some more time later. The National Party wants it here and now, otherwise there will be a division, and that would be ridiculous.

Mr WILKES (Minister for Local Government)—The Minister of Public Works is accommodating the Leader of the National Party. He said that, for the purposes of this motion, the debate will be adjourned until 6 September, and that, if the National Party indicates on 6 September that it is not ready, the debate will then proceed on 13 September. The Minister cannot be any fairer than that. That has been the usual practice in this House, and the Leader of the National Party knows that. He has been given an assurance from the Minister of Public Works, and he now has one from me also.

The motion was agreed to, and the debate was adjourned until Tuesday, September 6.

MEDICAL PRACTITIONERS (CONDITIONAL REGISTRATION) BILL

Mr ROPER (Minister of Health)—I move:

That this Bill be now read a second time.

This Bill was foreshadowed during the last sessional period. I regret the need to bring it into the House—this measure would not have been necessary if the Medical Practitioners (Amendment) Bill had been enacted in its entirety during the autumn sessional period.

However, in the face of the intransigence of the Opposition and the National Party and their continued efforts to frustrate the Government's legislative programme, the Government has little option but to resubmit this measure in the interests of our migrant communities.

The Bill has only one objective, that of restoring to what is now the Medical Practitioners (Amendment) Act 1983 the clause in that legislation that was defeated in the Legislative Council.

This clause would have vested in the Medical Board of Victoria a capacity to grant conditional registration to a doctor who had qualified overseas, provided that the Health Commission certified that the person would meet a special need for the provision of medical services to a particular ethnic community.

As was pointed out during the debate on the earlier Bill, this provision is designed to enable bi-cultural doctors to practise in Victoria, perhaps on a fixed contract, and a

Government-to-Government basis, specifically to meet the needs of ethnic communities, notwithstanding that they may not qualify for full registration under the principal Act.

Let me take this opportunity to put "paid" to the rumour-mongering of the Opposition, and particularly, the press statement of 22 June issued by the shadow Minister of Health which has caused so much anxiety in our migrant communities.

This proposed legislation will not, as alleged in that press statement, result in "second-rate medical services" nor will it classify non-English-speaking people as "second-class citizens".

What it will do is give the Government the capacity to enhance the service being provided to a migrant community where its medical needs are not being met from existing resources by enabling the Government to utilize the expertise of medical practitioners from overseas with a similar cultural background. This is particularly important in such areas of medicine as psychiatry where fluency in language is an essential prerequisite.

In this regard, I might mention to the House that advice given to the Government is that there is only one Greek-speaking psychiatrist serving the whole of Melbourne.

Honourable members should be aware of the fact that, in deciding whether or not to register a person subject to conditions or limitations under this proposed legislation, the Medical Board will be looking for competence within the field of practice rather than one of excellence.

This, I must emphasize, is the general standard for registering medical practitioners and the board has assured the Government that it would not be departing from this principle in these particular cases.

In other words, this legislation will not put the board in the position of registering "second class doctors", an action which, as the board itself puts it, "would be quite at variance with the principles which the board has adopted in the past".

There is no doubt that the views of the board would be of considerable value to honourable members in considering this proposed legislation. I might add that the honourable member for Benambra, the shadow spokesman on health, has requested

the views of the board in writing, and the board has been kind enough to provide them in writing. Accordingly, I seek leave of the House to have the full text of the board's advice incorporated in *Hansard*.

Leave was granted, and the text was as follows:

MEDICAL BOARD OF VICTORIA

Overseas Doctors for Migrant Communities

The Medical Board of Victoria has been asked to comment on the provisions contained in the proposed section 27A of the Medical Practitioners Act, which were defeated in the Legislative Council recently.

The Medical Board emphasizes that it is an independent statutory authority responsible to the Government of the day and that it would be inappropriate for it to become involved in political argument or to take sides in a political issue. It has, however, been requested to clarify some of the issues involved in this particular provision in the Bill which it is understood is to be re-introduced into Parliament in the Spring Session. It does so in a completely non-partisan spirit of helpfulness and it hopes that its comments will be of use to all parties to the discussion.

The board has the statutory responsibility of registering medical practitioners and, in particular, it is faced with the problem of assessing the degree of competence of overseas practitioners who have graduated from universities and medical schools which have not been recognized by the the Medical Board or by any other Australian body. The present provisions of the Medical Practitioners Act are that such doctors may be registered if they pass the A.M.E.C. examination and under section 20 providing they have an adequate understanding and command of the English language and are of good character and "possess medical or surgical knowledge and experience and skill which in the opinion of the board are of international standing or are of such high standing that the assessment of professional competence by examination is inappropriate."

