Tuesday, 6 May 1986

The PRESIDENT (the Hon. R. A. Mackenzie) took the chair at 3.3 p.m. and read the prayer.

QUESTIONS WITHOUT NOTICE

NUNAWADING PROVINCE BY-ELECTION

The Hon. A. J. HUNT (South Eastern Province)—I ask the Attorney-General: is it intended, as a result of the Nunawading Province by-election report, to charge any member of Parliament, any member's staff or any other person with any offences; if so, will the report be released with reference to the individuals to be charged deleted; if not, will the report be released in full this week?

The Hon. J. H. KENNAN (Attorney-General)—I deplore the practice of prosecution authorities, whoever they may be, speculating publicly, as has been the case in one or two instances in this country—happily, not in this State—about charges that may be laid against an individual. It brings the prosecution and the trial process into disrepute, and I am disappointed that Mr Hunt would urge the adoption of that practice.

The Hon. A. J. Hunt—You always misrepresent, don't you?

The Hon. J. H. KENNAN—On the specific matter that Mr Hunt raised, he ought to be aware that, apart from matters of contempt and possibly one or two other minor and specific matters, the Attorney-General in this State no longer has the power to prosecute. In matters arising under The Constitution Act Amendment Act power resides in police officers or the Chief Electoral Officer. In relation to the other matters——

The Hon. A. J. Hunt—Are you going to release the report?

The Hon. J. H. KENNAN—Apparently, Mr Hunt does not want to hear the answer. The other matters are either for the attention of the police or the Director of Public Prosecutions. The subject of the report to which Mr Hunt has referred is not a matter for me or my department.

There has been comment in the press about the police compiling a report and about the Chief Electoral Officer considering certain matters. Those are matters for their consideration in exercising their ordinary prosecution authority; they are not matters for me as Attorney-General.

INFORMATION ON EXPLOSIVES

The Hon. B. P. DUNN (North Western Province)—Is the Attorney-General aware that would-be terrorists or cranks, as well as children, can purchase, apparently over the counter at Victorian stores, literature and information describing not only how to use explosive devices but also how to make them? In view of the ever-increasing threat to the community through the use of explosives and acts of terrorism, will the Attorney-General investigate the availability of that literature? Secondly, does the Government have the legal power to seek the withdrawal from sale to the general public of those publications and, if so, will the Government——

The PRESIDENT—Order! The part of the question requesting a legal opinion is out of order.

The Hon. B. P. DUNN—I was not asking for a legal opinion; I was asking whether the State has the power to take such action. I ask whether it will use those powers to withdraw those publications from sale to the general public.

The Hon. J. H. KENNAN (Attorney-General)—I thank Mr Dunn for his important question. He will be aware of my longstanding commitment on the serious issue of gun registration. He will also be aware of the commitment of the Government and the campaign that I suffered personally in 1982 from a number of people, including members of the National Party, against the Government's proposals for tighter gun laws and more restraints. I am happy to report on how well those laws are working, despite the vicious campaign that was waged by members of the National Party.

In respect of the capacity of people to buy information about terrorist activities, making bombs and so forth, I point out that the relevant Federal department deals with some of those matters in its controls over imports. It is true that people can consult an encyclopaedia to obtain information on explosives and other subjects. This is a sensitive matter. Some of the publications are undesirable and raise important questions on how effective laws can be. The issue of imports is a matter for the Federal Government.

On behalf of the State Government I shall be happy to consider the possibilities relating to any particular publication. I warn the House that those sorts of publications are found in wide-spread areas and often in an educative fashion. It is difficult to draw a definitive line.

ST ALBANS COMMUNITY HEALTH AND RESOURCES CENTRE

The Hon. B. W. MIER (Waverley Province)—Does the Minister for Health intend to provide the House with a further report on the St Albans Community Health and Resources Centre before the end of this session?

The Hon. D. R. WHITE (Minister for Health)—I have had discussions with Deloitte Haskins and Sells and made a request that a report be made to me dealing with the progress to date in the examination of issues arising from the first report; progress made in the implementation of the recommendations of the report; and progress made in the examination of new matters not covered in the first report.

In addition, I have asked for a recommended time-table for dealing with new matters not covered in the report and, if they are unable to be dealt with by the end of this sessional period, whether their current investigations can deal with all matters raised or whether they recommend any additional course of action. I have also asked whether, in the interests of the effective operation of the centre, any action needs to be taken. I have asked also for them to provide advice on any other matters they consider appropriate.

I look forward to reporting back to the House later this week—I hope at some time on Thursday—with respect to their response on the matters about which I have requested information.

PRISONERS HELD IN POLICE CELLS

The Hon. N. B. REID (Bendigo Province)—I direct a question to the Attorney-General as the Minister responsible for the Office of Corrections. The Bendigo community is concerned about prisoners being held in the police cells for up to fourteen days and Victoria Police Force officers acting as prison officers. What action has been taken to ensure that there is a minimum security risk associated with the movement and detention of prisoners in police cells?

The Hon. J. H. KENNAN (Attorney-General)—It is true that prisoners have been held in police cells. It is true also that in the past week or two the Victorian gaols have been overflowing. Last week, on one day some 35 prisoners could not be accommodated at the Coburg complex.

Honourable members who took an interest— and, unfortunately, Mr Reid was not one of them—in an extensive 32-page Ministerial statement I made to the House last week

will be aware of the prognosis I made in that statement and the need for new accommodation.

The Hon. N. B. Reid—I read it.

The Hon. J. H. KENNAN—Honourable members who have read the statement will be aware also of the establishment of a low-security women's prison facility.

The Hon. N. B. Reid—What about now?

The Hon. J. H. KENNAN—That will be in twelve months' time, but the planning has already been undertaken. It will create more space in the prison system.

In respect of the holding of prisoners in police cells, I had a meeting with the Director-General of the Office of Corrections and the Chief Commissioner of Police earlier in the year—I believe it was back in February before the Parliamentary sessional period started—because they foreshadowed problems arising.

Although the current situation is not ideal, the House should understand that the situation has come about after having been foreseen by the Office of Corrections and me, and after earlier consultations with police had taken place and after special gazetting and extension of time for police cells to be used as gaols had been undertaken.

Therefore, honourable members can rest assured that consultation on this issue has taken place and that it is well in hand. In terms of future prison plans, I refer honourable members to the extensive Ministerial statement made on the subject last week.

HERBICIDES

The Hon. D. M. EVANS (North Eastern Province)—I refer to comments made recently by the Minister for Conservation, Forests and Lands and reported in the press that it is her intention to try to phase out the use of chemical sprays for the control of noxious weeds. The comments appeared in the newspapers last week and were commented on generally, as I recall.

In view of the limitations on the biological control of weeds that are suppressed rather than eradicated, how does the Minister propose to replace the current chemical sprays and still maintain effective weed control?

The Hon. J. E. KIRNER (Minister for Conservation, Forests and Lands)—I did not make the comment, although I was reported to have made the comment that chemical sprays should be abandoned and that I should like to see them all phased out. However, my comment was really made in the context of 2,4,5-T and 2,4-D.

As the Department of Conservation, Forests and Lands is one of the major users of chemical sprays that are considered toxic, I have taken certain actions to ensure that use of 2,4,5-T is phased out and that it is replaced by an equally effective chemical that costs more to buy but is certainly more cost effective.

The department is involved in a number of issues concerning the use of biological control methods that include a parasite to attack the European wasp, the legal introduction of rust to attack blackberries, as well as the use of other biological control methods that will be involved in controlling Sirex wasps and a weed that is prevalent in Mr Evans's area known as Paterson's curse.

I assure Mr Evans that the department will minimize the use of chemical sprays, will ensure that those that are used are the least toxic possible and will try to phase out the use of 2,4,5-T. My department will ensure that all the noxious weeds it has the responsibility for assisting private landowners to eradicate and to eradicate on public land are controlled by the best methods possible, consistent with the health of workers and the community.

The Hon. G. R. CRAWFORD (Jika Jika Province)—I have a further question to ask of the Minister for Conservation, Forests and Lands about a variety of chemicals to which

the Minister has just referred. Can the Minister explain the measures taken by her department to protect its employees and the public in the use of toxic chemicals?

The Hon. J. E. KIRNER (Minister for Conservation, Forests and Lands)—I thank Mr Crawford for his question and his concern about the health of workers using toxic chemicals. Honourable members would be aware of the Government's position on the use of 2,4,5-T. It is worth repeating: we will minimize human exposure to that chemical by banning its application by aerial spraying or misters; by withdrawing the registration of highly volatile ester formulations; by requiring public notification of intended Government use; and by prohibiting its use in urban and semi-urban areas.

As I have already said, the Department of Conservation, Forests and Lands is a major user of chemicals, including the chemical 2,4,5-T. It is my responsibility to ensure that the department is even more careful than the Government's view suggests. I have asked the department to phase out the use of 2,4,5-T and to replace it with an equally effective chemical. I have also consulted the Australian Workers Union and have worked out specific measures for ensuring the protection of workers, including matters that might well have been introduced before, such as the washing of overalls worn after spraying activities and showering in work time. They are minimum conditions for the safety of workers.

Because they are specific and short-term measures, a further review of the workplace and occupational health and safety standards has been commenced by the department in conjunction with the Department of Labour, the Australian Workers Union and the Victorian Trades Hall Council.

I have also requested the Department of Conservation, Forests and Lands to undertake a complete review of the use of chemicals by the department, in consultation with the Victorian Farmers and Graziers Association, other user groups and the Australian Workers Union.

USE OF VICTORIAN PRISON INDUSTRIES COMMISSION VEHICLE

The Hon. J. G. MILES (Templestowe Province)—I ask the Attorney-General whether it is normal practice for Government vehicles to be used as removalist vans after official working hours; if not, why was the official vehicle of the Victorian Prison Industries Commission used to move the goods and chattels of the Managing Director of the Victorian Prison Industries Commission, Mr E. Buck, from his domestic premises at Kilmore to his new property at Tooborac in December 1985? I ask the honourable gentleman: who met the cost of this junket and who authorized the use of the vehicle?

The Hon. J. H. KENNAN (Attorney-General)—The description of this matter as a "junket" shows what a mean Government Victoria has if junkets are down to moving house!

I shall certainly investigate the matter. I would appreciate Mr Miles demonstrating the sincerity of the question by writing to me and specifying what is the information and what are his sources. On receipt of full written particulars explaining the matter, I shall certainly investigate it and give the honourable member a full response.

ANOMALIES WITHIN DAIRY INDUSTRY

The Hon. R. M. HALLAM (Western Province)—The Minister for Agriculture and Rural Affairs will have received a submission from a group of farmers in the Heywood district who have been supplying the Kraft Mil Lel factory in South Australia. Due to a ruling of the Victorian Dairy Industry Authority based on advice from the Crown Solicitor, those farmers now face the dilemma of either continuing to supply that South Australian factory at reduced transportation costs or sending their milk to a Victorian factory at increased transportation costs simply to participate in section 54 pool payments. I ask the

Minister what remedy he can offer those dairy farmers whose only sin is to live too close to a State border?

The Hon. E. H. WALKER (Minister for Agriculture and Rural Affairs)—It is a vexed question and perhaps Mr Hallam does not understand all the difficulties involved. I can understand that he sees what appears to be a simple issue of delivery of milk to the nearest factory in the most efficient way. However, the dairy industry in this nation is not organized on a national basis; unfortunately, it is very much organized on an old, colonial basis.

The Government is not in a position to make one rule for some dairy farmers in the Western District and yet demand a different rule for many farmers along the River Murray—Mr Baxter would understand that. I have tried extremely hard to resolve the issue and to find a way of making it possible for those dairy farmers to continue to operate in an efficient way. The Government is yet to find that solution; however, I am still working on it. If Mr Hallam wants a more detailed briefing, I shall be happy to provide it.

GOVERNMENT POLICY ON ABORIGINAL AFFAIRS

The Hon. J. L. DIXON (Boronia Province)—Will the Minister for Planning and Environment advise the House what steps have been taken to enhance the Government's ability to implement its policies on Aboriginal affairs?

The Hon. J. H. KENNAN (Minister for Planning and Environment)—The Government is concerned about three principal areas: land rights; compensation; and heritage legislation. As to land rights, honourable members will be aware that a Bill in relation to land in the Framlingham forest area has been introduced in the other place. The Framlingham community did not want that Bill to proceed during this sessional period. I have had consultation with the Aboriginal community at large and, yesterday afternoon, I attended my second general meeting with the community.

I have made it clear that I am happy to have further consultation about that Bill during the Parliamentary recess. However, it is the Government's intention to proceed with that Bill during the next sessional period.

The Hon. A. J. Hunt—Either in the present form or some other?

The Hon. J. H. KENNAN—Some amendments may be made as a result of consultation, but the Government intends to proceed with the Aboriginal Land (Framlingham Forest) Bill.

The Government has approved in principle a Bill relating to land at Lake Condah. Consultation has begun with the Aboriginal community about the details of that Bill, and the Government intends to proceed with that during the next sessional period. The Government is also working on a more general land Bill that will also be the subject of consultation with the Aboriginal community.

In respect of issues regarding compensation, I have had discussions with the Department of Management and Budget and the Federal Government, and I hope the Government will have some proposals in relation to that matter later in the year.

Similarly, a group is working on heritage legislation and I hope to be in a position to legislate in the spring sessional period on that matter.

I have undertaken a review of the Aboriginal Affairs Unit in the Ministry for Planning and Environment. I intend making additional appointments to that unit and I have had consultation with the Aboriginal community regarding those appointments. I intend having further consultations with that community in May or early June about the precise role of the unit. I shall take steps to ensure that the interviewing panel for the selection of any additional persons to the unit is made up of a majority of representatives from the Aboriginal people.

MALMSBURY YOUTH TRAINING CENTRE

The Hon. F. J. GRANTER (Central Highlands Province)—The question I address to the Minister for Community Services concerns the number of escapes that have occurred and are occurring from the Malmsbury Youth Training Centre. Those escapes are causing great concern to the people in the Malmsbury–Kyneton district.

I appreciate that it is difficult to stop escapes from the centre because it is an open prison environment, but I ask the Minister what positive action has been taken to stop these escapes occurring and, on behalf of the people of Malmsbury and Kyneton, I plead with her for extra security.

The Hon. C. J. HOGG (Minister for Community Services)—I thank the honourable member for his question. I am aware of the difficulties that he has raised regarding the Malmsbury Youth Training Centre. In the long term, I am examining all youth training centres with a view to a general plan that will allow more community-based alternatives, plus one or two small but high-security units.

I take the point made by the honourable member that the very nature of the Malmsbury Youth Training Centre, with its open-type environment, makes it relatively easy for young offenders to escape from it. However, courts sentence young people to a period of detention in a training centre and not in a prison, and the programs in a training centre are obviously different from those in a prison. The way of handling the trainee is different and the discipline procedures are different.

I am investigating ways of improving the security at Malmsbury and I am mindful of the honourable member's concern about the number and level of escapes.

ROSS HOUSE

The Hon. C. F. VAN BUREN (Eumemmerring Province)—Can the Minister for Community Services advise the House of Government involvement in Ross House, the former State Electricity Commission of Victoria building in Flinders Lane?

The Hon. C. J. HOGG (Minister for Community Services)—The building now known as Ross House is at No. 427 Flinders Lane and was the former State Electricity Commission building. Yesterday, I had pleasure in presenting a cheque from the State Government for $850 000 towards the refurbishment and renovation of that building so that it will be accessible to all disability groups.

The building is to become the centre of self-help groups in Melbourne.

Ross House, so named because the first $850 000 was a grant from the Ross Trust, is funded by $1·3 million from philanthropic trusts, with the initial grant as I mentioned from the Ross Trust.

The Historic Buildings Council, impressed as it is with the design for the refurbishment of the building, also made a contribution. As I said, the State Government has made a contribution of $850 000. We now look to the corporate sector to make a contribution to what could be a four-sided partnership.

I imagine that everybody would support the self-help ethic. I know that many honourable members write many letters to me each year about increased funding for self-help groups in the areas they represent. This central facility will provide a support and administrative component for most self-help groups, not only those within the metropolitan area but also those outside central Melbourne.

This will represent considerable savings to the groups physically located there and the groups that are on the register at Ross House.

This is an exciting venture. The old State Electricity Commission building at No. 427 Flinders Lane has so much potential that when the renovations are finished and the

building is made completely accessible, it will be one of the most exciting projects in the city.

There are two similar projects in the world, one in Berlin and one in London, where old buildings have been rendered completely accessible to the community and have become the headquarters for self-help groups, particularly those focused on people who have disabilities.

I am sure the Victorian Council of Social Service, which has done much of the detailed work to make this project a success, would be delighted to extend an invitation to any honourable member who would like to do so to make a pre-renovation inspection of the building.

PERSONAL EXPLANATION

The Hon. J. E. KIRNER (Minister for Conservation, Forests and Lands) (*By leave*)—Mr President, I wish to make a personal explanation.

On 12 September 1985 the Department of Conservation, Forests and Lands prepared a list of accidents involving departmental vehicles for the period 1 August 1985 to 12 September 1985 inclusive.

This report was based on telephone responses from Melbourne and country centres on the understanding that written confirmation and additional information would follow in the form of State Insurance Office motor vehicle accident claim forms.

This report indicated that twelve departmental vehicles were involved in separate accidents and thirteen persons reported injuries.

The report I gave to the House on Tuesday, 17 September 1985 was based on the report of 12 September and I stated:

> There were two accidents involving third parties who were injured—one was at Morwell River and one was in the city.

Mr Reid alleges, however, that at some stage prior to 12 September I was advised of a third accident involving a third party. This charge is incorrect.

What, in fact, happened was that after 12 September, further details on the accident involving the vehicle, registration No. MZF 440, were reported. This report indicated a whiplash injury to a departmental employee who was a passenger in the vehicle. When the State Insurance Office claim form was subsequently submitted, the departmental driver of the vehicle, registration No. MZF 440, also recorded a whiplash injury.

This accident was reported to a member of my staff on 13 September. Although the report I gave to the House had been prepared for accidents between 1 August 1985 and 12 September 1985, I concede this additional accident could have been included in my report to the House on 17 September. It was not included because the information held by a member of my staff was not transferred to me pending a complete report.

In so saying, I should point out that full details of this later accident were not available until after 27 September, when the State Insurance Office motor vehicle accident claim was finalized.

I do, however, reiterate that Mr Reid's charge that I was advised of this prior to 12 September is incorrect.

The Hon. N. B. REID (Bendigo Province) (*By leave*)—I wonder whether the Minister would be prepared to make available to me the full details of those thirteen accidents.

The Hon. J. E. KIRNER (Minister of Conservation, Forests and Lands) (*By leave*)—I have already received that request from Mr Reid in the form of a freedom of information request. I shall make the details available, but Mr Reid could have asked me directly.

RETIREMENT VILLAGES BILL

The Hon. J. H. KENNAN (Attorney-General), by leave, moved for leave to bring in a Bill to make provision concerning retirement villages and for other purposes.

The motion was agreed to.

The Bill was brought in and read a first time.

PAPERS

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

Dried Fruits Board—Report and statement of accounts for the year 1985.

Legal Profession Practice Act 1958—Report of the Lay Observer to the solicitors' and barristers' disciplinary tribunals for the year 1985.

Members of Parliament (Register of Interests) Act 1978—Summary of variations notified to 30 April 1986.

Police Service Board—Determination No. 450.

Statutory Rules under the following Acts of Parliament:

Building Control Act 1981—No. 98, together with copies of the following documents required by section 32 of the Interpretation of Legislation Act 1984 to accompany the Statutory Rule:

AS 1074–1980—Steel Tubes and Tubulars Threaded or Suitable for Threading with Pipe, Threads or Whitworth Form

AS 1155–1974 and Am 1, 1979—Metric Units for use in the Construction Industry

AS 1159–1979—Polyethylene (Polythene) Pipe for Pressure Applications

AS 1170—SAA Loading Code

Part 1–1981—Dead and Live Loads

Part 2–1983 and Am 1, 1985—Wind Forces

AS 1200–1981—SAA Boiler Code

AS 1221–1983—Fire Hose Reels

AS 1225–1984—Clay Building Bricks

AS 1250–1981 and Am 1, 1982—SAA Steel Structures Code

AS 1288—Parts 1 to 3, 1979—SAA Glass Installation Code

AS 1432–1983—Copper Tubes for Water, Gas and Sanitation

AS 1445–1977—76 mm Pitch Corrugated Hot-dipped Zinc-coated or Aluminium Zinc-coated Steel Sheet

AS 1475–SAA Blockwork Code–Part 1

Part 1–1977—Unreinforced Blockwork

AS 1477–Parts 1 to 6, 1973—Unplasticized PVC (UPVC) Pipes and Fittings for Pressure Applications (Metric Units):

Part 1—UPVC Pipes for Pressure Applications

Part 2—Moulded UPVC Fittings for Pressure Applications

Part 3—Fabricated UPVC Fittings for Pressure Applications

Part 4—Post-formed UPVC Bends for Pressure Applications

Part 5—Solvent-welding Joints for UPVC Pressure Pipes and Fittings, and

Part 6—Rubber Ring Joints for UPVC Pressure Pipes and Fittings

AS 1480–1982—SAA Concrete Structures Code

AS 1481–1978 and Addendum—SAA Prestressed Concrete Code

AS 1509–1974—SAA Formwork Code

Methods for Fire Tests on Building Materials Components and Structures

AS 1530.1–Part 1–1984—Combustibility Test for Materials
AS 1530–Part 2–1973—Test for Flammability of Materials
AS 1530–Part 3–1982—Test for Early Fire Hazard Properties of Materials
AS 1530–Part 4–1975—Fire Resistance Test of Structures
AS 1538–1974 and Am 1—SAA Cold-formed Steel Structures Code
AS 1562–1980—Design and Installation of Metal Roofing
AS 1567–1985—Copper and Copper Alloys—Wrought Rods, Bars and Sections
AS 1579–1973—Arc Welded Steel Pipes for Water and Gas
AS 1611–1973—Asbestos Cement Corrugated Sheets for Roofing and Cladding
AS 1639–1974 and Am 1, 1974—Design and Installation of Corrugated Asbestos Cement Roofing
AS 1640–1974—SAA Brickwork Code
AS 1653–1985—Calcium Silicate Building Bricks
AS 1657–1985—SAA Code for Fixed Platforms, Walkways, Stairways and Ladders
AS 1664–1979 and Interpretation No. 1—SAA Aluminium Structures Code
AS 1668–Part 1–1979 and Am 1, 1979—SAA Mechanical Ventilation and Air-conditioning Code
Fire Precautions in Buildings with Air-handling Systems
AS 1668–Part 2–1980—Ventilation Requirements
AS 1670–1983—SAA Code for Automatic Fire Alarm Installations
AS 1682–1979—Fire Dampers
AS 1684–1979 and Supps 1 to 22, Am 1, 1981 and Am 2, 1981—SAA Timber Framing Code
AS 1691–1985—SAA Domestic Oil-fired Appliances—Installation
AS 1694–1974—Physical Barriers used in the Protection of Buildings against Subterranean Termites
AS 1711–1975—Asbestos Cement Pressure Pipes
AS 1720–1975 and Am 1, 1981—SAA Timber Engineering Code
AS 1726–1981—SAA Site Investigation Code
AS 1735–Part 11–1982—Fire-rated landing Doors
AS 1736–1975—Code for Pliable Roof Sarking
AS 1757 and AS 1758–1975—Concrete Interlocking Roofing Tiles (Without Weathering Check)
AS 1759 and AS 1760–1975—Concrete Interlocking Roofing Tiles (With Weathering Check)
AS 1769–1975—Welded Stainless Steel Tubes for Plumbing Applications
AS 1835–1983—Tubes for Pressure Purposes—Seamless Steel
AS 1836–1983—Tubes for Pressure Purposes—Welded Steel
AS 1841–1985—Portable Fire Extinguishers—Water (Gas Container) Type
AS 1842–1985—Portable Fire Extinguishers—Water (Stored Pressure) Type
AS 1844–1985—Portable Fire Extinguishers—Foam (Gas Container) Type
AS 1845–1985—Portable Fire Extinguishers—Foam (Stored Pressure) Type
AS 1846–1985—Portable Fire Extinguishers—Powder Type
AS 1847–1985—Portable Fire Extinguishers—Carbon Dioxide Type
AS 1848–1985—Portable Fire Extinguishers—Halon Type
AS 1851–1985 and Am 1 and 2—Maintenance of Fire Protection Equipment—Portable Fire Extinguishers
AS 1851–Part 2–1981—Fire Hose Reels
AS 1851–Part 3–1985—Automatic Fire Sprinkler Systems
AS 1859–1980—Flat Pressed Particleboard
AS 1903 and AS 1904—1976, Am 1, 1979 and Corrigenda—Reflective Foil Laminate

AS 1905-Part 1-1984 and Am 1 and 2—SAA Fire Door Code—Fire Resistant Doorsets

AS 1905-Part 2—1984-Fire Resistant Roller Shutters

AS 2049 and AS 2050-1977—Terra Cotta Roofing Tiles

AS 2057-1981—Soil Treatment for Buildings under Construction for Protection against Subterranean Termites

AS 2118-1982 and Am 1 and 2—SAA Code for Automatic Fire Sprinkler Systems

AS 2159-1978—SAA Piling Code

AS 2185-1978 and AS 2186—Fibrous Plaster Products

AS 2220-1978—Rules for Emergency Warning and Intercommunication Systems for Buildings

AS 2293-Part 1-1983—Emergency Evacuation Lighting in Buildings—Installation Requirements

AS 2293-Part 2-1982—Maintenance Procedures

AS 2441-1981—Installation of Fire Hose Reels

AS 2458-1982 and Am 1—Hardboard

AS 2544-1982—Grey Iron Pressure Pipes and Fittings

AS 2665-1983—Smoke/Heat Venting Systems-Design, Installation and Commissioning

AS 2699-1984 and Am 1—Wall Ties for Masonry Construction

Methods of Sampling and Testing Mortar for Masonry Construction

AS 2701-Part 2-1984—Methods of Sampling

AS 2701-Part 10-1984—Methods for Chemical Analysis of Mortars

AS 2733-1984—Concrete Masonry Units

AS 2758-Part 1-1985—Aggregates and Rock for Engineering Purposes—Concrete Aggregates

AS A123-1963—Mortar for Masonry Construction

SAA Int. 326-1953—Bituminous Damp-proof Courses with Metal Centre

SAA Int. 327-1953—Bituminous Damp-proof Courses with Fibre Felt Base

ACADS Code of Practice CP1—Code of Practice for Documentation and Checking of Computer Aided Engineering and other Technical Computations

BS 4772-1980—Specification for Ductile Iron Pipes and Fittings

CSIRO/AEBIRA 1976—The Classification of the Expansive Behaviour of Melbourne Soils for Domestic Construction

CSIRO—Low-rise Domestic and Similar Framed Structures. Part 4-Supplementary Domestic Buildings for Built-up Areas

CSIRO—Low-rise Domestic and Similar Framed Structures. Part 5-Supplementary Design Information (including notes on the technical interpretation of some Light Timber Framing Code Rules)

TPC—Timber Frame Construction in High Wind Areas-Victoria

Drugs, Poisons and Controlled Substances Act 1981—No. 92.

Health Act 1958—No. 91.

Occupational Health and Safety Act 1985—No. 95, together with copies of the following documents required by section 32 of the Interpretation of Legislation Act 1984 to accompany the Statutory Rule:

AS 2211-1981—Laser Safety

AS 2397-1980—Guide to the Safe Use of Lasers in the Construction Industry

Supreme Court Act 1958—No. 99.

Town and Country Planning Act 1961—Melbourne Metropolitan Planning Scheme—Amendments No. 320, Part 1 (with eighteen maps); No. 321, Part 1 (with 43 maps); No. 322, Part 1 (with six maps); No. 337 (with map); No. 349 (with map); No. 376 (with four maps); and No. 394 (with map).

On the motion of the Hon. HADDON STOREY (East Yarra Province), it is was ordered that the reports and the summary of variations under the Members of Parliament (Register of Interests) Act 1978 be taken into consideration on the next day of meeting.

MINISTERIAL STATEMENT

Solicitors' and barristers' disciplinary tribunals

The Hon. J. H. KENNAN (Attorney-General)—I should like to make a brief Ministerial statement about the Sixth Annual Report of the Lay Observer, which has just been tabled in the House. The report contains some criticism of the investigation of complaints made by the Law Institute of Victoria. Indeed, the Lay Observer calls for a complete overhaul of the system and states:

> I am convinced that the work of investigating all complaints against professional services, whether it be against solicitors, doctors, dentists, architects or any other kind of professional service, can only effectively be carried out by specially trained men and women who are themselves professionals in the work of investigation.

The Lay Observer really argues that the disciplinary investigative functions of the Law Institute should be separated from what I may describe as the union function. The Law Institute has a copy of the report and has been very critical of it. The Law Institute has argued that the allegations are not specifically documented in the report.

No doubt, the Law Institute will wish to say more in response to the report in due course. However, I should indicate that Mr Eyre has been the Lay Observer—I believe I am correct—under three Attorneys-General and his work has generally received support. As a man who has worked under three successive Attorneys-General, bridging both the present and the former Governments, his work has been generally supported.

As honourable members may know, Mr Eyre is a man of considerable integrity and I have appointed him as a lay member to the Criminal Justice Committee.

I shall briefly mention a number of matters that are worthy of further investigation and consideration. These are the matters I am willing to take up with the Law Institute of Victoria on behalf of the Government.

The first relates to what constitutes unsatisfactory professional conduct worthy of investigation. Mr Eyre directs attention to the narrowness of the concepts of "gross negligence" and "misconduct in a professional respect" and argues that it would be desirable to establish a category of "breach of professional standards". These lower level breaches, such as persistent delay, which is one of the habitual complaints that all honourable members receive against solicitors——

The Hon. B. A. Chamberlain—And Ministers!

The Hon. J. H. KENNAN—Yes, and Ministers, but we are taken to task by the Opposition at question time. It is suggested that these habitual complaints against solicitors can be dealt with by a process of private consultation designed to rehabilitate and improve the performance of the solicitor concerned. There could be a compensation element so that small claims could be cleared up quickly. That point should be pursued by way of discussion. On the face of it, the suggestion has some merit and I know that my colleagues on the other side of the House may also be interested in having discussions about these points.

Secondly, Mr Eyre says that procedures should be developed to enable discipline proceedings to develop to a conclusion where there is an independent negligence claim on foot. The relationship between the discipline process and the common law claim is a continuing source of aggravation to both clients and the Lay Observer. Although one may appreciate the legal niceties involved with reluctance on the part of the Law Institute to become involved in the hearing of a case and calling evidence about a matter that may also be the subject of litigation in court, nevertheless we need to endeavour to address this issue.

Thirdly, Mr Eyre says that a panel of specialist negligence solicitors should be established. The matter of a specialist corps of solicitors to handle these cases involves a variety of policy considerations. However, it should be the subject matter of further consideration.

Fourthly, Mr Eyre says that action should be taken to discourage the Law Institute's part of allowing a large number of complaints to build up against one solicitor. He mentioned a case in which the number of complaints reached double figures before firm action was taken and, in the past two years or so, the Law Institute has waited until a large number of possible charges built up against a repeatedly errant practitioner before proceeding on any of those charges. Possibly no real justification for this exists except in exceptional circumstances. It is suggested that one solicitor now has 100 complaints outstanding against him. That is an issue that needs to be considered.

Fifthly, Mr Eyre suggests a proposal for an independent complaints authority. It is argued that the independent authority could be funded from the Solicitors Guarantee Fund. This raises various aspects of concern. I know that there has been an ongoing argument, and some people at the Law Institute hold the view, that it is difficult to intertwine union and discipline functions. Some practising solicitors, considering the matter from a union viewpoint, prefer those tasks to be separated. Even if a solicitor is carrying on a practice in an honest and reasonably competent manner, he may still be of the view that the investigation function should be separate from the union function. The vigorous aspects of the union function are possibly compromised by the same body carrying out the investigation and discipline functions, and vice versa. Those issues need to be argued.

There may be a middle way whereby the Lay Observer and the Law Institute could be left as they are but the Lay Observer could be armed with more powers to make directions on certain matters.

The Government believes those issues should be addressed. It has made no decision on these issues and I note the trenchant criticisms made by the Law Institute and its vigorous denial of the substance of the complaints. However, discussion on the issues would be helpful to those of us who are interested in the legal community.

Public concern also exists about the effectiveness of the complaint system. However, I am apprehensive about overburdening the system with another layer of bureaucracy that will effectively further slow it down.

I hope to indicate by my response that I am open minded but I believe these five issues should be addressed. If legislative change is needed, a Bill can be introduced in the spring sessional period.

The Hon. B. A. CHAMBERLAIN (Western Province)—I move:

That the Ministerial statement be taken into consideration on the next day of meeting.

With regard to the legal profession, the Lay Observer is a unique institution. I am not sure whether the process was established on the initiative of the Law Institute but it certainly was formed by the institute in conjunction with the Government. The legal profession is still perhaps the only profession that allows outsiders to examine the processes by which it works. Given the criticisms pointed out by the Attorney-General, we must take that background into account. It is a system that has been initiated with the support of the profession and the Opposition strongly supports its role.

The issues raised by the Attorney-General are important matters of principle. What Parliament should be considering is whether the concept of a Lay Observer should flow over into other professions.

The motion was agreed to.

GUARDIANSHIP AND ADMINISTRATION BOARD BILL

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

Postponed clause 58

The Hon. B. A. CHAMBERLAIN (Western Province)—I had circulated to the House an amendment that proposed to delete sub-clauses (7) and (8) of clause 58. I shall not

proceed with that amendment, but I shall proceed with another amendment, which is an amalgam of amendments proposed by the Minister and me. I move:

Clause 58, page 27, lines 4 to 13, omit all words and expressions on these lines and insert:

"( ) There is to be paid into the Guardianship and Administration Board Fund (which is hereby established) the following amounts:

(*a*) An amount to be determined by the Minister having regard to the value of estates administered by the Public Trustee under this Act which is to be paid out of the Interest Suspense Account under section 57 of the Public Trustee Act 1958.

(*b*) An amount to be determined by the Minister having regard to the value of the estate administered by each administrator (other than the Public Trustee) which is to be paid by each such administrator.

( ) The amount paid into the Guardianship and Administration Board Fund under sub-section (7) is to be determined by the Minister after the Minister has obtained the joint advice of the Public Trustee, the Public Advocate and the President as to the proportion of the cost of the administration of this Act which relates to the estate administration functions of the Board and the Public Advocate.

( ) The amount paid into the Guardianship and Administration Board Fund under sub-section (7) must not exceed the amount specified in the joint advice obtained under sub-section (8).

( ) Separate accounts for the Guardianship and Administration Board Fund must be included in the annual report prepared under section 76.".

The Opposition opposes the existing provisions of the Bill, which will, as I have already stated, give the Government the opportunity of—if I can use a colloquial phrase—plundering the purses of persons who are represented persons under the Bill.

In other words, there were no constraints on the amount of money which could have been taken from the accounts of represented persons under this clause. Although that clearly was not the intention of the Government, on the face of the clause, that was the position.

The provisions of the existing Public Trustee Act are very broad. Therefore, the proposal before the Committee is an amalgamation of amendments put forward by the Attorney-General and those proposed by the Opposition.

In summary, the effect of the proposal is, firstly, the establishment of a separate Guardianship and Administration Board Fund, which would operate in accordance with these provisions and, secondly, a payment out of that fund of amounts necessary to administer the fund. The amount would be in proportion to the total cost of the fund and the value of each of the estates administered. That was as far as the Bill went and one of the problems was that the provision was open-ended. The Attorney-General then proposed another addition to that provision under which the Minister would determine the amount of that contribution after he had obtained advice from the Public Trustee, the Public Advocate and the President of the Guardianship and Administration Board. The Opposition has slightly amended that provision to ensure it is on the joint advice of those people in case they come to different conclusions, which would leave the Minister in a difficult position.

The third effect of the proposed amendment is to ensure that the Minister cannot set an amount which is higher than the amount set by that joint advice; in other words, the level of the joint advice provides a cap on the amount which can be appropriated from these accounts into the Guardianship and Administration Board Fund under these proposals.

The final effect of the proposed amendment is to ensure that the accounts of the new fund are included in the annual report provided under clause 76 which is promulgated to the Parliament.

The Opposition believes the combined effect of the amendment proposed by the Government and the Opposition is to provide safeguards which currently do not exist. Therefore, the amendment establishes a separate fund; a determination of the maximum amount to be set aside to administer the fund, based upon joint advice from the Public

Trustee, the Public Advocate and the president of the board, and provision for the operations of the fund to be detailed in the annual report of the board tabled in Parliament.

The Opposition believes the proposed amendments represent considerable safeguards on the funds administered by the board and by private administrations on behalf of represented persons. For that reason, I commend the amendment to the Committee.

The Hon. W. R. BAXTER (North Eastern Province)—The National Party supports the proposed amendment. I commend Mr Chamberlain for the work he has done in arriving at a satisfactory conclusion.

When the Bill was dealt with in another place, the honourable member for Swan Hill was most concerned about the provisions contained in clause 58 (7) and (8) and invited me to oppose those sub-clauses in this Chamber.

The amendment proposed by Mr Chamberlain will meet the objections voiced by the honourable member for Swan Hill and provide a workable solution.

The Hon. J. H. KENNAN (Attorney-General)—The Government accepts the amendment. I thank Mr Chamberlain for the very constructive way in which he has approached the matter. He has drawn together the threads of the amendment in an acceptable manner.

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

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

PUBLIC RECORDS (AMENDMENT) BILL

The report on the amendments made in this Bill, in Committee, was adopted.