It should be emphasized that the standard of section 20 is very high and it is doubtful whether more than a minority of registered medical practitioners who have graduated from medical schools currently recognized would meet these standards if they were seeking registration for the first time, but this does not necessarily involve an unfavourable comment on their competence to practise medicine. The standard quoted above is one of excellence rather than competence.

The Medical Practitioners (Amendment) Bill 1983 contained a provision that the board could issue a certificate of registration subject to such limitations and restrictions upon the practice of medicine or surgery by such person and to such other conditions as the board in any particular case specifies in those cases where the Health Commission certifies to the board that it is satisfied that a special need exists for the

provision of medical services to a particular ethnic community.

Implicit in this provision is the requirement for the Medical Board to examine thoroughly the qualifications of such doctors who might be considered for registration in these circumstances to assess their level of competence and their facility with the English language which is obviously necessary in a person practising medicine in Victoria, even though his practice is confined to a community of his own ethnic background. It is obvious that such practitioners must be able to communicate with fellow practitioners and with general hospitals and must be familiar with the laws regarding the prescribing of drugs, the National Health Service, etc. What the board would be looking for in deciding whether to register such a person with a limitation on his practice, would be competence within the field of practice rather than one of excellence, which would enable him to be registered under the provision quoted on page 1 (paragraph 3). As the board has indicated, competence rather than excellence is the general standard for registering medical practitioners and the board would not be departing from this principle in these particular cases. It would, therefore, not be placed in the position of registering "second class doctors" and such an action would be quite at variance with the principles which the board has adopted in the past.

It is understood that the Government would be bringing such doctors, subject to their registrability, to Victoria under specific contracts specifying a fixed term of employment following which they would return to their countries of origin. There would, therefore, be no question of increasing the supply of doctors except marginally and temporarily for a specific perceived need.

Altogether the board would have little difficulty with the proposal if it were re-introduced and passed.

The arguments in favour of the proposal contained in the Bill have been canvassed in the previous debate and I do not intend to waste the time of the House by repeating them again here.

Suffice to say that it was most unfortunate that this provision was not enacted during the last sessional period, and that our ethnic communities have been outraged at the delays engineered by the Opposition to prevent the Government from filling gaps in vital medical services.

If this Bill had been enacted during the autumn sessional period, discussions with overseas Governments would now be well under way following the recent overseas visits by my colleague, the Minister for Ethnic Affairs and the Chairman of the Health Commission. I commend the Bill to the House.

On the motion of Mr LIEBERMAN (Benambra), the debate was adjourned.

Mr ROPER (Minister of Health)—I move:

That the debate be adjourned until Tuesday, September 6.

Mr LIEBERMAN (Benambra)—The Opposition is anxious that this debate take place as soon as possible. However, it disagrees with the exact date of 6 September as being the date on which the debate will be resumed. I should like to ask the Minister for his undertaking that he will forthwith comply with the request I have made to him in writing since June of the last sessional period, to make available, under the Freedom of Information Act, all the correspondence, memoranda, advice and reports requested by him and provided to him by either the Health Commission or the Medical Board of Victoria.

This Bill has been the subject of a lot of public controversy and honourable members heard the Minister refer to it in the second-reading speech. The information that the Opposition sought during the recess, which was not available from the Minister, should have been available, yet it is still not available.

The SPEAKER (the Hon. C. T. Edmunds)—Order! The honourable member for Benambra would be aware that a narrow question is before the Chair. I therefore ask him not to attempt to broaden it by referring to all the debates and arguments of the past.

Mr LIEBERMAN—I apologize, Sir. I wanted to at least cover a few points and make the House aware that the Opposition wants the Bill to be debated, but asks the Minister to give an unconditional assurance that he will make those documents available to the Opposition forthwith.

I am amazed that the Minister has not already provided that information. That is the only difficulty I have. The Opposition wants that information and I ask the Minister to give an assurance that he will provide it forthwith, perhaps by Monday of next week.

The SPEAKER (the Hon. C. T. Edmunds)—The question is:

That the debate be adjourned until Tuesday, September 6.