On the motion of the Hon. J. H. KENNAN (Attorney-General), the Bill was read a third time.

PREVENTION OF CRUELTY TO ANIMALS BILL

The debate (adjourned from November 28, 1985) on the motion of the Hon. E. H. Walker (Minister for Agriculture and Rural Affairs) for the second reading of this Bill was resumed.

The Hon. R. I. KNOWLES (Ballarat Province)—The Bill rewrites the Protection of Animals Act 1966, essentially incorporates most of the provisions of the existing Act and extends a number of those provisions.

The Bill also seeks to rename the Act, the Prevention of Cruelty to Animals Act, as it will be known once the Bill is passed. That is appropriate because the measures contained in the Bill are designed to address issues of cruelty.

It is also appropriate that Parliament review its legislation in this area from time to time as community attitudes change. Many years ago the issue of animal cruelty was left to a small minority in the community. As community attitudes have changed there has been an increase in the demonstrable concern for all living beings. Therefore, it is necessary that Parliament review the legislative requirements of those who seek to keep animals.

Having said that, one should recognize that any measure in this area is controversial and emotive. It is not hard to understand why when one realizes that in Melbourne alone there are more domestic pets than there are children and everyone is well aware of the deep attachment that many people have to their pets. One may even be prepared to say that often people treat their pets better than they treat other human beings and, therefore, they tend to hold strong views about the way other people treat animals under their control.

Cruelty, in many ways, is a subjective thing. For animals in the wild, it is only through experiencing pain and discomfort that their behaviour pattern is altered and, unless the behaviour of a certain animal is altered, often the life span of the animal will be shortened.

The keeping of animals is certainly of fundamental economic importance to Victoria. Many significant industries, such as the cattle industry, the sheep industry and the poultry industry, are dependent upon animals. Many years ago the majority of farmers recognized that it was in their own interest to minimize cruelty in the keeping of animals because, if they were cruel to animals, that would impact on their production.

It is important to encapsulate what is considered to be good animal management practice as this will provide a limited safeguard to farmers in that if they are keeping animals within those accepted codes of practice, they are not abusing or being cruel to the animals and they will, therefore, be protected from prosecution.

I acknowledge the tremendous work carried out by the Royal Society for the Prevention of Cruelty to Animals. The members of that society are committed to the organization and have a long and distinguished history of trying to eliminate cruelty to animals not only by adopting an advocacy role in minimizing cruelty to animals, but also by adopting a practical role in administering treatment to animals that have been mistreated or neglected. The society seeks to establish programs that will encourage owners not to adopt cruel practices. The society has been responsible for the policies of the existing legislation in that area.

Although I am sure that some honourable members on both sides of the House, from time to time, have criticized the Royal Society for the Prevention of Cruelty to Animals or a particular aspect of its work, the majority of honourable members would acknowledge that the society has performed a worth-while service in the community and deserves our praise for the work it has carried out.

The Bill is in three parts. The first part defines the terms of the Bill and its application. It establishes the power to provide for codes of practice in respect of any animal. The Opposition supports that procedure. It was introduced by the previous Government in an attempt to balance the two competing influences about which I spoke earlier.

The Bill provides an educated service in encouraging farmers to adopt appropriate animal management techniques. It also provides some security to farmers so that, if they are working their stock in accordance with those codes of practice, they are unlikely to be prosecuted.

One must acknowledge that there are some zealots in the field who will seek to create difficulties for good farmers who are committed to minimizing cruelty in their keeping and handling of animals, but most reasonable people will appreciate that those farmers are doing the right thing. A code of practice provides some sense of security to farmers in that they will not be prosecuted if they follow that code.

The codes of practice take on quite a deal of significance under the proposed legislation and this concerns the Opposition in the sense that those codes ought to be open to the scrutiny of Parliament either in terms of their revocation, their amendment, or the establishment of new ones.

In the Committee stage, the Opposition will be proposing amendments to ensure that if those codes of practice are changed, an opportunity will be given to negate those codes of practice, if that is the wish of the Parliament of the day.

The second part of the Bill covers cruelty provisions and establishes those who are to police the Act. The Bill proposes that the Police Force, officers of the Royal Society for the Prevention of Cruelty to Animals, proper officers appointed under the Dog Act and inspectors of stock employed by the Department of Agriculture and Rural Affairs will have responsibility for policing the Act. Those proposals are supported by the Opposition.

The Bill also extends control over rodeos so that any activity carried out at rodeos will come within the ambit of the Bill.

One section within the Bill that concerns the Opposition relates to the Government's proposal to ban the use of steel-jawed leghold traps. Again, this point is an emotive one and the Opposition recognizes that many strongly-held views exist on the matter. It is not a new issue. In 1978 the Statute Law Revision Committee carried out an inquiry into the issue and, having heard the evidence, the Committee was divided in its opinion but, by a majority vote, it recommended that steel-jawed leghold traps be banned in Victoria.

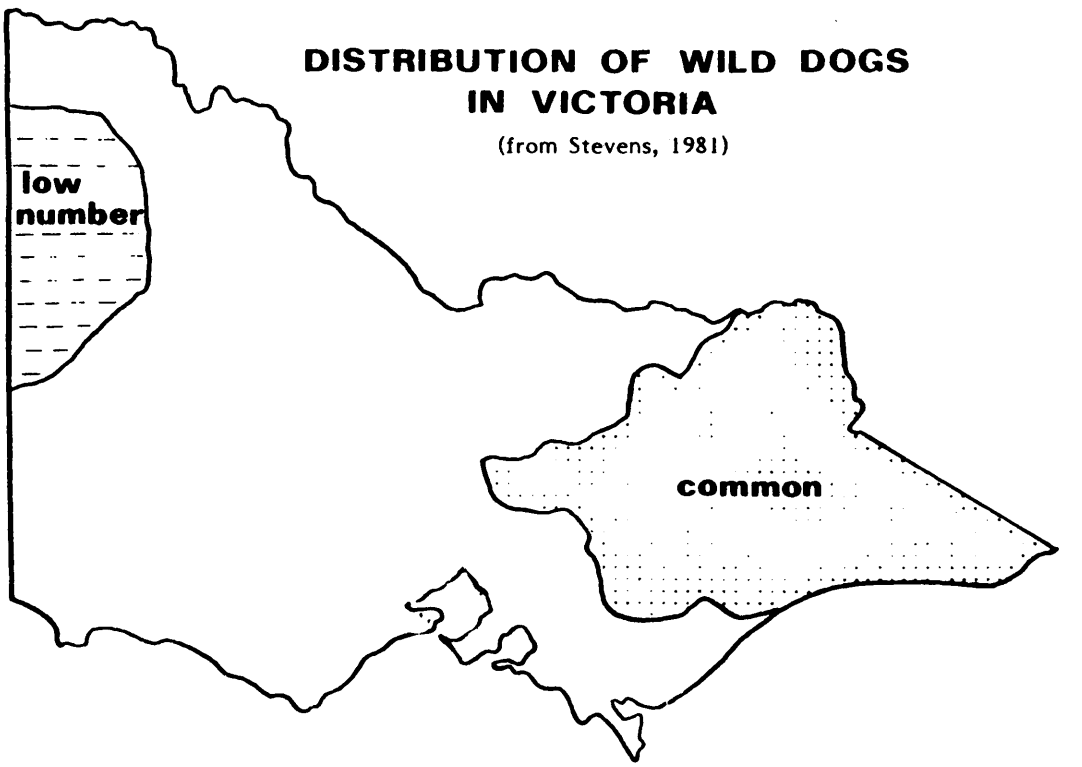
The Opposition recognizes that Victoria has a problem with wild dogs, particularly in eastern Victoria. In February 1986, the Land Protection Service of the Department of Conservation, Forests and Lands carried out a survey of landholders on the wild dog problem in eastern Victoria.

A discussion paper has been produced, which contains the most recent information the Opposition has been able to obtain on the issue. To clarify my point I seek leave to incorporate in *Hansard* a map from that document. It sets out the distribution of wild dogs in Victoria and will allow the House a greater understanding of the points I wish to make.

The PRESIDENT—Order! I have studied the information that Mr Knowles wishes to have incorporated in *Hansard* and it fits the guidelines that are laid down.

Leave was granted, and the map was as follows:

Fig.1.



The Hon. R. I. KNOWLES—I thank the House. In the survey to which I refer, the department circulated questionnaires to 809 landholders in eastern Victoria and 508 were returned; it was a significant survey. In answer to one of the questions, which asked whether wild dogs including dingoes were a problem on properties, the response from 429 or 84·4 per cent of the respondents was, "Yes".

The survey also covered what that represented in economic terms and it estimated that the value of stock lost as a result of attacks by wild dogs came to $76 029, or approximately half a million dollars worth of stock destroyed by wild dogs.

That figure is the economic cost only but, of course, one must realize that much cruelty is involved in the attacks on stock by wild dogs, and therefore, it is a matter of balancing this question of cruelty. The Opposition takes the view that one should not be prohibiting the use of steel-jawed leghold traps in tackling the wild dog problem on the basis that it will eliminate cruelty when, in fact, the wild dog problem itself is causing a great deal of cruelty.

In regard to the effectiveness of steel-jawed leghold traps, in question 12, landholders were asked to identify which measures they had used in their situations. They were given five options; such as trapping with steel-jawed leghold traps, shooting, poisoning with privately prepared baits, poisoning with baits prepared by the department—that is the Department of Conservation, Forests and Lands—or any other method.

Those using the single measure of steel-jawed leghold traps to trap wild dogs numbered 128. That indicates how significant these traps are in attempting to tackle the problem of wild dogs. The map that has been incorporated in *Hansard* will identify an area around the Big Desert and the Little Desert in north-western Victoria where a wild dog problem also exists.

The Opposition has received indications from landholders in that area that the problem of wild dogs can be tackled only with the use of steeled-jawed leghold traps and I am advised that people are trapping dogs using those traps seeking to minimize or at least reduce the problem of wild dogs.

The Hon. B. P. Dunn—Shooting them is easier.

The Hon. R. I. KNOWLES—That would assume, Mr Dunn, that one is a good shot. The survey indicates that shooting was not as effective as the steel-jawed leghold traps were in eastern Victoria.

I am aware that the department is seeking to develop an alternative trap. I am advised that at this stage it has not been as successful as the steel-jawed leghold trap. The Opposition is not totally committed to the continuing use of the steel-jawed leghold trap but it will need to be convinced that there is an acceptable alternative that will be effective in tackling the problem.

I am advised that that stage has not yet been reached, and therefore, the Opposition believes that in those two areas identified on the map the steel-jawed leghold trap ought to continue to be used until such time as better control measures are developed and that those who have to use those alternative methods have been educated and are able to use them effectively.

Part 3 of the Bill extends the provisions covering scientific procedures or experiments on animals. This is another area of great controversy and it has taken on even more significance in recent times because the Government has announced that it is working to establish a centre at Werribee for a toxicology laboratory.

My understanding is that one of this State's requirements of many manufacturers of chemicals is that before they may obtain registration, the chemicals must go through elaborate testing procedures. The argument tends to become circular, when one talks with manufacturers who say that they are required to carry out these experiments on animals because of Government regulations.

When challenged, the Government's response is that it is up to manufacturers to develop an alternative form of testing that will alleviate the problem. This is one area to which the Government must direct its attention.

An article which appeared in the *Age* on Friday last summed up some of the concerns by stating:

> Scientists, too, are trapped in a bureaucratic maze which forced them to perform a lot of repetitious, unnecessary and cruel tests on animals. Government regulations, predominantly Commonwealth but also State, force toxicologists to perform outdated "plan" and death tests like the notorious LD50, where pesticides, agricultural chemicals, cosmetics, household cleaners, drugs etc, are fed to groups of animals until 50 per cent die.
>
> Because of outdated regulations, mainly formulated in the 1920s, the governments will not give permission for the products' release on the market until such "tests" are performed on animals.

My understanding is that the proposed centre will require an enormous number of animals in order that these experiments can be carried out. The proponents argue that the animals will be selectively bred, taking into account stress factors for their use in the laboratory. However, the Opposition has been advised that at least four municipalities in Victoria are sending unclaimed animals from their pounds to be used for experimentation.

That is not acceptable to the Opposition. The overwhelming majority of municipalities that have animals unclaimed in their pounds work with the Royal Society for the Prevention of Cruelty to Animals to have those animals destroyed humanely. The Opposition is alarmed that some municipalities do not take that responsible approach. Any animal unfortunate enough to be neglected by its owner and finds itself in a municipal pound because it is unclaimed should not end up being used by an institution for experimentation.

I foreshadow that the Opposition will move an amendment to that provision and specifically exclude cats and dogs from municipal pounds being used for experimentation. Other honourable members will raise their concerns on the Bill. I have foreshadowed amendments that the Opposition will move during the Committee stage of the Bill and, with the acceptance of those amendments, the Opposition will support the Bill.

The Hon. B. P. DUNN (North Western Province)—This is a major and far-reaching Bill. Not only does it rewrite to some extent an existing Act but also it includes new concepts and some measures that are controversial. The National Party agrees that protection must be afforded to animals, and that is a view generally accepted as a standard in the community. There have to be accepted standards of practice and a mechanism whereby controls are exercised over the level of cruelty that may be applied to animals: the argument is to what extent and how far one takes that question.

Members of the National Party and the general community are concerned that the views of radical animal welfare groups, which are certainly gaining the attention of the media, are usually directed towards issues that they can portray in isolation as being extreme to try to strengthen their case and put forward their extreme minority views. The majority of the community takes a much more balanced view of animal welfare. The media appears to concentrate on these minority views and isolated instances.

We are concerned about armchair experts who are coming out of the woodwork everywhere. Rural people more than anyone else are subject to the actions, soundings and words of these minority, extremist armchair experts. The most alarming feature is that they appear to have the ear of the Government on most occasions. No doubt, some of those views are incorporated in the Bill.

The National Party certainly does not agree with all the provisions of the Bill and the party had to make a balanced judgment on whether to vote against the Bill outright. Frankly, there is enough in the Bill to which the National Party is opposed to ensure that the National Party could legitimately vote against the second-reading motion, but the National Party prefers to exercise the option of trying to improve the Bill by amending its provisions to achieve some common ground on its intent. If the foreshadowed amendments

are not successful and do not overcome the concerns of the National Party and those people whom it represents, the National Party will vote against the Bill on its third reading.

Animals have been very deeply moulded into the evolution of man since time began. Man has learnt to live with animals, to use them to his advantage, to hunt them, to domesticate them and to farm them. Much attention in the debate on animal welfare has been focused on the farmer, and very unfairly so. In many cases the extent of maltreatment of domestic animals far exceeds that which can be found on farms.

Farmers' livelihoods depend on the well-being of the animals they have under their care and they develop a closeness with their animals. Farmers go to extreme lengths to protect them. There are numerous examples—as you, Mr President, will know—of people losing their lives in an attempt to protect animals in times of fire, floods and other catastrophes. Farmers have saved sheep that could be replaced by stock purchased at the sale-yards the next week, so it is not just monetary reasons those people have for trying to save their stock; it is humane reasons.

Not only in times of crisis but also at lambing and calving times farmers, their wives and families will get up in the middle of the night to inspect their animals. They do it because they have a very real feeling for those animals. The animal welfare argument that points a finger at farmers and their practices is misdirected. Very often the finger is pointed by people who are armchair experts.

Peter Singer is well known in the animal welfare movement. He was challenged on the very question of whether he is an armchair expert. I refer honourable members to page 17 of *Good Weekend* which featured an article called, "The Greening of Peter Singer". The article states, *inter alia:*

> Some of the more aggressive country journals see it as an attempt to wipe them out. Animal Lib people, they say, are people who never venture beyond Collins or Pitt streets. As for this Peter Singer, he's never been out of the city. As for his knowledge of animals, good God, he doesn't even own a dog.
>
> Singer replies: "It's true I have never lived in the country for anything but holiday periods and it's true that I don't own a dog. We do have a cat, a stray we picked up, but this argument is not relevant.

People who have never been out in the country for anything more than a holiday—and he is one—are trying to tell people in farming industries what they should do and how they should do it in relation to their animal and livestock management.

The rural community takes exception to that. Country people take exception to some Ministers of this Government—the Minister for Conservation, Forests and Lands is one who would like to extend her role further into the area of animal welfare—taking on board the recommendations of minority views. For example, the Minister for Conservation, Forests and Lands intends devising a course for teaching duck shooters what they can and cannot do during the duck shooting season. An article in last night's *Herald* entitled "Education for Duck Shooters" states:

> The State Government is set to introduce a compulsory education program for duck shooters.
>
> The Minister for Conservation, Forests and Lands, Mrs Kirner, today foreshadowed the move, and a review of the starting day and time for next year's season.
>
> Mrs Kirner said she hoped a pilot education program could be in place before the end of the year.
>
> Duck hunters are likely to be given a three to five year period to take the education course.

This is incredible! A Minister is prepared to listen to the views of a minority that dumped a few ducks in her office after the opening of the last duck season. They get her ear and this is the sort of thing that she introduces.

Honourable members should examine the provisions of the Bill and ask themselves what the Minister for Conservation, Forests and Lands would do if she had responsibility for the Bill. Honourable members should also consider what the honourable member for Werribee in another place or the Minister for Agriculture and Rural Affairs would do. It is

important not only to consider the attitude of the Minister for Agriculture and Rural Affairs but also the attitude of the Minister for Conservation, Forests and Lands.

When minority groups put forward such ridiculous and stupid allegations, members of Parliament must be concerned about what could occur if the inappropriate Minister were responsible for the proposed legislation. The provisions must be tight and clear in their intent so that the Bill will not be misused by future Ministers of this Government or any other Government. Members of minority groups are telling Parliamentarians what to do, but farmers recognize that sometimes it is necessary to inflict short-term pain on animals to provide long-term benefits and protect their lives. Practices such as mulesing, tail docking or de-beaking of fowls are necessary farming practices and anyone who has anything to do with animals would recognize their importance.

The Hon. W. R. Baxter—For the animals' welfare!

The Hon. B. P. DUNN—That is right. I do not know whether Mrs McLean has ever cleaned flyblown sheep!

The Hon. Jean McLean—No.

The Hon. B. P. DUNN—It is not pleasant. I have performed that task on many occasions, as have all sheep farmers. A writhing mass of maggots literally eat the sheep alive. Honourable members would not enjoy seeing a live sheep being consumed by maggots but that is what occurs, and we must get down to the facts. Sheep die a miserable death: they reach the stage where they cannot get rid of the flies, they lie down and take days to die.

The Hon. R. I. Knowles—The pain and cruelty is incredible.

The Hon. B. P. DUNN—It is incredible. If a sheep is discovered with this problem, one has to trim the wool with hand shears or a portable outfit and apply a solution to relieve the sheep of maggots and keep the flies away. Mulesing can assist the majority of sheep and give them lifelong protection.