Mr LIEBERMAN—On the question of time, the Minister has not responded to what I have said. He has sat there in silence.

The SPEAKER—I shall guide the honourable member, if that is what he seeks. It is up to the Minister whether he will respond.

The House divided on the motion (the Hon. C. T. Edmunds in the chair).

Ayes	36
Noes	24
Majority for the motion	12

AYES

Miss Callister	Mr Rowe
Mr Cathie	Mrs Setches
Dr Coghill	Mr Sheehan
Mr Crabb	(<i>Ivanhoe</i>)
Mr Ernst	Mr Sheehan
Mr Fogarty	(<i>Ballarat South</i>)
Mr Gavin	Mr Shell
Mr Gray	Mr Simpson
Mr Harrowfield	Mr Spyker
Mr Hill	Mr Stirling
Mr Ihlein	Mrs Toner
Mr Jolly	Mr Trezise
Mr Kirkwood	Dr Vaughan
Mr McCutcheon	Mr Walsh
Mr McDonald	Mr Wilkes
Mr Mathews	Mr Wilton
Mr Micallef	
Mr Miller	<i>Tellers:</i>
Mrs Ray	Mr Kennedy
Mr Roper	Mr Newton

NOES

Mr Austin	Mr McNamara
Mr Burgin	Mr Maclellan
Mr Delzoppo	Mr Ramsay
Mr Dickinson	Mr Reynolds
Mr Ebery	Mr Richardson
Mr Evans	Mr Ross-Edwards
(<i>Gippsland East</i>)	Mr Saltmarsh
Mr Jasper	Mr Tanner
Mr Jona	Mr Templeton
Mr Kennett	Mr Williams
Mr Lieberman	<i>Tellers:</i>
Mr McGrath	Mr Kempton
Mr McKellar	Mr Leigh

ADJOURNMENT

Minister for Industrial Affairs—Withdrawal of sponsorship of Apprentice of the Year—Foster care allowances—Obstetric services in country hospitals—Motor Car Traders Committee—Eastern Suburbs Geriatric Centre

Mr WILKES (Minister for Local Government)—I move:

That the House do now adjourn.

Mr RICHARDSON (Forest Hill)—I raise a matter for the urgent attention of the Premier and refer to the disgraceful misuse of a Government car. The Premier should inquire into the use of a car that has been assigned to the Honourable W. A. Landeryou as a Minister, a car of which he has retained the use despite standing aside from the Ministry. It is known that that car has been used by legal counsel representing Mr Norman Gallagher in a court case in which Mr Gallagher and a number of other people face a variety of charges.

The Opposition does not disagree with the use of the Ministerial car by Mr Landeryou while he is standing aside. It supports the view of the Premier that the honourable gentleman has not been removed from the Ministry as yet and he should retain the use of that car while he is standing aside from the Ministry. However, making it available to legal counsel, Mr Jack Lazarus, who is representing Mr Gallagher, is a gross misuse of a Government car.

There is increasing mystery surrounding this matter.

The SPEAKER (the Hon. C. T. Edmunds)—Order! I advise the honourable member that, if he desires to make imputations against a member of either House, he needs to do so by substantive motion, not by a device either at this time of the proceedings or in any other proceedings before the Chair today. If he cares to refer to *May's Parliamentary Practice* he will see that I am on good ground when I advise him of that, and I suggest he should stick to his subject.

Mr RICHARDSON—I make no imputations; I am simply stating the facts, and the fact is that the car is assigned by the Premier to Mr Landeryou. Mr Landeryou has assigned the car improperly to the legal representatives of Mr Gallagher.

There is contradiction in the explanations that have been given. The Premier says that he does not know anything about the matter. Mr Landeryou has denied that he made the car available to Mr Lazarus. Nevertheless, the fact is that the car was outside the court and Mr Lazarus had not

denied his involvement in the use of the car.

This is yet another scandal in the activities of the Government; and the Premier must answer the question: What is going on with this car; why was it made available to the legal representatives of Mr Gallagher; why was it permitted to be misused in this way?

Mr JASPER (Murray Valley)—I raise a matter with the Minister for Employment and Training and, in his absence, the Premier. I was contacted today by the principal of the Wangaratta college of technical and further education, Mr David McCabe, who expressed concern to me about Mr Peter Huzzey, a farming apprentice at the college who won the apprenticeship award for farming for 1982. As most honourable members would be aware, he won the Apprentice of the Year Award.

When the Minister for Employment and Training was making presentations to Mr Huzzey at the award night on Monday, 8 August, he indicated that Mr Huzzey had won approximately \$7000 in prize money, which included \$1300 in cash, and a trip around Australia that was to be provided by Ansett Airlines of Australia. I understand that the airline withdrew that prize prior to the award night, and that the Industrial Training Commission then withdrew its sponsorship of Mr Peter Huzzey to attend the Australian awards ceremony in Brisbane in November. Apparently the withdrawal of the airline's sponsorship was not brought to the attention of the Minister prior to the award night in August.

In the past the Apprentice of the Year has attended the award ceremony as the nominee of the State of Victoria.

I ask the Minister to investigate the matter so that, firstly, the prize which was awarded to Mr Huzzey will be provided for him and, secondly, that he will be able to represent Victoria at an apprenticeship award presentation ceremony to be held in Brisbane. He was an excellent apprentice and he was hailed by many people within the Industrial Training Commission and people from the technical and further education college at Wangaratta where he trained because of the excellent work that he had performed and the fact that he was the first farming apprentice to be awarded

the Apprentice of the Year in Victoria. He expressed disappointment through to the principal of the Technical and Further Education College, Mr David McCabe. It is embarrassing to him and it must be embarrassing to the Government. I hope that action will be taken to enable this young man to receive the award that has been provided for this achievement.

Mr SHELL (Geelong West)—I draw to the attention of the Minister for Community Welfare Services a matter with respect to the foster care of children. Honourable members would be aware that the old idea of institutions for the care of children who have no parents is now gone and that foster care—

Mr Jona—That was five years ago.

Mr SHELL—Foster care has been long established in the Barwon region and the Mercy Family Care has been the institution which is taking care of this facility. Mercy Family Care grew out of the St Catherine's Girls Home. Some years ago I attended one of its training courses for potential foster care parents. There is now a difficulty in obtaining parents to look after foster children, and it is not a problem peculiar to the Barwon region. For some time a foster care allowance of \$25 a child has been paid, and the Minister is currently considering improving that rate because it costs money to look after children. Even though the Minister has been instructed, as have other Ministers, to cut expenditure by 2 per cent the honourable gentleman will be looking favourably, we hope, at an increase of this allowance. This Government has recently increased foster care facilities in four other regions in the State and I ask the Minister for Community Welfare Services what further action the Government intends to take in this matter.

Mr KEMPTON (Warrnambool)—In directing my remarks to the Minister of Health I refer to Professor Webster's inquiry into obstetrics in country hospitals. That inquiry has been taking place for some months and concerned hospitals within the Warrnambool electorate. I ask the Minister when that report will become public. It has come to my attention that the Minister has received copies of the report and I ask him to comment on that and, more importantly, to specify to members of the House when

the report will be made available to the hospitals concerned and to the Opposition. I have been advised that very little evidence, if any, was put to that inquiry outlining any need for obstetrics to be taken out of country hospitals and that the evidence, in fact, went the other way.

The evidence supported the view that country hospitals ought, quite properly, to extend and maintain their obstetrics divisions. I ask the Minister to comment on the amount of time made available to the community and country hospitals to comment on the report. The report is of some significance to hospitals and the maximum amount of time possible ought to be made available for comment.

Mr WILLIAMS (Doncaster)—I refer a matter to the Minister of Consumer Affairs. On 5 August I wrote to the Secretary of the Motor Car Traders Committee on behalf of an elderly widow who resides in the electorate I represent. She had bought a 1976 second-hand Renault motor car for the sum of \$4500 plus added charges which brought the amount up to approximately \$5500.

When the woman went to the Stamp Duties Office, the officer raised his eyebrows at the amount she had paid. The woman went back to the trader and he refused to renegotiate. On 5 August I wrote to the Motor Car Traders Committee and asked whether something could be done. I was disappointed to receive a letter this morning dated 17 August from Mr H. G. Lander the Chairman of the Motor Car Traders Committee which stated:

I refer to my letter of 12th inst and now enclose a copy of a statement made by your constituent to Doncaster Toyota.

It would appear that there is no useful purpose to be served by the Committee pursuing this matter further.