Similar practices can be applied to fowls. Fowls are cannibals. Members of the Government back bench speak about free range hens where tens of thousands run together. If one hen has blood on it, it will be quickly and relentlessly pecked to death. The problem can be overcome by de-beaking which limits cannibalism among fowls.

I have attempted to inform honourable members about the facts and I hope the Government will recognize that these practices are necessary. The animal welfare people sit in their armchairs and tell farmers what to do but they do not understand the true situation. I am certain that, like Mrs McLean, they have never tackled a flyblown sheep in their lives.

The Hon. R. I. Knowles—You had better invite her up next week-end!

The Hon. B. P. DUNN—Farmers' wives must be able to do it. Members of these armchair organizations should get their feet back on the ground. They should be put back in their boxes and forced to learn what animal welfare practices are all about. The alternatives suggested are not as suitable as the preventative action now being taken.

I shall now concentrate on destroying that argument that farmers do not care about animals, are cruel to and abuse animals under their control. Farmers in many industries have been quick to recognize the need for codes of practice and to have some regulation of those practices. Many of those codes have been in operation for years. The pig industry has had a code of practice since the mid to late 1970s, long before the animal welfare people jumped onto the bandwagon.

I shall refer to some submissions presented to the Senate Select Committee inquiry into animal welfare headed by Senator George Georges, another armchair expect who not only wants to tell Australians what to do with farm animals but has also thrown in kangaroos

and anything else he can find. The farming community is extremely concerned about the committee and many submissions from all sections of the farming community have been received by the Senate committee.

The National Farmers Federation made a couple of pertinent points in its submission to the Select Committee. Page 10 under the heading "Animal Welfare: Practical Aspects" stated:

To define animal welfare unambiguously and absolutely is not possible. From the animal's point of view its welfare is relative to its past and present states of health: its feeding (quantity and quality); its age, sex, and place in the group pecking order; whether it is a placid or highly-strung type; its involvement with domestication; and a host of other factors that can only be guessed at.

It then states that some people apply human experiences of pain to animals:

While it is reasonable to ascribe physical states of contentment, pain, fear and stress to animals, to extend from these observable physical states to the human—equivalent states of love, hate, boredom, anxiety and worry is an untenable step. The animal welfare issue must be judged on observation and facts, on welfare costs versus welfare benefits, and not on urban emotions and emotive statement.

Words such as "boredom, anxiety and worry" have been picked up by the Victorian Government in the Bill. The submission continues:

It is not a contribution to the debate on welfare issues to present husbandry practices in sensational and emotional phrases such as 'the skin was ripped from the lamb's tail', and letters to the Editor with words such as 'ripping out ovaries'. A farmer's contribution to his animal's welfare can be judged unemotionally and scientifically by whether an animal suffers more through his stock husbandry practices or through him not applying those practices.

That is the point to which I referred the House earlier.

The Australian Pork Producers Federation represents 15 000 pig producers in Australia and welcomed a code of practice to be applied throughout Australia. The submission stated:

The Australian pig industry as early as 1977 took the initiative in formulating Codes of Practice for the self regulation of the industry.

At a later date, the industry, acknowledging that there was genuine concern amongst some sections of the community with regard to animal welfare, willingly participated in the formulation of a national Code of Practice for the welfare of the pig.

Page 5 states:

The community at large has only recently come to be concerned about the welfare of animals. Farmers on the other hand have for generations treated their animals in a humane and considerable manner. Not only do they care for their animals, but they know that a contented animal is a productive animal. They are concerned with welfare at a practical level.

It is a credit to the pig industry of Australia, which represents 15 000 producers owning 345 000 sows and 2·049 million pigs in Australia. That industry has taken a responsible stance.

One finds the same level of involvement from the egg producers. At page 5 of its report to the committee, the egg industry says that it is unfortunate that many of these groups to which I have been referring suggest that animal welfare is a very recent issue, whereas the subject has been with us for decades. The industry has conducted seminars, conferences and general discussions since 1978, dealing specifically with animal welfare, and a large number of producers have been involved in those courses. In its submission the industry refers to the measures taken in respect of the bird itself so that it is protected by the use of cages; it is protected from other birds; it is comfortable in its environment; it is protected against predators, and so on. We have a code of practice for the industry, but the industry welcomed the code of practice and is happy to comply with it. I think it was early in 1983 when the final code of practice was adopted.

I shall deal now with the dairy industry. Honourable members all know of the involvement of dairy farmers with their animals; in many instances, they know each cow

by name and can recognize their animals individually, and the whole family becomes attached to those animals. The use of domestic cows goes back 3000 years—before Christ—so that dairy farmers have been around for a long time; they know their animals by name and have been quick to develop codes of practice to ensure that their animals are cared for. The dairy farmer has an ideal opportunity of doing that because he milks twice a day and observes the animals closely. The level of health care and general care for animals among dairy farmers is extraordinarily high because of that high level of inspection.

Farmers point out that, although we have codes of practice in relation to the industry, there is a danger that those codes of practice can become too specific, and I shall touch on that shortly. The codes have worked well because they provide a general framework, but they can become specific and defeat their purpose, leading to the level of acceptance not being as high as it is now.

I use those few examples to indicate that those involved in the farming industries have been quick to accept codes of practice and a degree of welfare for their animals. The Bill continues that practice, but the National Party is concerned that the Bill, as drafted, means that codes of practice can be varied, revoked or introduced without the opportunity being allowed for Parliament or the industry concerned to consider them in any way. In the past, this has been done on a co-operative basis with the Minister, and it has been reasonably successful; that is probably a credit to the Ministers and the industries concerned. As I said, the National Party is concerned about the wrong Ministers getting their hands on these codes and defining them too stringently.

The National Party wants to see included in the Bill provisions to allow for some input into codes of practice and the opportunity of either stopping or amending them if that is in the best interests of the industry concerned. I shall deal with that aspect during the Committee stage.

The National Farmers Federation made some comments on codes of practice to the Senate Select Committee. The federation stated that codes of practice will be useful only if the reservations and concerns of the federation can be met, and it outlined a wide range of reservations. I shall not quote them in full, but point out that the federation refers to the fact that the codes of practice accepted by the various sections of the industry have come into existence only after extensive consultation and agreement between the Australian Agricultural Council and the relevant industry, with agreement that the codes of practice will not subsequently be enshrined in legislation. It has been a feature that the codes of practice have not been imposed by legislation. The industries concerned believe there must be sufficient flexibility in the codes of practice to ensure that new knowledge and new practices are incorporated. Again, people believe generally that the codes need to be a broad expression of intent, without getting into all the fine print and detail.

The National Party supports the contention, but with the proviso that Parliament has the ability to have an input and that the industry has some say in the changes that take place and the extent to which the codes of practice apply. I shall deal with that matter during the Committee stage.

One of the most important concerns of the National Party is that, under the existing Act, it has been clear that farming practices are excluded from the legislation and that the Act has not included certain other things—for instance, any acts done in the extermination of rabbits, foxes, wild dogs or vermin or acts done in the hunting, snaring, trapping, shooting or taking of any animal not in a domestic state; those matters as well as matters dealing with farm animals and practices in relation to farming were excluded from the Protection of Animals Act and the codes of practice were the only restrictions that applied to farm animals—and the Bill does not make that exclusion.

The Bill means that codes of practice can apply, but it may also mean that, even though a farmer operates within the code of practice in carrying out normal farming practices, he may still be liable under the Bill. One could use the example of a person tail docking lambs with a blunt knife. That person would be complying with the code of practice in all aspects

but one, and could come under the cruelty provisions of the Bill. That may not be a good example, but it is the sort of thing that would bring farmers and normal farming practices into conflict with the Bill.

The National Party will seek to ensure that farming practices carried out within a normal code of practice are exempted from the provision of the proposed legislation. It will move an amendment that will seek to exclude from the provisions of the Bill acts done in relation to the extermination of vermin such as foxes, rabbits and wild dogs. It will also seek to exclude acts carried out under the Wildlife Act and which relate to hunting, including the shooting of ducks. The National Party will move amendments to ensure that there is no doubt that farming practices are excluded from the wider implications of the Bill, although it agrees with the code of practice.

Clause 15, which is probably the most controversial clause, relates to the outlawing of large steel-jawed leghold traps and relates to the outlawing of the use of small steel-jawed leghold traps on Crown land. My party intends to vote against that clause.

National Party members do not consider that the alternative methods currently available are adequate to deal with the wild dog problem. Evidence of that fact was given last week by the Minister for Conservation, Forests and Lands in answer to a question I asked about treadle snare traps. The effectiveness of the treadle snare trap is unproven and a report on the success of the treadle snare is not even in the Minister's hands, yet honourable members are being asked to pass proposed legislation that will outlaw the use of steel-jawed leghold traps.

However, the Minister admitted last week that the alternative methods of trapping have not been proven to the extent as indicated in a report. I shall quote what she was reported as saying in *Hansard* of Wednesday, 30 April 1986, which confirmed the suspicion that the National Party has held for a long time; that Victoria is being sold down the drain by armchair experts. In answer to my question about treadle snare traps, the Minister said:

> About 1000 treadle snare traps are being used at the moment by trappers in the various regions. A very careful assessment program is going on with the use of those traps to ascertain their impact both on wildlife and on the killing of wild dogs. It appears that their impact is as good as the steel-jawed leghold traps in killing wild dogs and that they are certainly much better in the release and protection of wildlife.
>
> That information is being assessed by the Wild Dog Advisory Committee which has as its members independent landholders. I am expecting a report on its views of the surveys in the next few weeks. I shall give the honourable member the information when it is available.

It is totally unreasonable to request honourable members to outlaw the use of steel-jawed leghold traps. It confirms what the National Party has thought for a long time, namely, that the radical animal welfare groups in Victoria have the ear of Government. The Government has responded, even though it knows in its own mind that the alternative methods currently available instead of the traps have not been proven and are unacceptable to many people in country areas.

I am sure many people in the areas affected by wild dogs would not mind if there were an alternative method available that was better than the steel-jawed leghold traps, but the fact is that a better alternative is not available. The wild dog problem is only fully understood by those who farm in the areas affected. Anyone who has seen the devastation caused by wild dog attacks on livestock would have no question in his or her mind on the need to continue using those traps to fight the problem.

Wild dogs literally tear livestock to pieces while the stock are on their feet. It is not uncommon to see animals running through the paddocks after they have been torn to pieces by wild dogs. I do not want to create too vivid a picture. I have seen it, and those who have seen it know that the sight can break the heart of even the strongest farmer in seeing his animals treated in that way.

People wonder why farmers take a hard line on this issue and why they fight the armchair experts who try to tell people how to deal with the problems. People wonder why

farmers become uptight with governments, such as the Victorian Government, that continue to draw lines around national parks and Crown land and to allow those animals to run rampant within those boundaries so that they can feed on the crops and livestock of adjoining landholders. That is happening all over the State.

Will honourable members ensure that those landholders have the right to try to restrict the problem in their vicinity? Will the treadle snare trap overcome the problem? It is not the answer and certainly is not proven. That is why the National Party will vote against the clause. It may be prepared to consider amendments that are proposed, but frankly the Opposition would be doing a disservice to farmers if it did not join with the National Party and opposed the clause.

The issue could be dealt with in the future if a better alternative is found. I received a telephone call from a person in an area that one would not suspect dog damage to be anywhere near as bad as it is in the north-east of Victoria. The person concerned came from Kaniva and farms in the Telopea Downs area. He told me last week-end that over the past twelve months his property has lost 100 ewes valued at $25 each and 200 lambs with a potential value of $20 each through wild dog attacks. He also said that since the end of January 1986 more than ten wild dogs had been caught in the immediate area. A trapper estimates that in the past ten years he has caught about 140 wild dogs. I know there are wild dogs in the Big Desert and Little Desert areas. Those dogs enter adjoining properties and create havoc.

The Hon. R. M. Hallam—It takes only one dog to do it!

The Hon. B. P. DUNN—Wild dogs are elusive and difficult to deal with and trapping must be carried out by an expert. My colleagues who represent some of those areas will contribute to the debate in an attempt to bring home to the Government the need to allow large steel-jawed leghold traps to continue to be used. They need to be used not only on private properties but also on Crown land.

The National Party is also concerned that the Bill will eliminate the use of the small steel-jawed leghold trap on Crown land. That is the rabbit trap. The Bill proposes that it will be used only on land other than Crown land.

The Hon. F. J. Granter—It is almost banning the ferret!

The Hon. B. P. DUNN—Yes, it will not be long before the ferret will be banned! The Bill is an unrealistic move by the Government. The National Party intends to oppose the clause to allow the use of steel-jawed leghold traps to continue to be used until a better alternative method is available.

The powers of inspectors as provided in the Bill are wideranging. The Bill empowers the Minister to appoint a whole range of people to be inspectors, even though they may not possess the necessary qualifications.

The provision gives inspectors extensive rights to enter the properties of individuals. I understand that amendments have been prepared on that point which, I hope, will overcome some of the fears. Extensive controls will be extended to procedures in scientific establishments and the use of animals for experiments.

The National Party agrees that there needs to be a certain degree of control about the way in which animals are used in experiments. However, a balanced view needs to be adopted and I hope the proposals in the Bill achieve that.

It should be understood that a large degree of ground is being given to the animal welfare movement on that aspect of the Bill. The controls over scientific experiments and the use of animals in scientific establishments in the existing Act are small and the new Bill provides for an extensive number of procedures to be followed.

A scientific establishment must be licensed and must meet a range of criteria to become licensed. It will have to have an animal experimentation ethics committee and the Minister

will move to ensure that an outside person—perhaps a representative of the animal welfare movement—must be a member of the committee. Breeding establishments will also require licences. The experimenters—the people who actually carry out the experiments—will have to be registered and a peer review committee will have to be established.

Authorized officers will be able to move in and out of the scientific establishments to view what is being done and to ensure that the Act is being complied with. The Bill contains extensive provisions in that regard and the National Party is prepared to accept most of them. During the Committee stage, the National Party will have further comments to make and some amendments will be moved.

The National Party wants to limit the regulation-making powers in the Bill. According to clause 42 the Governor in Council can make regulations over and above the code of practice that applies to farm animals. A potential conflict arises here. Even though a code of practice may apply to the egg or poultry industries, under the regulations the Government can make provisions about cage sizes and a whole range of other matters. The National Party will be seeking to exclude farm animals from the regulations and from certain aspects of the Bill.

The National Party intends to deal with the Bill at length during the Committee stage. Although it is in two minds about the Bill, it cannot accept clause 15 and, even if the clause were amended, the National Party would prefer that it is omitted because it does not consider that the alternatives are workable. If the amendments of the National Party concerning the exclusion of farming practices and the eradication of vermin with respect to the Wildlife Act are not accepted, the National Party will vote against the Bill at the third-reading stage.

However, the National Party hopes the House will reach some degree of agreement to make the proposed legislation workable and acceptable to all sections of the community, including the farming community and animal welfare groups.

The Hon. F. J. GRANTER (Central Highlands Province)—I congratulate Mr Knowles and Mr Dunn for their explanations of the views of the opposition parties on the Bill. They provided detailed explanations and dealt with the Bill in the manner in which it should be dealt with in providing criticism and speaking on behalf of the community at large, especially the farming community.

I endorse the remarks made by Mr Dunn that wild dog attacks on animals are a terrible sight. If honourable members have not witnessed such a sight, they should do so because, as members of Parliament, it is something they should know about. I have witnessed wild dogs attacking young calves and to see the mother trying to fend off the attack is a terrible sight. I seek an assurance from the Minister about certain practices that may be included in the Bill.

The Hon. E. H. Walker—Horse jumping is not in there.

The Hon. F. J. GRANTER—I do not know how the Minister is able to read my mind! As honourable members will recall, a move was made some time ago to ban jumping races from racing programs because they were said to be cruel. That is not so. It is natural for horses to jump and they love to do so. Jumping races are extremely popular and provide a wonderful spectacle. Last week, as I announced to the House, I attended the Warrnambool Grand Annual and enjoyed myself immensely. I was pleased that the Leader of the House arranged the business of the House in such a way as to make it possible for me to attend.

Although sixteen horses made a start in the Grand Annual, fourteen finished; one horse fell—and was not hurt—and another had to be pulled up. I witnessed Mr Chamberlain presenting a whip to the winning jockey on behalf of Mr Hawker. All in all it was a wonderful sight. I seek an assurance from the Minister that there is nothing in the Bill that will inhibit jumping racing, hurdle racing, steeplechasing or any of the hunt club meetings conducted throughout the State.

The Hon. B. P. Dunn—The RSPCA want to get into the Act.

The Hon. F. J. GRANTER—I have always had that suspicion; Mr Dunn is right. The Royal Society for the Prevention of Cruelty to Animals is always wanting to get into the act and that is why I brought the matter to the attention of the Minister. My suspicion is aroused in clause 7 which refers to the "killing, hunting, shooting, catching, trapping, netting or husbandry" of any animals.

Although hunting may not be used in that context in the clause, I ask the Minister to provide an assurance to me—and especially to the racing fraternity—that the Bill does not contain any provisions that will interfere with hunting, steeplechasing, hurdling or any type of hunt club meeting that takes place around the State.

The Hon. G. P. CONNARD (Higinbotham Province)—I direct my remarks especially to Part 3 of the Bill which deals with scientific procedures and which forms an important part of the Bill. I suppose at the outset I would have to say that if there were any other mechanism for experimental purposes in scientific procedures, be it for general scientific knowledge or for health and the discovery of health cures, the use of animals should be avoided.

It would be desirable if other procedures could be invented because experimentation does have an impact on the welfare of animals. However, we have not reached that stage and the use of animals for scientific procedures—especially those associated with health—is extremely important to the community.

Therefore, the Bill attempts to put into legislation some mechanisms concerning the health and welfare of animals used for experimental purposes. The State has a considerable number of institutions that use animals for scientific experiments.

The larger institutions would be the Walter and Eliza Hall Institute of Medical Research and the Commonwealth Scientific and Industrial Research Organization, the universities and then there would be the various hospitals that have animal houses and conduct animal experimentation. Following discussions I have had with people associated with several institutions, I have found that if a veterinarian is in charge of the animal houses, the welfare of the animals is considered and they are well looked after.

One could perhaps align a veterinary surgeon with a doctor. The business of the veterinarian is to aid animals, heal their sufferings and carry out the functions for which he is trained. Veterinarians carry that view through in the animal houses attached to various institutions.

The smaller institutions may or may not be able to afford to pay veterinarians to look after their animals. I suggest to the Minister that the Bill should include a provision that veterinary surgeons should be closely associated with smaller experimental institutions that at present do not have veterinary surgeons working for them.

The Bill provides for the licensing of scientific establishments and sets up the Animal Experimentation Ethics Committee. I endorse ethical references to those committees but it has been noted that the committees should include community representatives. I warn the Government about the limited ability of smaller institutions to attract responsible members to serve on the committee, particularly when its major thrust is to examine various experimentation procedures rather than animal welfare. The committee could attract the radical animal welfare representatives who may frustrate and delay its work. There is a dearth of people in the community who are willing to serve objectively on such a committee. I endorse the creation of the committee but question its results.

Clause 26 (2) (*h*) says:

Animals used in scientific procedures (other than approved field work) must—

(i) in the case of any specified animal, be bred at the establishment or obtained from another scientific establishment . . .

That provision does not worry me but sub-paragraph (ii) says:

in the case of any prescribed animal, be obtained from any prescribed source subject to any prescribed conditions about obtaining that animal, the manner of using it and the purposes for which it may be used;

Many animals are brought from municipal pounds for experimentation. If that sub-paragraph is carried out to its full intent, those animals from pounds, which would have been destroyed in any case, may no longer be used. That, in turn, may well reduce the number of animals available for experimentation.

Clause 29 (1) deals with the licensing of breeding establishments and states:

The Director-General may, on receipt of an application in the prescribed form accompanied by the prescribed fee, issue or renew a licence to or for a person in charge of any breeding establishment authorizing the breeding for sale or delivery to a scientific establishment of specified animals.

I suggest the licence should be given to the institution as well as to the individual experimenter. Surely, when one considers the role of the Animal Experimentation Ethics Committee, the licence should be issued to the institution.

Clause 31 deals with the registration of experimenters, the scientists in the institutions, who may or may not be interested in the welfare of animals. The director-general in this case may again issue a certificate registering an experimenter or renew such registration but I again suggest that the institution should be registered for experimenting on animals rather than the individual experimenter. The institution could then issue a sub-registration to its experimenters. It is logical, therefore, to issue the licences for breeding establishments and the registration of experimenters to the institutions.

Animals used for scientific experiments are mainly mice, rats, cats, dogs and guinea pigs and the larger animals are horses and cows, with monkeys being used to a lesser extent. After visiting some of the institutions I believe the care of animals is properly carried out. When the animal comes to the end of its life it is generally injected with massive doses of barbiturates. From my professional point of view as a pharmacist, that is probably the most humane death for the unfortunate animal. Feral animals that are used for experimentation and larger animals are put down with an opium derivative which, in my professional opinion, is the most satisfactory form of death for these animals.

The Bill is relatively satisfactory; however, the licensing mechanisms that are being put in place will considerably add to the cost borne by the institutions and, in turn, that will play its part in putting financial pressure on the Government. I am sure the Minister will receive strong representations from the institutions because of the high cost involved with licensing all experimenters and breeders. The Government will pay for this extremely high cost by one means or another.

The Hon. ROBERT LAWSON (Higinbotham Province)—

And the fear of you and the dread of you shall be upon every beast of the earth, and upon every fowl of the air, upon all that moveth upon the earth and upon all the fishes of the sea; into your hand are they delivered.

Mr President, if you are interested in that quotation, it is from the Bible. It is God speaking to Noah after the flood.

This and similar passages have influenced the thought of Western people for more than 3000 years. Only in recent years have we changed to some extent to make it possible to pass Bills of this type that consider the welfare of animals. The Bill is in contrast to the thought behind such passages, which made us believe we had dominion over all life and everything that we chose to do to animals was acceptable. It is our late change in attitude that has made it possible for us to pass and strengthen the Protection of Animals Act 1966 and earlier similar Acts.

The Hon. E. H. Walker—Are you saying we are a Christian Government?

The Hon. ROBERT LAWSON—This is a bipartisan Bill. The former Liberal Government introduced the first Protection of Animals Act in 1966. The Liberal Party does not argue about the objects of the Bill but is prepared to dispute certain aspects of it.

I do not wish to get into a technical argument with Mr Dunn or any of his colleagues regarding cruelty to farm animals, because they are far more expert than I am on that matter.

The Bill is a recasting of the present Act. Many of the provisions in clause 9 are taken word for word from the Act but changes have been made. I note the Bill does not refer to a dog being chained up or ill treated, nor does it refer to killing animals according to religious customs.

The penalties contained in the Bill have not increased, and that is odd considering the increases in the cost of living. I thought the Government might have laid down extra penalties for contravention of the provisions of the Bill.

A large steel-jawed leghold trap is a cruel way of catching dogs and animals, but if anyone can show me a more humane method I would be happy to see it. So far as I am aware, snares and other methods are not as effective. I have been persuaded by the argument put forward by Mr Dunn that it is better that a dog should suffer the pain of being caught in a steel-jawed leghold trap than that sheep should suffer the pain of being attacked by dogs.

I refer to animal experimentation. Some effort has been made to limit animal experimentation by a code of practice. A question that comes to mind is: who appoints the ethics committees of the institutions conducting animal experiments and how are they defined? Ethics committees will be established in the various institutions, but it is my belief they will be in-house committees. The members of the committees may be the people conducting the experiments, so they may decide for themselves what are the proper methods of treating animals.

Another question that needs to be answered is whether all experiments are necessary. According to an article in the *Age* of 2 May 1986, scientists are trapped in a bureaucratic maze that forces them to conduct repetitious and cruel practices on animals, due to Government regulations. Scientists who wish to create new products are forced to experiment on animals. They have no choice according to the regulations and they must experiment on animals until the regulations are satisfied that drugs and substances are safe for human beings.

Some of those regulations that are up to 50 years old could well be examined by the Commonwealth Government. I know some of the regulations are not the responsibility of the State Government, but the regulations promulgated by the State should also be examined in order to perhaps lessen the amount of animal experimentation that takes place.

At one stage, a previous Minister of Agriculture, Mr Kent, issued a discussion paper on companion animals. I thought a Bill might have followed that discussion paper, but that was not to be.

I draw the attention of the House to a file note issued by Monash University on 29 June 1984. It lists the animals that were used for experimental purposes. The list includes: 12 koalas, 15 white-footed dunnarts, 30 green and golden bullfrogs, and 90 spinifex hopping mice. The list continues, but I shall not read it to the House.

If outside people were placed on ethics committees, they would work with the universities and experimental stations regarding ethics. They could also consider whether some of the experiments that take place are necessary..

The Hon. B. P. Dunn—They experiment with human beings although we are not told.

The Hon. ROBERT LAWSON—Human beings have the right not to be experimented on if they so wish. An animal has no will of its own in this matter.

I would like the Minister for Agriculture and Rural Affairs to address himself to the matters I have raised. I do not wish to denigrate the Bill, but the questions I have raised on behalf of the people who have expressed their fears to me regarding animal experimentation need to be answered.

The motion was agreed to.

The Bill was read a second time and committed.

Clause 1 was agreed to.

Clause 2

The Hon. E. H. WALKER (Minister for Agriculture and Rural Affairs)—I wish to make some general comments in response to speakers from the other parties. I thank Mr Knowles and Mr Dunn, the lead spokespersons for their parties, and also Mr Granter, Mr Connard and Mr Lawson for their contributions.

A number of the issues mentioned by the two lead spokespersons will be discussed by the Committee as it debates the clauses. I reassure Mr Granter that his concern relating to horse jumping, hunting or steeplechasing has been considered. The Royal Society for the Prevention of Cruelty to Animals urged the Government, as it has done many times before, that the Bill should have control over jumping races. The Government considered the society's request but thought it best that control should be exercised under the Racing Act rather than that provisions should be inserted in the Bill.

The question Mr Granter raised is answered comprehensively in the negative. There is nothing in the Bill that should cause him concern in that regard. The reference to hunting does not take on the specific meaning of horses jumping hurdles or fences but relates to someone jumping objects on an animal.

I was amused by Mr Connard's remarks when he indicated that he was worried that clauses in the Bill might remove the use of pounded animals for research, because his party proposes an amendment that goes in the opposite direction.

The Hon. G. P. Connard—It is a personal view.

The Hon. E. H. WALKER—Mr Connard says it is a personal view. I thought that the honourable member may have been influenced by the National Party. I suggest that he speak to Mr Knowles on that matter.

Mr Connard indicated that there may be strong reaction from institutions. The Government has had extended consultations with the institutions involved in that area, particularly Monash University, the University of Melbourne and the Walter and Eliza Hall Institute of Medical Research and those organizations are conscious of the proposed amendments and accept them.

Mr Lawson raised the appointment of an ethics committee, which essentially is an internal appointment but the capacity exists to have outsiders appointed to the committee. However, it would be normal for a person to be nominated by the respective institution. If a significant dispute or a matter of grave concern is brought to the notice of the Minister, it is possible for a peer review to be appointed and for investigations to occur. That investigation is controlled by the Minister rather than the institution. It is the Government's view that institutions will function in the appropriate manner and within the provisions laid down. It has received that assurance from the institutions concerned and I have no reason to disbelieve them.

The honourable member expressed a concern about an internalized committee having the capacity to intervene, if necessary, if a serious offence or dispute arose. I hope that I

and succeeding Ministers will never have to use that intervention capacity set out in the Bill, but it is provided in case it is necessary to intervene.

Mr Lawson also inquired about the proposed companion animals Act. The Government does intend to introduce a companion animals Act some time in the future. I do not wish to have the two Acts confused in the public's mind apart from anything else and that is why I have decided that a reasonable time should elapse before the introduction of the other Bill.

I thank honourable members for their contributions and indicate that further comments shall be made during the course of the debate.

The clause was agreed to.

Clause 3

The Hon. E. H. WALKER (Minister for Agriculture and Rural Affairs)—I move:

1. Clause 3, lines 14 and 15, omit all words and expressions on these lines and insert—

'"Chief General Manager" means the Chief General Manager of the Department of Agriculture and Rural Affairs.'.

The purpose of the amendment is to replace the definition of "Director-General" with the definition of "Chief General Manager". The amendment is necessary because, since the introduction of the Bill, the title of "Director-General" of the Department of Agriculture and Rural Affairs has been changed to "Chief General Manager".

The amendment was agreed to.

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

1. Clause 3, after line 15, insert—

'"Farm animal" means—

(*a*) if kept for or used in connexion with primary production—cattle, sheep, pigs, poultry, goats and deer; and

(*b*) horses other than horses kept for or used in connexion with sporting events, equestrian competitions, pony clubs, riding schools, circuses or rodeos.'.

The amendment introduces a definition of farm animals. That definition is necessary because later on the Committee will consider amendments that will make it clear that farm animals are excluded from certain aspects of the Bill when procedures take place in accordance with a code of practice.

The amendment is consequential on further amendments that I shall raise later, but it is necessary to reinsert the definition of farm animal. The definition is a direct lift from the Protection of Animals Act, which has a separate provision and definition of farm animal and it is reproduced for the purpose of the Bill.

Some honourable members may question the wording concerning horses, but the draftsman defines horses as those used specifically in relation to farm work and not those used for other purposes. The definition is in line with what has been discussed during the debate.

The Hon. R. I. KNOWLES (Ballarat Province)—The significance of Mr Dunn's amendment No. 3 is that it will insert in clause 6 additional categories to which the Act does not apply.

The Opposition has been advised that the Bill, as drafted, covers those concerns, although there is still a small area of doubt. Mr Dunn's amendment No. 3 would remove that doubt. It is for that purpose that the Bill requires a definition of farm animal.

The Opposition believes the general thrust of Mr Dunn's argument should be clarified beyond doubt, although it questions whether a definition of farm animal is needed to do

that. However, under Mr Dunn's amendment there is a requirement for the definition and, accordingly, the Opposition does not oppose the amendment.

The Hon. E. H. WALKER (Minister for Agriculture and Rural Affairs)—I agree with Mr Knowles's comments. I am not sure whether a definition is required, but some debate will occur over the use of the word "farm" in some instances. Nevertheless, I have no opposition to including the definition in the Bill at this stage.

The amendment was agreed to.

The Hon. B. A. CHAMBERLAIN (Western Province)—For the first time the definitions clause includes reptiles in the definition of animals. I ask the Minister to address himself to the situation where home owners wish to keep snakes out of their houses. Usually, talking to them does not do much good and more direct means, such as a piece of wire or a shovel, have to be used. Clause 10 (2) states, *inter alia*:

> A person who—
>
> (*a*) wounds, mutilates, tortures or abuses a cold-blooded animal;
>
> . . . is guilty of an offence.

It is quite clear that the way in which one gets a snake out of one's house or from the surrounds of one's house involves something that could come under the definition of cruelty. One might try to kill it, but sometimes one just wounds the snake and it escapes.

I, therefore, ask the Minister: is it intended that actions taken in self-protection, such as keeping snakes out of one's house, would, in fact, not be covered by the provisions of the Bill?

The Hon. E. H. WALKER (Minister for Agriculture and Rural Affairs)—I do not know whether the honourable member has a full copy of the amendments that I propose to move. For the purposes of answering this question I refer to amendment No. 71. As the Bill stands, any person injuring or killing an animal while defending himself or herself or another person from attack or threat of attack by the animal might be regarded as having committed an act of cruelty and the purpose of the new clause to be proposed by that amendment is to provide that in any proceedings against a person for an act of cruelty or aggravated cruelty it will be a defence if the person acted reasonably or reasonably omitted to do an act in defending himself, herself or any other person against the attack or threat of attack by an animal. I believe that answers quite clearly the question asked by Mr Chamberlain.

The clause, as amended, was agreed to, as was clause 4.

Clause 5

The Hon. E. H. WALKER (Minister for Agriculture and Rural Affairs)—I move:

2. Clause 5, lines 39 and 40, omit "have force and effect as if they are" and insert "be".

The purpose of this amendment is to make it clear that all existing codes of accepted farming practice under the Protection of Animals Act 1966 are deemed to be codes of practice for the purposes of the Bill.

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

Clause 6

The Hon. E. H. WALKER (Minister for Agriculture and Rural Affairs)—I move:

3. Clause 6, line 28, after "Commonwealth Act" insert "or the slaughter of poultry for human consumption in accordance with the requirements of an established religion".

The Protection of Animals Act exempts from the relevant cruelty provisions the slaughter of any animal for human consumption in accordance with the requirements of an established religion, which I believe was referred to earlier by Mr Lawson.

The terms of the Bill are such that this exemption would not extend to the slaughter of poultry. This was not intended and the amendment now extends the exemption to include the slaughter of poultry for human consumption in accordance with the requirements of an established religion.

The amendment was agreed to.

The Hon. E. H. WALKER (Minister for Agriculture and Rural Affairs)—I move:

4. Clause 6, line 30, omit "subject to this Act" and insert "except to the extent that it is necessary to rely upon a Code of Practice as a defence to an offence under this Act".

It is considered that the expression "subject to this Act", which appears in clause 6 (*b*), needs to be clarified. The purpose of the amendment is simply to provide that clarification.

The amendment was agreed to.

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

2. Clause 6, line 33, after "animals" insert "(other than a farm animal or class of farm animals)".

This amendment is also consequential upon my amendment No. 3, which I shall explain when the Committee reaches that stage.

The amendment was agreed to.

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

3. Clause 6, after line 34, insert—

"( ) any act or practice with respect to the farming, transport, sale or killing of any farm animal which is carried out in accordance with a Code of Practice; or

( ) anything done in accordance with the Vermin and Noxious Weeds Act 1958 or the Wildlife Act 1975; or".

This is really the key amendment. My two amendments that have already been dealt with have been consequential on this amendment. The National Party wants to establish very clearly that farm practices or practices relating to farm animals are excluded from the Bill.

After research of the matter, the National Party found that the existing Act not only excludes farm animals but also makes a number of other exclusions that have not been reproduced in the proposed legislation.

Section 12 of the Act states:

The foregoing provisions of this Act shall not apply to any act done . . .

It then sets out a number of matters, such as the extermination of rabbits, foxes, wild dogs or vermin. The section also excludes from the Act the hunting, snaring, trapping, shooting or taking of any animal not in a domestic state.

Those provisions were not reproduced in the current Bill. Therefore, the National Party believes the Bill has opened up an area of doubt on the application of the Act to things done under a number of other Acts, such as the Vermin and Noxious Weeds Act and the Wildlife Act. It is believed the amendment will make it clear beyond all doubt that any act or practice with respect to the farming, transport, sale or killing of any farm animal that is carried out in accordance with a code of practice, or anything done in accordance with the Vermin and Noxious Weeds Act 1958 or the Wildlife Act 1975, is excluded from the provisions.

I believe the National Party is correct in moving this amendment, and I made that point quite clear during the second-reading debate. The National Party was alarmed that the provisions of the Bill could be applied to farmers and other people involved in, for instance, the extermination of rabbits, foxes and vermin, which are quite a problem in Victorian farming areas. That would be unacceptable.

The National Party was also concerned that the Royal Society for the Prevention of Cruelty to Animals and similar groups would like to extend their degree of control into

the areas of hunting, snaring, trapping, shooting and so on. Under the Wildlife Act there is a system of permits to enable shooters to shoot duck, quail, deer and so on. The National Party believes it should be made clear that the provisions of this Bill will not override those of other Acts. That is the purpose of the amendment. I certainly hope the Committee will agree to the amendment and make clear in the Bill, beyond doubt, what the situation is.

The Hon. R. I. KNOWLES (Ballarat Province)—As I indicated previously, the Opposition is prepared to support the amendment. The Opposition was earlier advised that clause 9 (*j*) achieves the objective that Mr Dunn's amendment seeks to achieve but Mr Dunn's amendment certainly puts the issue beyond doubt. Therefore, the Opposition will support Mr Dunn's amendment.

The Hon. E. H. WALKER (Minister for Agriculture and Rural Affairs)—I accept the intent of Mr Dunn's amendment. The Government had hoped that it would not be necessary to distinguish between farm animals and animals generally. That was mentioned earlier. However, I do not disagree with the intent of the amendment and the use of the code of practice approach or the reference to the Vermin and Noxious Weeds Act and the Wildlife Act.

Therefore, I do not intend to oppose the amendment. It just seems a pity to me that we have to continue with this distinction. The matter will come up again at a later stage, but I indicate that I have no opposition to the intent of the amendment, as it stands.

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

Clause 7

The Hon. R. I. KNOWLES (Ballarat Province)—I move:

1. Clause 7, page 4, line 12, omit "A code" and insert "Subject to sub-section (4), a Code".

The amendment was agreed to.

The Hon. R. I. KNOWLES (Ballarat Province)—As I understand it, I must seek leave of the Committee to withdraw the word "farm" preceding the word "animals" in paragraph (*b*) of the second amendment circulated in my name. Therefore, I move:

2. Clause 7, page 4, after line 14, insert—

"( ) Before—

(*a*) any Code of Practice; or

(*b*) any variation or revocation of a Code of Practice—

which deals with any animals is published in the *Government Gazette*—

(*c*) the Minister must ensure that a copy of that Code, variation or revocation has lain on the table of both the Legislative Assembly and the Legislative Council for fourteen sitting days, during which time the Code may be disallowed by resolution of the Legislative Assembly or the Legislative Council; and

(*d*) the Code, variation or revocation must not have been so disallowed.".

This gives effect to the concern I expressed during the second-reading debate that these codes of practice have enormous significance and the Opposition takes the view that they should be brought before Parliament and the opportunity given of disallowing them. That would cover the establishment of a new code or a variation or revocation of an existing code. This amendment will allow that safeguard and will allow Parliament to debate those codes of practice.