On letterhead belonging to Doncaster Toyota, the elderly widow signed a statement that she was not pressured into buying the motor car and that I had taken the wrong slant of the story of her complaint. She said that she was not complaining about the firm, but about the costs involved. She said that she approached me about paperwork and not to lodge a complaint against Doncaster Toyota because they had been very helpful

and good to her. The statement finally concluded:

I have signed this statement of my own goodwill because Doncaster Toyota did not pressure me into buying the Renault.

I wrote to Mr Foster, the Secretary of the Motor Car Traders Committee, and said that the sales manager of both the new sales and used car divisions were adamant that they had not contravened the law and refused to respond to a letter I sent to the managing director. After repeated attempts to make contact with Mr Henry Willson, he rang my office and said that I should refer the papers to the Motor Car Traders Committee.

I asked the committee to investigate the circumstances set out in the letter. I said that the lady must be interviewed before any allegations are repeated to this firm. The firm was very tough with me. My letter to the Motor Car Traders Committee further stated:

In my opinion the management of the firm is most aggressive and possibly used the law to the maximum in promoting their interests.

I was disappointed to receive a reply from the Motor Car Traders Committee which stated that over the past six years there have been few complaints against this company and that it considered I was overdoing it.

I believe in a free market and in the principle of *caveat emptor*, but I am dubious about a situation when an elderly pensioner—with no next-of-kin to advise her—walks into a lavish motor car establishment and for reasons I do not know buys a motor car and then repents and comes to me. The lady told me she needed the money to go to a retirement village. I put it to the company that in all conscience the lady should not pay for her mistake. The total cost to the lady was well over \$5000. If the company were prepared to consider taking the cost of the car back to \$4000—

Mrs Toner—What was the company?

Mr WILLIAMS—Doncaster Toyota. It is all very well for the Motor Car Traders Committee and used car traders to get on their high dudgeon.

I am most concerned for the welfare of this elderly widow. It is to be hoped that, in

the future, the Motor Car Traders Committee will not treat another honourable member in the same way as I have been treated. It is to be hoped that, in the future, the committee will at least have the courtesy to send a sympathetic person to speak to the person involved and not simply accept a letter direct from the company involved.

Mrs SETCHES (Ringwood)—I understand from press reports that work is about to commence on the Eastern Suburbs Geriatric Centre. Can the Minister of Health inform the House on the time-table for the construction work? That centre is urgently needed to provide services for the aged and those persons who need rehabilitative care.

Mr CAIN (Premier)—The matter to which the honourable member for Forest Hill referred was raised in the course of my press conference this morning. I undertook to establish the identity of the person responsible for the vehicle referred to. That was done, and it was Mr Landeryou's vehicle. I asked Mr Landeryou for some account of the use of the vehicle yesterday and he said that would be provided. It has been provided. I have not yet considered the matter; when I do, I will make some further response.

The honourable member for Murray Valley referred to Mr Huzzey's missing prize. I will take up the matter with the Minister for Employment and Training and have him advise the honourable member about it.

Mr ROPER (Minister of Health)—Two matters were raised with me. Firstly, the honourable member for Warrnambool raised the question of an inquiry into obstetric services in country hospitals. There has been a lot of mischief spoken about that particular inquiry in the provincial press by persons who have suggested that that inquiry was established so that small units in country hospitals could be closed. As I have pointed out in numerous newspapers, including the local newspaper that circulates in Warrnambool, the committee was established following a suggestion by the former chairman of the Health Advisory Council, the late Sir Lance Townsend, who was concerned that there were adequate standards in country hospitals and that mothers and babies were not being placed at risk.

Indeed, to read some of the material that has appeared in the country press, one could

only regret that some of the persons raising these issues were not aware of the leading role that Sir Lance Townsend played in the Bush Nursing Association, and many of these smaller hospitals are in that association.

After the untimely death of Sir Lance Townsend, the committee was chaired by Professor Webster and it sought information not only from academic experts in the field, but also from communities and practitioners in country Victoria. The committee has now completed its report and made that available to the Health Commission and myself.

I have asked the Health Commission for its advice on the report and, when I receive that advice, it is the intention of the Government to release it so that interested groups can comment on the report before any action is taken on it. It is a most useful report and it will contribute to the improvement of health services for mothers and babies in country Victoria.

The second matter was raised by the honourable member for Ringwood, who is concerned about the proposed Eastern Suburbs Geriatric Centre. Honourable members might recall that this was first promised in 1973, then in 1976, 1979 and 1982, not by the Labor Party, but by the former Government.