The Hon. B. P. DUNN (North Western Province)—The National Party supports the amendment—we had intended to move an amendment along the same lines—which will provide the best opportunity for dealing with codes of practice.

As I said during the second-reading debate, the farming community has grown to accept codes that apply to various farming practices. Farmers and farmer organizations comply

with those codes and have a genuine desire to participate in the drawing up of the codes of practice, and in amending them from time to time as farming practices change and, at all times attempting to adhere to them.

We are concerned that the Minister obviously intends in the future to rely more heavily on codes of practice. This will probably mean that codes will be more detailed than they were in the past when they were generally broad expressions of intents and the practices that should be followed.

If the codes are to be more definitive, the farming industry should have some right of recourse. Under the Bill, the industry does not have that recourse. The Minister can draw up codes of practice with little consultation and can vary or introduce them without bringing them before Parliament. The amendment provides for the strengthening of the rights of Parliament to have some input into and an opportunity of overturning a code that might not meet with the reasonable acceptance of those who are affected.

That is justified by the extension of codes of practice and no doubt the Minister had that in mind because of the provision for more detail. We support the amendment and believe it is a satisfactory way of dealing with the matter. Codes of practice will be laid on the table and can be disallowed in whole or in part by either House.

The Hon. E. H. WALKER (Minister for Agriculture and Rural Affairs)—The procedure suggested in Mr Knowles's amendment is reasonable and I do not oppose it.

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

Clause 8

The Hon. E. H. WALKER (Minister for Agriculture and Rural Affairs)—I move:

5. Clause 8, lines 39 and 40, omit "or animal dogging" and insert ", animal dogging, roping or tying".

6. Clause 8, page 5, lines 2 and 3, omit "or animal dogging" and insert ", animal dogging, roping or tying".

The amendments are closely connected and their purpose is to include reference to the activities of roping or tying in the definitions of "rodeo" and "rodeo school". The effect will be to enable controls over these activities in the conduct of rodeo and rodeo schools to be exercised under this provision.

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

Clause 9

The Hon. E. H. WALKER (Minister for Agriculture and Rural Affairs)—I move:

7. Clause 9, lines 10 to 12, omit all words and expressions on these lines and insert—

Cruelty.

"9. A person who—".

The Bill at present provides separately for warm-blooded animals and cold-blooded animals, a matter to which Mr Chamberlain has alluded. Because of a number of recommendations, the Government has reconsidered and has come to the view that this distinction should be removed and the provisions should be applicable to all animals. The purpose of the amendment is to remove the existing distinction and to ensure that the expression "cruelty" applies to all animals.

The amendment was agreed to.

The Hon. E. H. WALKER (Minister for Agriculture and Rural Affairs)—I move:

15. Clause 9, line 37, omit all words and expressions on this line and insert "animal and knowingly, negligently or unreasonably fails to".

The amendment includes the word "unreasonably" in relation to an offence of knowingly or negligently failing to provide appropriate attention or treatment for an animal. Insertion

of the word "unreasonably" caters for circumstances that may arise in large-scale farming activities.

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

Clause 10

The Hon. E. H. WALKER (Minister for Agriculture and Rural Affairs)—I invite honourable members to vote against the clause, which deals with offences in respect of cold-blooded animals. The offences specified in this clause are catered for in the range of offences listed in clause 9, which will now apply to all animals.

The clause was negatived.

Clause 11 was consequentially amended, and, as amended, was adopted.

Clause 12

The Hon. E. H. WALKER (Minister for Agriculture and Rural Affairs)—I move:

21. Clause 12, lines 14 to 37, omit all words and expressions on these lines and insert—

Serious offences.

"12. (1) If a person has been convicted of one or more offences under this Act and a court considers that the offence or offences is or are of a serious nature, the court may, in addition to or instead of any other penalty, order—

(*a*) that the person be disqualified, for such period as the court orders not exceeding five years, from having custody of any animal of a kind or of a class specified in the order; or

(*b*) that certain conditions specified in the order, shall apply, for such period as the court orders, to the person's custody of any animal.

(2) A court must not make an order under sub-section (1) in relation to a person who is not the owner of the animal or animals concerned in proceedings for the offence or offences referred to in that sub-section if the person proves—

(*a*) that the offence or one of the offences was committed both on the instructions and in the presence or under the supervision of—

(i) the owner or a person on behalf of the owner of the animal or animals; or

(ii) a person who at the time the offence was committed was the employer of or had engaged the person who committed the offence to do work which the person was then doing;

and

(*b*) if the offence was a continuing one, that the person had no reasonable opportunity in the circumstances of preventing the offence from continuing.".

The Act now provides that a court has the ability to disqualify a person from having custody of an animal upon conviction for more than two offences. That has always seemed to me to be a strange form of wording. The principal purpose of the amendment is to replace the existing provisions with new provisions that would enable the court to order disqualification upon conviction for one or more offences. In addition, a court will be empowered to make an order imposing conditions relating to the custody of an animal.

The Hon. B. P. DUNN (North Western Province)—This, no doubt, would apply to any person, including a person whose livelihood may be affected by that decision. Special consideration may be needed to be given in some instances. The clause involves wide powers and this amendment will empower the court to take away a person's livelihood after one offence. Although we believe there is no excuse for any person who is found guilty under this Act of a serious offence, to disqualify a person for up to five years from what may be his only source of livelihood is an extremely severe penalty.

I ask the Minister whether that interpretation is correct. If it is, one can only hope that it will be a rarely used provision of the proposed legislation.

The Hon. R. J. LONG (Gippsland Province)—I am concerned at the proposed amendment because if, for example, I were unfortunate enough to be charged in a court on the one day with two or three offences relating to one incident, surely as a result of that I could be barred from keeping animals for five years thereafter. Is that the intention of the proposed amendment?

The Hon. E. H. WALKER (Minister for Agriculture and Rural Affairs)—It is not a matter of barring a person who has been convicted of one or more offences. In the application of this matter, Mr Dunn is alluding to the fact that the provision must be sensitively applied.

Where inspectors are involved with animals—animal welfare—in a farming environment, a good deal of discretion is applied to the matter. However, if one or more convictions has occurred, it reads on, "under this Act" and "where a court considers that the offence or offences are of a serious nature, the court may". In other words, there are several forms of conditional phrases involved and the safeguards are quite clear.

It is a matter of practice. It is a matter of one or more convictions. It does not say it has to be after one conviction and then the discretions are exercised by the court. Even then it is phrased carefully—"If the court considers" and so on. The safeguards are sufficient.

Let me reassure Mr Long and Mr Dunn that if the Government finds in any sense there is an improper practice growing or a difficulty arises in the manner that Mr Dunn suggests it may, the Government would review the matter rapidly. A review of the proposed Act will occur if it is not functioning well. However, it will function well because the discretion exists with the inspectorate and with the court to make decisions in regard to the livelihood of a particular person.

The Hon. R. J. LONG (Gippsland Province)—I accept what the Minister is saying. However, I could well imagine, for example, if I had a property with some animals on it, being charged with cruelty to animals on three consecutive days and being brought up before the court on those charges. After the first conviction I am open to disqualification.

The Hon. E. H. Walker—But not automatically.

The Hon. R. J. LONG—I agree that it is a discretion, but I do not think any person in this land should be put in such jeopardy.

If I had been previously convicted, there may be some substance in what the Minister is saying.

The Hon. E. H. Walker—Which is the way it is intended.

The Hon. R. J. LONG—That is not the way it reads. It is all very well to create the offence but the prosecution of the offence can be used against the person who inadvertently offends. That is what I object to.

The Hon. E. H. WALKER (Minister for Agriculture and Rural Affairs)—Mr Long speaks as if this is a new provision. If he examines the principal Act and the way it is presently written, he will note that the only matter being debated is the terminology in regard to what was the old section 12 (1) (*a*), "If a person has been convicted of more than two offences under this Act".

It is suggested that the first conviction is a kind of warning. In the view of the Government it is a much better practice if the inspection procedures are such that a warning may be given and no charge laid. It is better to function in that manner. The amendment refers to one or more convictions. That does not say that automatically after one conviction such and such must occur; nor does it say after three convictions such and such must occur.

The intent is not to say that because of a conviction perhaps to do with one incident over one day in court, that that be read to suggest that on three convictions a person should automatically be prosecuted in a way that would be inimical to his or her best interests as a farmer.

The section will work well; it will be clearer than it was before. The discretions are properly held and, as with much of this sort of proposed legislation, if the provisions are well managed, it will work. If the provision is not well managed and its application is seen to be a fault of the wording, Parliament can look at it again.

The Hon. R. I. KNOWLES (Ballarat Province)—When considering the proposed amendment the Opposition took the view that a disqualification should be considered by the court only where the nature of the offence that the person has committed was so gross and totally unacceptable that that individual ought to be prevented from having the control of animals for a specified period. It should not be used on someone who is up before a court on his or her first offence, and who recognizes that he or she has committed an offence and undertakes to rectify it.

Therefore, the Opposition was prepared to support the proposed amendment only on the basis of the odd occasion where the offence committed is so gross and serious that the court ought to have the opportunity of saying, "This person should not have control or ownership of animals for a specified time."

If the Minister is able to give the Committee an assurance that the Government sees the provision being handled in that way, that may provide some additional assurance to the valid concerns raised by Mr Long.

The Hon. R. J. LONG (Gippsland Province)—I accept what Mr Knowles says but I suggest to the Minister that he consider adding the words, "Of such a serious nature that that person ought not to have the control or charge of animals". That would clear up the matter.

The Hon. E. H. WALKER (Minister for Agriculture and Rural Affairs)—I do not know that the words suggested to be added are really necessary. I am happy to give an assurance in terms of the approaches outlined by Mr Knowles, that in the case of a serious offence the court would then decide to disqualify. That statement is sufficient; that is the intention and I whole heartedly support the view outlined by Mr Knowles.

The amendment was agreed to.

The Hon. E. H. WALKER (Minister for Agriculture and Rural Affairs)—I move:

22. Clause 12, page 8, line 2, omit "of disqualification".

23. Clause 12, page 8, lines 4 and 5, omit "for the removal of the disqualification" and insert "for the variation, suspension or cancellation of the order".

24. Clause 12, page 8, line 8, after "nature of the" insert "offence or".

25. Clause 12, page 8, line 11, omit all words and expressions on this line and insert "(i) the order be varied, suspended or cancelled as specified in the direction; or".

26. Clause 12, page 8, line 15, after "(5)" insert "(*a*) (ii) or (*b*)".

The amendments were agreed to, and the clause, as amended, was adopted, as were clauses 13 and 14.

Clause 15

The Hon. R. I. KNOWLES (Ballarat Province)—I move:

3. Clause 15, page 10, lines 3 to 20, omit all words and expressions on these lines and insert—

"(2) A person—

(*a*) who sets or uses a large leghold trap; or

(*b*) who is in possession of a large leghold trap for or in connexion with the purpose of trapping an animal—

except in the Counties of Tambo, Croajingalong, Delatite, Tanjil, Anglesey, Benambra, Dargo, Wonnangatta, Bogong, Lowan or Weeah or in the Parishes of Ellinging, Noojee, Noojee East, Toorongo, Fumina North, Fumina, Neerim East, Neerim, Yarragon, Nayook, Nayook West or Jindivick in the County of Buln Buln, is guilty of an offence.

Penalty:

For a first offence—5 penalty units or imprisonment for one month.

For a second offence—10 penalty units or imprisonment for three months.

For a third or subsequent offence—50 penalty units or imprisonment for twelve months.".

The proposed amendment seeks to provide a balanced response to the desire by the Government to ban large steel-jawed leghold traps.

The map that I incorporated identified those areas of the State where wild dogs have been identified as creating difficulties.

In the second-reading debate it was clearly established that at this stage there are no practical, realistic alternatives for handling the problem of wild dogs in those areas. The Opposition proposes that the traps be banned with the exception of the counties identified. I have sought to obtain a map of Victoria showing the counties affected and these could be shaded in to make it easier for the Committee to understand; but the counties listed cover all of the area marked and beyond. In the east it is essentially a line south of the Hume Highway and north of the Princes Highway. In the north-west of the State it covers both the Little Desert and the Big Desert and all the areas surrounding both of those areas.

I do not wish to pursue the need for the large steel-jawed leghold trap. The point was strongly made by Mr Dunn and other speakers during the second-reading debate.

The Opposition sees the amendment as providing an opportunity for landowners and for those with the responsibility of controlling wild dogs in this area with the practical device currently in existence. The Opposition takes the view that that situation should remain until such time as a better and more practical alternative is available. Accordingly, I move amendment No. 3 circulated in my name.

The Hon. B. A. CHAMBERLAIN (Western Province)—I support the amendment proposed by my colleague and intend to give an example of the problem in the area between the Little and Big deserts along the South Australian border, showing the continuing need for effective means of trapping wild dogs.

It has been put to me by farmers in that area that a considerable number of sheep are still being destroyed in a dreadful way by wild dogs. Mr Terry Miller, who is an amateur trapper working in the area and who is also a farmer, has indicated that in the past two years the losses on nine farms have numbered 627 sheep. He catches somewhere between twelve and fifteen dogs a year.

He points out the cruel way in which the dogs attack the livestock: I have seen sheep with their entrails dragging on the ground; pitifully walking in the paddocks. The dogs do not kill them, they worry them to death or eat a rear leg and then do nothing else. The feeling among most farmers is that if there is not an effective means of catching these dogs, the prospect of continuing to farm sheep in those areas is remote. The farmers are faced with the prospect of changing to cattle farming but that is not a real economic choice available to them. Many of these farmers are small or marginal farmers and this could make the difference between whether or not they stay in business.

One farmer gave me an example of a property west of Nhill where 40 sheep were lost in twelve months and another farmer has lost 30 sheep in the past few months. Consequently, there is a real problem in the area. These will be areas covered by the counties of Lowan or Weeah which, in effect, incorporate both the Big and Little deserts.

My colleague, Mr Knowles, is proposing a sensible compromise. The Government is getting the embargo in the majority of the State but in the areas where there is still a real problem in relation to cruelty to animals, namely the sheep, this measure will cover the problem.

I realize that there is a lot of talk about non-target species ending up in the traps, but when 627 sheep are taken in two years, it shows a significant amount of cruelty to animals.

The steel-jawed leghold trap is helping to eliminate the dogs which cause this cruelty and, therefore, I strongly support Mr Knowles's amendment.

The Hon. W. R. BAXTER (North Eastern Province)—I am opposed to the clause, as is the National Party. I never thought I would live to see the day when the Victorian Parliament would move, as it is moving in this clause, to outlaw rabbit traps, after all the damage that this introduced species, this vermin, has done to this nation in the past. Not only has it denuded the countryside of native vegetation and starved to death sheep and cattle, but also it has been the root cause of degradation of the soil, erosion, and, if it were not for myxomatosis introduced in 1949, it would have brought this nation to its knees. The pastoral industries of this nation would not have survived were it not for rabbit traps and yet the Government is moving to outlaw them.

Where is the demand for rabbit traps to be outlawed? Hardly anyone is present on the Government benches. No one is getting up to speak in favour of rabbit traps being outlawed in this nation and this State.

Generations of school boys have made their pocket money from catching rabbits on Crown land and many families were sustained during the depression years by the catching of rabbits with rabbit traps. It is a disgrace that today we are moving to outlaw them on Crown land.

The next step from the people who dictate to this Government from the back rooms will be to outlaw rabbit traps on private land as well. The Bill says one can use a rabbit trap on private land only if it is in accord with the code of practice. What is the code of practice for rabbit trapping? We have not seen it yet. It might compel one to go out and check the rabbit trap four times a day or something as absurd as that.

It is a stupid measure and the amendment moved by Mr Knowles, as useful as it might be with dingo traps, does not address itself to rabbit traps. I never thought I would see the day when the Liberal Party, which claims to represent much of country Victoria, could be acquiescing in the outlawing of rabbit traps. It is a sad day for the Parliament of Victoria.

I am disappointed to be part of the Parliament today and I am very disappointed to see people such as Mr Granter, and his party, agreeing to this amendment.

Moving on to the other aspect of clause 15, this is one of the most crucial Bills on which I have had to make a decision since I have been in Parliament. The effect of the clause will be to destroy the intent of the Bill and the end result will be to destroy the livelihood of many of the people I represent in Parliament because eventually large steel-jawed leghold traps will be outlawed. Pressure will be placed on the Government to move ahead and ban them completely. That was in the original Bill and that is why I am opposing the clause.

It just so happens that the amendment proposed by the Opposition gives a few years breathing space—perhaps not even as long as that if it happens to be adopted by the Committee—but the Government is setting out to destroy the livelihood of the people I represent.

Wild dogs are a big problem, not only in economic terms and cruelty terms but also in other aspects as well and I shall deal with some of those in terms of public health. The people who dictate to the Government have not thought about the public health aspects of these measures to the community and the detrimental effect on the people in Melbourne. These things would not have occurred to the armchair experts, as Mr Dunn called them earlier today.

I shall now indicate to the Committee some of the detrimental effects that wild dogs have within the State.

In a letter to the Minister for Conservation, Forests and Lands, of 3 March 1986 from a number of persons who have formed a committee to give advice on electric fencing for wild dog control, they set out some of the damage that has been done.

Mr Stuart Morant, owner of 1000 acres in the Tallangatta Valley with the northern boundary adjoining Crown land and a farmer for 20 years, indicated that in heavy stock losses in 1984, 200 grown sheep and 300 lambs were lost. Mr Alan Schafer, who is the owner of 1500 acres in Tallangatta Valley, which is surrounded by timbered freehold land adjoining Crown land, indicated that his farm was in danger of becoming non-viable because of dog devastation. Mr Colin Kirkby, who is just outside my electorate at Deddick in east Gippsland, and who has had experience in this area for eighteen years, has had stock losses of sufficient numbers to justify the expense of erecting an electric fence.

Those are some of the indications of the damage that has been caused and it is not a new problem. I quote some of the history from a book titled *Myrtleford. Gateway to the Alps,* by Mr K. Robertson

The mountainous areas of the north-east of Victoria gave the dingo refuge not to be found in the more open country. The ravages of the beast were so bad in 1938 that representatives of local government bodies and men on the land from the upper reaches of the Murray to Chiltern and the Ovens and King Valleys interviewed the Victorian Minister of Lands, Mr A. E. Lind . . .

Honourable members will note that this was 1938 and Mr Lind was still the honourable member for Gippsland East in 1961; so he was around for a long time. The article continues:

. . . regarding the wild dog menace. Representatives from Bright, Myrtleford, Cheshunt, Yackandandah, Mudgegonga and Beechworth attended. Many districts formed "Wild Dog Leagues." A poisoning scheme was partially successful, but it was too restricted, and the pests merely retreated further into the bush. A deputation requested that the Government bonus be increased to five pounds, to which graziers were willing to add two pounds and ten shillings.

I make the point that farmers have never been reluctant to contribute to the control of this vermin and are always willing to play their part. The article continues further:

This was designed to make every man a potential killer of the dingo. So bad were the ravages of the pest that it was estimated that forty graziers at Tawonga gave up sheep farming. Mudgegonga alone reported the loss of 1200 sheep in 1937–8. Mr Sambell, a member of the deputation, said that between two and three thousand sheep were lost annually in the area. Dogs breed on Crown land, and then ravage private property.

Here we have a Government that is intent on outlawing what is the most efficient and effective means of controlling wild dogs on Crown land. The article then goes on to describe dingoes. I quote for the "armchair experts":

The dingo has a bushy tail, and a head rather like a wolf. He is supremely sly, cautious, intelligent, and a great fighting machine. This wild dog will let a cow become accustomed to its presence, then attack her calf when she is off her guard. A single dedicated killer has destroyed as many as one hundred sheep in one night.

I believe that is the point that needs to be made again and again. Those wild dogs are not killing for sustenance; they are mutilating simply for some presumed animal pleasure. That is what they do—they mutilate!

During the successful march of farmers up Bourke Street on 24 June last year the most graphic colour photographs were displayed of the mutilation occasioned by wild dogs on sheep. Anyone who has an opinion about cruelty to animals could not help seeing on that day the extreme cruelty to defenceless sheep by wild dogs, purely for sport. The article continues:

Purely for sport, a dingo may kill a dozen sheep, although a single one would provide a meal of his favourite morsels—kidneys, tongue and liver.

I come now in passing to rabbit traps and indicate how it is all tied in.

Australia's rabbit population explosion since the wild type was introduced in 1859 was made to order for the dingo—an endless supply of easily captured food—and he responded with a population explosion of his own. Fortunately myxomatosis and the poison "1080" have considerably reduced the rabbit multitude, but the dingo menace continues—he still has the sheep.

It has been claimed that the dingo is a native of this continent, but its resemblance to the wolf and other kindred dogs of the northern hemisphere rules out this possibility.

The article then goes on to speculate on how the dingo might first have arrived in Australia, but I indicate that it is a problem that has been with this community for many years and it has caused costly damage both from the economic and cruelty points of view. That is still being occasioned, and it is remiss of the Government to take note of pressure that comes from somewhere—although I have received no representations whatsoever advocating banning of the steel-jawed leghold trap.

The Hon. B. P. Dunn—The RSPCA.

The Hon. W. R. BAXTER—That organization has not indicated this to me and I look to the Government to indicate why it is persisting with this provision.

I shall deal for a moment with what is proposed to replace the steel-jawed leghold trap. Mr Dunn indicated earlier that when he made an inquiry of the Minister for Conservation, Forests and Lands about the treadle snare trap and its effectiveness he received the illuminating answer that research into that trap and the assessment of its success rate has yet to be concluded.

Here the Parliament of Victoria is being requested to ban steel-jawed leghold traps when the alternative has not been sufficiently tested to find out whether it will be effective. The answer that the Minister gave Mr Dunn last week, of course, was not news, to the extent that the Minister telegraphed that back on 12 March when she attended a meeting at which 100 people were present at Tallangatta, to announce her new strategy for wild dog control. I was fortunate to go along. The press release of that date stated:

"The treadle snare is currently undergoing field evaluation in all areas where wild dogs are a problem.

"This will meet the State Government's undertaking to fully test the snare trap. It is expected testing will be completed within six months.

I shall work through the time scale again for the Committee so that we may understand the situation. On 12 March the Minister announced that tests on the treadle snare were being undertaken but that she would not have the results for six months. Now, in May, less than three months later, less than halfway through the test period, it is proposed to abandon the only effective trap for wild dogs, to replace it with something the Minister admits has not been completely evaluated.

The Hon. B. P. Dunn—The Bill was introduced six months ago, in the spring sessional period.

The Hon. W. R. BAXTER—The Bill was presented to Parliament before the test run had even begun. How can we have confidence in a Government that has endeavoured to con the Parliament in that way?

Mr Knowles earlier quoted from some statistics gathered by a survey of landholders undertaken by the Department of Conservation, Forests and Lands last year. I do not intend to go over those figures again, except perhaps to repeat some of the more salient findings of that survey. Trapping was reported to be successful in 92 per cent of the cases. The average annual value of stock lost to wild dogs was estimated by landholders surveyed to be $46 000. The total estimate of average annual cost of other activities estimated to be caused by the dog problem was $377 000. That is an important point; there is not only the direct loss of the value of stock but also the ancillary costs.

The economic study showed that the wild dog problem was largely confined to about 325 000 hectares in the eastern highlands. The region supports about 1·8 million sheep, which is 6·9 per cent of the Victorian flock and worth approximately $41·2 million.

The sitting was suspended at 6.31 *p.m. until* 8.4 *p.m.*

The Hon. W. R. BAXTER—Prior to the suspension of the sitting I notified the Committee of my extreme displeasure with the clause and the attempt to ban the use of rabbit traps on Crown land and the use of large steel-jawed leghold traps on all land in

Victoria. I indicated to the Committee the damage, both financial and in terms of animal welfare, which is sustained by wild dog attacks and I quoted material to illustrate that this has been an ongoing problem for more than a century.

It is extremely disappointing that the Government is moving towards banning this effective control measure before the alternative treadle snare has been properly evaluated to determine whether its effectiveness is sufficient to justify banning steel-jawed leghold traps.

I indicated to the Committee the comments of the Minister for Conservation, Forests and Lands at Tallangatta on 12 March that research was still under way and would not be completed for six months and that it will be some time before an evaluation is completed. There will be a three months' period of research on the treadle snare, yet the Government wants to ban steel-jawed leghold traps now.

I further confirm my argument by quoting from a document headed "Wild dog control program", which the Minister for Conservation, Forests and Lands launched at the meeting in Tallangatta and which states, *inter alia:*

> The Government is committed to a policy of banning the use of steel-jawed traps for routine wild dog control in Victoria; arrangements are to proceed (following field evaluation and provided no untoward effects are apparent) for leghold snare traps to replace existing steel-jawed traps used by dog trappers.

This statement appears in the Government's own documentation. The Government proposed to implement its policy of banning steel-jawed leghold traps but not until the alternative treadle snare traps had been evaluated. The document admits that these have not been evaluated, yet Parliament is being asked to vote on the banning of steel-jawed leghold traps before an evaluation has been made of the treadle snare. The document proposes further restrictions on treadle snares—which I believe will be ineffective. The document states:

> Trapping operations will be generally confined to those access tracks, ridges and other known travel routes which are adjacent to grazing areas at risk. Trapping may be conducted in more remote areas but only when:
>
> (*a*) perimeter trapping has failed to contain local dog attacks;
>
> (*b*) inspection of traps in the more remote country is possible by regular visits;
>
> (*c*) such trapping will not excessively escalate the cost of normal control operations (vehicle maintenance, fuel, etc.).

Again the Government is coming clean in its roundabout way to say that it is banning steel-jawed leghold traps and will allow treadle snares—even though it does not know whether they are effective—and will restrict where they may be used. I refer honourable members again to the titled *Myrtleford. Gateway to the Alps,* which indicated that if there is to be an effective control program one needs to go deep into the bush and trap animals at the source, but the Government will not do that—it will completely emasculate the wild dog program in the State.

The Hon. B. A. Chamberlain—The Government will need to emasculate the wild dogs!

The Hon. W. R. BAXTER—To emasculate them one must catch them and if one does that one may as well as put them out of their misery there and then. The book states:

> 220 new treadle snare traps were delivered in November–December 1985 and dog trappers attended a short, field-based instruction course on the use of the devices. Research investigations and field trials have demonstrated that treadle snare traps require more care in setting. After heavy rain on clay soils, snares need to be dug up and reset and snares *must* be checked regularly, to preclude possible injury to captured animals.

Again, it becomes clear that the wild dog control program will be emasculated. As I pointed out in previous documentation, these animals are sly and cunning. They live by their noses. If the trap is required to be attended to as regularly as the document suggests, no dog will come within cooee because the scent of man will always be present. I do not

believe what the Government proposes will be effective. Paragraph (5) of the document, under the heading, "Research," states:

> To improve the effectiveness and efficiency of our control operations, further research will be conducted on wild dogs. During 1986–87 there will be three main research investigations undertaken, viz.: appraisal of treadle snare trap performance; wild dog poisoning trials; and studies of those aspects of dingo ecology that are directly related to control operations.

This is further evidence that too little research has been done into the treadle snare, the alternative that is being lauded as the answer to the wild dog problem and wild dog poisoning controls. These are laudable avenues of research. I do not decry them, but I certainly object violently to the steel-jawed leghold trap being outlawed before the treadle snare has been appraised, and the document admits in clear terms time and again that the treadle snare has not yet been appraised.

It then states:

> As snare traps become available for use in the field, there will be a detailed analysis of their performance, through an investigation of trapping records. Research will also be conducted using automatic cameras that can be fired-off as snares are triggered.

Do I need to provide any further evidence that these treadle snares have yet to be evaluated and that the Department of Conservation, Forests and Lands does not know whether they will be effective in the control of wild dogs? I suggest that the snares will be unsatisfactory, particularly under the criteria laid down by the Minister, who will require them to be checked regularly.

I also direct the attention of the Committee to the best-known dogger in north-eastern Victoria, who set three treadle snares in his backyard and allowed his three dogs to run around the yard. The traps did not even catch his own dogs! I recognize that that was an unscientific experiment but it was an illustration of the effectiveness of the snares.

The Hon. E. H. Walker—Did he then set steel-jawed leghold traps to compare the two?

The Hon. W. R. BAXTER—He has worked with steel-jawed leghold traps over many years.

The Hon. E. H. Walker—I bet he didn't. Are you suggesting they wouldn't cause any harm to his dogs?

The Hon. W. R. BAXTER—I did not say the steel-jawed leghold trap would not cause some injury to the dogs, but I object to the mutilation of defenceless animals caused by marauding dogs after leaving their lairs on Crown land, where the Government proposes to ban the use of effective control measures. Cruelty comes into this discussion. The injuries done to defenceless animals by wild dogs are cruel.

I refer the Committee to the coloured photographs carried by farmers in their march up Bourke Street on 24 June last year, which graphically illustrated that fact. Honourable members need not examine an injured animal, even though many have seen such, but can simply look at those photographs. Farmers from the electorate I represent are being forced into giving away the raising of sheep. Mr P. Weston of Eurobin, who has farmed for 70 years, believes he can no longer run sheep because of the increase in the number of wild dogs. Mr Ray Fleming, who also resides in the Ovens Valley, showed me photographs taken at Tallangatta of cruelties and injuries done to his sheep by wild dog attacks. He has now phased out sheep and is grazing cattle because he is not prepared to put up with the financial loss or the cruelty done to his sheep because of wild dog attacks.

I mentioned some of the social benefits derived from limiting the spread of wild dogs—and I direct the attention of Government members representing city electorates to them because they are probably unaware of them. The Department of Conservation, Forests

and Lands has produced a document entitled "Some Perspectives of the costs and benefits of the department's wild dog program" which states:

> One of the indirect benefits accruing from the control of wild dogs in the eastern ranges of Victoria is the social benefit derived from disease control-monitoring.
>
> Wild dogs are known to carry a number of disease agents which are transferable to man and/or his domestic livestock. Fortunately most of these diseases—e.g. mange, livestock cysticercosis—are either relatively non-pathogenic or occur only at a very low incidence.
>
> However one disease, hydatids, is quite prevalent in wild dogs—prevalence figures from scientific studies suggest that most dogs harbour the parasite—and the disease is transmittable to a wide range of mammals and to man. Both New Zealand and Tasmania have attempted to eradicate hydatids but the cost in each case has been very high. If Victoria were to embark upon an eradication program for hydatids in domestic dogs then the question of wild dog control would assume some importance. Although there is evidence of strain differences between "wild dog" hydatids and "domestic dog" hydatids, the possibility remains of wild dogs providing an important wild reservoir for this disease. No data are available for losses in livestock production due to hydatids in the eastern ranges but some losses may well occur.

That indicates that a public health risk exists in allowing wild dogs to breed in the eastern ranges of Victoria, which they will do if steel-jawed leghold traps are outlawed.

I shall provide the Committee with the numbers of wild dogs trapped over the past few years. In 1977–78, 746 wild dogs were trapped; in 1978–79, 799; 1979–80, 895: in 1980–81, 1066; in 1981–82, 870; in 1982–83, 880; in 1983–84, 829; and in the first six months of 1984–85, 422. A relatively consistent catch has occurred each year.

However, once this effective control measure is outlawed, as it will be with the passage of the Bill, an explosion in the population of wild dogs in the eastern ranges of Victoria will occur, with a consequential increase in the financial costs because of the loss of stock and, more importantly, a greater incidence of mutilation of sheep by wild dog attacks.

I reiterate my total opposition to the clause; it is unwarranted and ought to be thrown out. The amendment moved by the Opposition is useful but, so far as it goes, enables the Government to get its foot in the door. Victoria will rapidly experience the prohibition on the use of traps extended to the remainder of the State if the amendment is carried.

Finally, I shall dwell on the control of wild dogs and the extent that electric fences may be a useful control adjunct. The Kosciusko National Park has had some experience with electric fencing and some 30 kilometres of fencing is in use at present. Electric fencing appears to be effective. A proposal for electric fencing in north-eastern Victoria has been made and some landowners have already installed electric fencing on their properties.

Mr C. Burston at Benambra and Mr Stuart Morant at Tallangatta Valley are two farmers with experience in electric fencing. A proposition has been put forward that Community Employment Program funding might be available through the Commonwealth Government. Approximately $1 million might be made available through the Community Employment Program for feral animal control and the Federal Minister has indicated that Victoria could expect to receive some $200 000. That would enable a significant length of electric fencing to be erected through the employment of people under the Community Employment Program using local farmers for both supervision and expertise.

Farmers in that area are perfectly willing to assist, manually and financially, in the erection of the fence. The proposal is that the fence be erected commencing in Tallangatta Valley heading north-east to meet up with the Murray River at Grey Lodge. That would protect a large area currently suffering damaging effects from wild dogs. A concerted clean-out of wild dogs trapped within that area, particularly near Granya, would be required, which is not impossible to achieve if sufficient resources are allocated.

I am concerned that if that area is locked off by the use of an electric fence, it may concentrate greater numbers of wild dogs in the Corryong region. A commitment would need to be given for an extra dogger to be stationed at Corryong, at least in the initial stages, to ascertain whether that assumption is correct.

I am delighted that the Minister for Conservation, Forests and Lands has already agreed to the stationing of a second dogger in Corryong. I encourage the Government and the Minister to pursue this offer from the Federal Government for Community Employment Program funds to be used for electric fencing for wild dog control. It would be a useful and valuable exercise, although the maintenance costs of such a fence are high. The terrain across which it will be constructed is hazardous and falling branches and so on will regularly damage the fence. Farmers have indicated that they are prepared to take care of the fence if it is erected and I encourage the Minister to pursue the matter.

I am disappointed that the Government is moving towards banning rabbit traps and steel-jawed leghold traps because Victoria relies on agriculture for its economy. The Bill can only further weaken the viability of Victoria's pastoral industries.

Again, I am disappointed that no member of the Government has defended this clause. I wonder from where the pressure is coming.

The Hon. F. J. GRANTER (Central Highlands Province)—I confess that I missed clause 15 (l) (*b*) in my party room. I do not say that my influence would have changed the Opposition's thinking on it.

The CHAIRMAN (the Hon. G. A. Sgro)—Order! Would Mr Granter please come back to amendment No. 3, moved by Mr Knowles?

The Hon. F. J. GRANTER—I am speaking on the amendment moved by Mr Knowles, Sir, and I support his amendment. However, I regret that I missed clause 15 (1) (*b*) which is included in the clause. It provides:

In this section—

. . . . .

(*b*) "small leghold trap" means a spring-operated steel-jawed leghold trap of a kind prescribed as a small leghold trap;

I agree with much of what Mr Baxter has said. Rabbits do not graze only on Crown land. The rabbits that graze on private farmland contribute to the rabbit plague coming from Crown land on to private land.

The Hon. B. A. Chamberlain—Put your traps on the private land.

The Hon. F. J. GRANTER—Yes, one can put traps on the private land where the rabbits come through the fence, whether it is wire netting or not. I wonder whether the Government will allow people to take those rabbits that come from Crown land. They do a lot of damage, as honourable members realize. I am sure the Committee will hear from Mr Murphy on this matter because this clause is relevant to his province.

During the depression many people made a living from trapping rabbits, and they did not trap them only on private land. They took rabbits by trapping and ferreting. You, Mr Chairman, may not have seen them, but during the school holidays young lads often go out with a number of traps tied to their bicycles, set the traps and then go around them once or twice a day; and they are able to earn quite a bit of money.

The Hon. W. R. Baxter—They will be banned from doing that.

The Hon. F. J. GRANTER—That is right. I should like to refer to a great trapper, in my opinion—a supporter of the Labor Party, a chap who handed out how-to-vote cards for the party through hail, rain and shine—the late Norman Huggard, who admitted to me that he earned a living during the depression by trapping rabbits. Rabbits did not bring a large sum at that time, but he and his wife lived on them and sold them, and they did quite well from that.

I said initially that I regretted having missed this clause when the Bill was discussed in the party room. I trust that when the Liberal Party—perhaps in conjunction with the

National Party—regains office, it will repeal this provision. I believe it to be unnecessary. It is not doing any harm to have rabbit traps allowed.

I doubt whether the Department of Conservation, Forests and Lands will have enough men to put down trails of 1080 to control the rabbits on Crown land if a rabbit plague is to be averted. The rabbits may be under control at the moment, but they are on the increase in a number of areas and currently we have only 1080 to control them. Certainly we have the rabbit flea, as it is called, and that plus myxomatosis will take over if the rabbits reach plague proportions; but I can foresee trouble brewing in both the farming community and the department if the small rabbit trap is outlawed.

I do not want to mislead trapper Baxter into thinking that I will vote for the rejection of this clause in its entirety. I intend to support the Opposition on it. However, I sympathize with the feelings of Mr Baxter on the issue of rabbit traps.

The Hon. D. M. EVANS (North Eastern Province)—I strongly support the case put by Mr Baxter. The idyllic viewpoint of so many people who have not experienced the conditions that people working on farmlands and in the country areas have of this situation concerns me deeply—the Walt Disney syndrome, if you like. Some people believe the wild dog is not really the ferocious animal that it is made out to be by those who come into this place. Mr Baxter has described some of the effects of wild dog attacks and has referred to photographs that have been prepared and made available for honourable members to examine to see just how serious the injury has been that has resulted. I have had sheep that were attacked by a pack of dogs—in fact, not so much by wild dogs as by domestic dogs on the rampage at night—and I assure honourable members that picking up the mess was not pleasant; and attending to the sheep that were still alive with very grave and horrendous injuries was even less pleasant. Anyone who believes in the idyllic picture of dogs like those presented by Walt Disney should have seen those sheep and should take the opportunity of seeing sheep, cattle and young calves that have been attacked by wild dogs.