The Government took the view that it should examine all the capital works programmes that were proceeding, especially all of those that were rushed into some form of commencement, that is, in most cases the digging of a hole or some such procedure towards the end of the Thompson Government. However, some of these construction holes have a history that dates back further than the Thompson Government. The construction hole in which the Leader of the Opposition had himself photographed some time ago was actually a Hamer hole rather than a Thompson hole.

Last year, I met with members of the committee of the Eastern Suburbs Geriatric Centre and discussed the situation with them. I pointed out that I believed the Government could have money made available as a result of other actions it had taken to suspend or slow down other projects. That decision was taken and the committee was able to proceed. I am pleased to advise the

House that the contract has been signed with H. F. Yuncken Pty Ltd and the three trustees for the centre, and I understand that sheds have now been placed on the site and that work is commencing.

The project will provide a significant service for elderly people in the eastern suburbs, and it is in significant contrast to the actions of the former Government which promised the project on four occasions. As I said during the 1979 election campaign, a good Liberal Government does not spoil a good promise by carrying it out; it likes to keep it for the next election.

The Government said it would examine the proposal; it did not promise anything. However, the project is going ahead and in approximately 60 weeks, depending on progress in the building, it will be finished, providing a service that should have been provided for the elderly people of the eastern suburbs in the 1970s. I thank the local members from that area who have played such a part in putting representations to me since 1980.

Mrs TONER (Minister for Community Welfare Services)—The honourable member for Geelong West expressed interest in the development of foster care in Victoria. He rightly pointed out the excellent work performed by Mercy Family Care, which is the agency allocated to the task of conducting foster care in the Barwon region.

The honourable member also indicated that the Cain Government has extended the foster care programme into four additional regions in the State, thereby providing an excellent alternative to institutional care for a number of children who would otherwise be placed in such institutions as Allambie and Baltara.

The honourable member for Geelong West indicated that difficulties existed in the Barwon area in finding suitable families who could engage in the important task of caring for children for short or long periods. I advise him that today I announced details of a home finders scheme. That initiative has been funded with a grant of \$232 000 from the Commonwealth wage pause programme.

Under that programme, a worker will be appointed for a twelve-month period in twelve regions, and he will have the task of finding suitable foster families wishing to

give love and care to children whose own families are unable to provide for them. The regions concerned are: Barwon, East Gippsland, inner east, Loddon-Campaspe, north east, north west, Upper Murray, Westernport and Mallee. Workers in those areas will give their services to voluntary agencies involved in foster care programmes. Further workers will be employed in the Central Highlands, Goulburn and the western suburbs regions where the Department of Community Welfare Services runs the foster care programme.

The recruitment of foster parents can be time-consuming. As much as 50 hours is needed to recruit a family and advise them of their responsibilities and the supports available to them in respect of services to children in their care. The programme will enable the recruitment of more families and make better advice available to those families. I am delighted that the Government can provide useful jobs for workers and strengthen a crucial service while continuing its commitment to provide alternatives for institutional care.

I thank the honourable member for Geelong West for his interest in foster care and his continued interest in the programmes provided by Mercy Family Care. I hope that organization will be delighted when the honourable member conveys to them the information that I have given him on this important issue.

Mr SPYKER (Minister of Consumer Affairs)—The honourable member for Doncaster referred to the purchase of a car

from Doncaster Toyota by a constituent, Mrs Ford. The honourable member quite rightly drew attention to a possible conflict of interest as a result of the constituent being asked by the company to sign a letter saying that she had no complaint to make about the treatment she received on the purchase of the motor car. It is strange that the company actually used its own letterhead for that purpose. I shall take the matter up urgently with the Motor Car Traders Committee.

I urge all honourable members to warn their constituents to be very careful when purchasing motor cars, homes and other such items. If consumers purchasing motor cars have little knowledge of motor cars, they should endeavour to take someone else along with them who has that knowledge or they should arrange for a Royal Automobile Club of Victoria check on the vehicle.

Consumers need to carefully check also the total cost of the car because some contracts have extras included in the purchase. At times people have been embarrassed by the large amount of money needed to purchase those extras. One can spend a lot of money on motor cars without getting value for that money.

The constituent of the honourable member for Doncaster paid \$5160.40, an enormous amount of money for a pensioner. I share the concern of the honourable member for Doncaster on this issue and I will act accordingly.

The motion was agreed to.

The House adjourned at 5.39 p.m.