In fact, the wild dog is extremely cautious, cunning and difficult to trap. There is no sense in pretending that the menace will not remain; it will. Unless the treadle snare trap, as proposed, is proved to be effective, the problem will increase.

The Hon. W. R. Baxter—Ask the Minister whether they are cruel, too. They strip the flesh off.

The Hon. D. M. EVANS—I was a member of the Statute Law Revision Committee that brought down the report in 1978 by a vote of six to five in favour of banning the steel-jawed leghold traps on the proviso that an effective alternative was available. At that time evidence was given to the committee that, within two or three years, it was hoped that such an effective alternative would be available; so the committee had the opinion that an alternative would be available by 1981. Five years further on, in 1986, clearly that alternative is not available, so we have to face up to some of the hard facts.

Nature is hard; nature is damned cruel. The steel-jawed leghold trap is cruel; there are no ifs or buts about that; but the alternative to its use and the control of the wild dog is even more cruel. Perhaps we should be considering some of the ways of ameliorating that cruelty. The major aspect of cruelty is the length of time that an animal can spend in the trap before it is killed or released. The reason why the dog or the target species is left in the trap for too long is, as Mr Baxter clearly pointed out, that the wild dog is an extraordinarily cunning animal.

I have had some experience with a dog trapper who was trying to catch just such an animal on my property. If one was lucky enough to see that animal, one had very good eyesight. I have never seen an animal move more quickly to get out of the way, and I know how much country it can cover in a very short time.

We caught the particular dog to which I referred because I happened to see it out of the corner of my eye but in literally a couple of seconds it was far away. It ended up about two

or three miles from where we expected to find it. We caught the dog and the sheep were in a safer position. However, the dog had been extremely cunning. Anyone who does not have experience of wild dogs must understand the cunning that is involved.

I do not consider research is heading in the right direction. Regardless of what sort of trap is used, if it is to be effective and hold the animal, considerable cruelty will be involved. With technology now available, a radio signal or some other type of signal could be emitted by a properly designed and constructed trap so that the moment the trap is set off attention could be given to the animal that is caught. As Mr Baxter pointed out, a wild dog will not go anywhere near the site of a trap for two to five days after man has been there. The trap must be left in position for a length of time.

If a trap could be devised so that it could emit a signal over a distance indicating that the trap had been activated, it would remove a considerable element of cruelty. I do not know why that aspect has not been considered. If that is what the community wants and if people are concerned about cruelty to animals, the community must be prepared to pay. People must recognize that nature is cruel. It always has been and it always will be. The wild animal is a cruel animal. Another aspect that I do not believe has been dealt with—although I have not been present for the entire debate—relates to dogs that are known as wild dogs which are not only dingoes but also feral dogs. In many cases they are crossbreeds—between dingoes and hunting dogs such as Alsatians and greyhounds—and some of them are quite large and fierce.

Not long ago a case was reported in North Queensland newspapers of a young child of four or five years of age who was savaged by a pack of dogs. Fortunately, a ranger was nearby and was able to beat off the dogs and save the child's life.

I do not know whether honourable members realize the effects that a wild dog can have on the body of a human being, compared with the injuries of a person who dies as a result of an accident or injury. I shall not go into the graphic details, but details are available for those who wish to search for them. A pack of wild dogs does not take long to make a mess of a human body. It will not be long before a person, a child or perhaps a sick or injured person, is attacked and even killed by wild dogs in a national park. Perhaps if that happens the subject of wild dogs will be seen in a different perspective and people will begin to understand the issue better.

People who are experienced in wild dog trapping know that it is essential to retain the best possible method for trapping those dogs. Until a method is proven better than the steel-jawed leghold trap, it should be retained. I strongly support the comments of Mr Baxter and the intention of my party that the clause referring to the banning of the steel-jawed leghold trap should not be passed.

I understand the amendment proposed by the Opposition, but in many ways it is little more than a play with words. The Opposition wants trapping allowed in those areas where it is required and where there is a genuine need for trapping. I suggest that it must be retained in areas where it is needed and that the practicalities of the issue should sort out the problem. There is no point in setting a steel-jawed leghold trap in the City of Melbourne. There is no wild dog problem in the heart of the central business district.

Steel-jawed leghold traps are needed in the bush to protect the livestock and, perhaps in due course, to protect bushwalkers and even families who may be lost in the bush.

The Hon. B. T. Pullen—And the proposed Alpine National Park!

The Hon. D. M. EVANS—That is one of the areas where there may be dangers to human beings. I do not need to point out the dangers because honourable members know they exist.

Other honourable members have pointed out that the rabbit trap is a lethal tool in maintaining the fight against the rabbit. Bugs Bunny is a lovable character in true Walt Disney style. It would be wonderful if rabbits were like that—furry, cottontailed bunnies!

However, they have done more damage than any other import to Australia, with the possible exception of man. They are the main cause of major erosion problems.

The only reason they have not done more damage than they have is because control has been exercised by biological and man-made means. If man is to continue to control rabbits he needs the steel-jawed leghold trap. If one thinks that a boundary fence simply confines the rabbit to a private property or public land, one is mistaken. The person who thinks that should spend time repairing the wire-netting fence that wombats or kangaroos have dug under, rotted away at the ground or knocked over with trees, or where rabbits themselves have burrowed a hole. One should also consider the expense of $1 a metre for wire netting that must be replaced every ten or fifteen years. It is not economical.

If honourable members want to ban the use of small steel-jawed leghold traps for rabbits, they should go the whole hog and ensure that there are no rabbits on public land to worry about. If honourable members are prepared to do that, the National Party will go along with it. However, until they are prepared to do so the Committee must consider the practicalities and understand that there are country people who are removed from the experiences of people in this place and from the experiences of the normal person in the city. That is not intended to be harsh or critical, but they are removed from those experiences. Honourable members cannot place and continue to place restrictions on those people from afar when they do not understand what they are doing by their actions. That is why the National Party is speaking as strongly as it is on this Bill.

The Hon. E. H. Walker—Never mind the strength; it is the length we are worried about.

The Hon. D. M. EVANS—I wish people would understand the problem and take notice of the people who have experience of this activity. I know the traps are cruel and that nature is cruel, but the world outside is damned hard on many people and on many animals. One must work towards alleviating that cruelty as much as possible, but if man is to exist on this planet he will have to do things that are harsh and hard and in tune with nature.

The Hon. E. H. Walker—Bring back the lash; that was harsh!

The Hon. D. M. EVANS—It was harsh. However, when the Minister received that on the backside at school, I am sure that it did him the world of good!

I believe in what I have said tonight. I do not like being cruel to animals, but I recognize the practicalities faced by many people in the bush who are doing a job for the community and who are doing a job that not everybody wants to do. Let us not place artificial barriers on their capacities to carry out those tasks.

The Hon. B. P. DUNN (North Western Province)—I want to make the position of the National Party quite clear. My colleagues from north-east Victoria have shown to honourable members that there is a need for the continued use of the steel-jawed leghold trap until a better alternative is found. I shall refer to the clause and the amendment that has been moved by Mr Knowles, because my party does not agree with either of them.

The Hon. R. I. Knowles—I thought you would support the amendment.

The Hon. B. P. DUNN—It is the better of the two alternatives. The Government is creating sanctuaries around the State that it calls national parks and State parks, that are better known as areas of Crown land where wildlife, including wild dogs, rabbits and vermin, can breed to attack livestock on properties that adjoin those areas.

The Government wants to tie the hands of the farmers behind their backs and close off any options that they may have in dealing with vermin problems, including wild dogs, that come off Crown land. That is intolerable. The National Party knows that the Government and its departments have no hope of controlling the vermin and wildlife that exist on Crown land.

The National Party knows that thousands of kangaroos, emus and wild dogs exist on Crown land. Better still, it knows about the thousands of rabbits that breed on Crown land. The Government will not provide a lousy cent towards improving the fencing around large areas of national parks to keep in the wildlife. The worse the fence, the better the vermin like it, because it allows the kangaroos to eat the crops, the wild dogs to attack the sheep and the rabbits to eat the pasture.

The Government does not want farmers to use steel-jawed leghold traps because they are cruel. So from now on farmers will have to live with wild dogs and rabbits because the methods used to control the vermin in the past have been outlawed. It is typical of the Government to govern by philosophy rather than by a practical examination of the situation. The Royal Society for the Prevention of Cruelty to Animals wants to ban the use of any steel-jawed leghold trap irrespective of its size. That organization is getting its way almost totally in the Bill.

Members of the National Party have clearly put their case. One of the Ministers of the Government admitted that there is no satisfactory alternative at this stage. The National Party will vote against clause 15 as it is at present. The reasons for doing so are clear, and I shall explain them. The purpose of the amendment is to try to improve the situation. The National Party can only plead with members of the Opposition to see the need to leave out clause 15 completely. The National Party is not ready to accept the banning of steel-jawed leghold traps. Even a Minister of the Government admitted that we are not ready to do that. The Opposition also knows that that is not possible at this time.

The Hon. R. I. Knowles—But we do not support it.

The Hon. B. P. DUNN—The Opposition is going halfway and saying that the steel-jawed leghold trap should be used in certain areas and not in others. I compliment Mr Knowles for the work he has put into the preparation of the map, but it is grossly incomplete.

I am almost prepared to bet that within a matter of days members of the Opposition will receive telephone calls from people in various parts of Victoria whose areas have not been included in the map. If that is the case, huge problems will result. Only recently the extent of the wild dog problem in certain parts of the State has come to the attention of the National Party. I refer to areas in the north-western part of the State. During the second-reading debate I pointed out that, in the Telopea Downs area north of Kaniva near the Big Desert, hundreds of livestock are being destroyed by wild dogs.

I do not believe the amendment is complete and I am concerned at the implications that will result from it. I should not be surprised if, in a few days time, constituents of Opposition members telephone them and say, "You are bright sparks because you passed the Bill and included some areas on the map, but what about us?" Will another amendment then be introduced to include those areas? How will those problems be corrected? I am really concerned about that aspect of the amendment.

The amendment does not address the small steel-jawed leghold trap, which is better known as the rabbit trap. The amendment moved by the Liberal Party accepts the Government's contention that the rabbit trap should not be used on Crown land. The National Party does not and cannot accept that. The rabbit trap is a major tool in the fight against one of the most damaging vermin in the State. Members of the National Party know of the disaster caused by rabbits in the Mallee area. The National Party cannot accept that rabbit traps can be used only on private land by the owner or employer and then only according to a code of practice which has never been seen and which has never been the practice before. Rabbit traps are to be banned on Crown land.

The National Party is aware that Government departments do not control rabbits on Crown land; indeed, that is where rabbits breed before coming on to private properties. Members of the Government party may laugh but that is a fact. The reserves, parks and channel banks are part of the Crown land where rabbits breed. Anyone who knows

anything about country life knows that the Department of Conservation, Forests and Lands does not have enough staff to spray weeds on Crown land let alone tackle the problem of vermin. The problem is out of control and the Government is now seeking to ban another tool used by farmers in the fight against vermin. The ability to use that tool will be restricted.

The amendment moved by the Opposition does not overcome the problem. I implore the Opposition to re-examine the amendment. Perhaps progress should be reported for that to occur. If the Government is to allow large steel-jawed leghold traps to be used on Crown land—that is what the Bill provides—why cannot it allow the use of smaller steel-jawed leghold traps on Crown land? That is the question I put to Mr Knowles.

The Hon. R. I. Knowles—If you sit down, I shall provide the answer.

The Hon. B. P. DUNN—I am sure Mr Knowles has an answer. It is a catch-22 situation. The National Party will agree to the amendment—but it is grossly unhappy in doing so—because it does provide an improvement to the Bill. However, the National Party will vote against the amended clause because it would prefer the continued use of large and small steel-jawed leghold traps on private and Crown land. It is a straight, clear situation of being the better of the two alternatives.

The Hon. R. I. KNOWLES (Ballarat Province)—I speak in favour of the amendment. It is important to split the two issues. I make it plain that the Liberal Party supports entirely the views expressed by Mr Baxter, Mr Dunn, Mr Evans and Mr Granter about the need for large steel-jawed leghold traps to control the wild dog problem in those areas of the State where it has been identified that a real problem exists. That is the whole motivation for the amendment moved by the Liberal Party. It recognizes that there is no alternative mechanism for tackling the problem of wild dogs as effectively as with the large steel-jawed leghold traps.

The Department of Conservation, Forests and Lands—and especially the Land Protection Service which has made a study of the wild dog problem—has identified two areas of the State where the problem exists; namely, eastern Victoria and north-western Victoria.

The amendment ensures that large steel-jawed leghold traps can continue to be used in those two areas to tackle the wild dog problem until such stage as an alternative can be found.

All speakers have acknowledged that large steel-jawed leghold traps inflict cruelty; they include those who suggested that the amendment does not go far enough and those who expressed some opposition to it. The Opposition acknowledges that but suggests that, until such time as an acceptable alternative is developed and in place, the trap must continue to be available to tackle an even greater problem of cruelty, that is, wild dogs.

I shall now turn to why the amendment does not go further, as suggested by a number of speakers. The responsibility for control of vermin on Crown land is with the Department of Conservation, Forests and Lands. That responsibility is specified in both the Act that establishes the department and in the Vermin and Noxious Weeds Act. It is well recognized that using trapping as a mechanism for the control of rabbits is not the most successful—other mechanisms and strategies are far more effective. For example, the use of myxomatosis, the rabbit flea and baiting are far more effective methods for controlling vermin. Shooting is obviously more effective than using the small steel-jawed leghold trap.

The weakness of using the small steel-jawed leghold trap on Crown land is that many non-targeted species are caught. Therefore, the Liberal Party says that, given that more successful methods are available for tackling the rabbit problem on Crown land, they should be implemented. At the same time we should use the opportunity of adopting a good conservation policy on Crown land by minimizing non-targeted species being trapped and destroyed.

What the Opposition has said and the Bill as it is currently drafted recognizes is that private land owners will have access to the use of small steel-jawed leghold traps in future. They will need to use that type of trap according to a code of practice. Honourable members have spent some time during the debate in lauding the approach of a code of practice as one way of setting parameters for the management of animals and, in this case, the management of a mechanism for trying to trap animals.

As a result of an amendment which I have already moved and which the Committee has accepted, Parliament will examine any code of practice that covers the use of small steel-jawed leghold traps. The Liberal Party believes it has approached the issue constructively and has recognized the two points of view that have been proposed, and, in doing so, has struck a balance that will preserve the right of landowners to use small steel-jawed leghold traps on their properties. It also recognizes that better methods are available for the control of rabbits on Crown land that also preserve the integrity of native fauna.

The amendment ensures that the use of the large steel-jawed leghold trap will be allowed to continue in areas facing the problem of wild dogs. The Opposition has taken a constructive approach to this issue. It does not run away from the stand it has adopted and invites the Committee to support the amendment as a much better alternative than the Government's proposal as currently drafted or the National Party's preferred option that the Bill ought to be silent on this contentious issue. I commend the amendment to the Committee.

The Hon. W. R. BAXTER (North Eastern Province)—On the amendment, Mr Chairman.

The Hon. E. H. Walker—You have already spoken on the amendment!

The Hon. W. R. BAXTER—I have been drawn back into the debate by Mr Knowles's remark that the approach of the Opposition is constructive. The logic of the amendment escapes me. I cannot understand how a steel-jawed leghold trap used at Seymour is somehow wrong but one that is used at Granya is all right. That is the import of the Opposition's amendment.

I also wish to reinforce the point made by my Leader about telephone calls that honourable members may expect to receive tomorrow about certain areas that will be excluded by the amendment. One area that is likely to face difficulty in future is the County of Moira.

The Hon. E. H. Walker—You are going to support the amendment but vote against the clause, is that right?

The Hon. W. R. BAXTER—Yes. The Minister cannot understand the logic of that so I shall try to elucidate it for him. The County of Moira includes some of the largest redgum forest in the world. The forest is currently the subject of recommendations by the Land Conservation Council that are at present before the Government.

The recommendations are that significant areas of that redgum forest be locked up in a State park. Although wild dogs have not been a significant problem in that area in the past, if the Government accepts the recommendations of the Land Conservation Council and the land is allowed to become an overgrown habitat that would provide ideal cover for wild dogs—I do not necessarily mean dingoes but more particularly feral dogs—the problem might become similar to that experienced in the areas the Opposition proposes to encompass by the amendment.

The other matter I wish to raise about the amendment came to my notice on Anzac Day. It was pointed out that some of the Opposition's proposals for large steel-jawed leghold traps would have enabled their use on private land in some counties but not on public land. I am pleased that someone has convinced the Liberal Party that the amendment should provide for the use of steel-jawed leghold traps on both Crown and private land in certain counties. I believe the proposal should apply to all Victoria.

The National Party has no option but to support the amendment, because it goes halfway towards what it wants, but will vote against the clause.

The amendment was agreed to.

The Committee divided on the clause, as amended (the Hon. G. A. Sgro in the chair).

Ayes	35
Noes	5
Majority for the clause, as amended	30

AYES	NOES
Mr Arnold	Mr Baxter
Mr Birrell	Mr Dunn
Mr Chamberlain	Mr Wright
Mr Connard	*Tellers*
Mrs Coxsedge	Mr Evans
Mr Crawford	Mr Hallam
Mr de Fegely	
Mrs Dixon	
Mr Grimwade	
Mr Guest	
Mr Henshaw	
Mrs Hogg	
Mr Hunt	
Mr Kennedy	
Mr Knowles	
Mr Landeryou	
Mr Lawson	
Mr Long	
Mrs Lyster	
Mr McArthur	
Mrs McLean	
Mr Macey	
Mr Mier	
Mr Miles	
Mr Pullen	
Mr Reid	
Mr Sandon	
Mr Storey	
Mr Van Buren	
Mrs Varty	
Mr Walker	
Mr Ward	
Mr White	
Tellers	
Mr Granter	
Mr Murphy	

Clause 16 was consequentially amended, and, as amended, was adopted, as was clause 17.

Clause 18

The Hon. E. H. WALKER (Minister for Agriculture and Rural Affairs)—I move:

30. Clause 18, line 13, omit "Animals—" and insert "Animals; or

(iii) a person considered by the Minister to be suitably qualified to be an inspector.".

The Bill presently provides for a range of specified persons to be inspectors. The purpose of the amendment is to give the Minister the ability, should the need ever arise, to appoint as an inspector any person considered by the Minister to be suitably qualified to be an inspector.

The Hon. R. I. KNOWLES (Ballarat Province)—The Opposition opposes the amendment. The Bill already empowers officers of the Victoria Police Force, officers of

the Royal Society for the Prevention of Cruelty to Animals, municipal proper officers under the Dog Act and stock inspectors employed by the Department of Agriculture and Rural Affairs to act as inspectors.

The Bill provides for wide-ranging powers of policing. The Opposition believes those who are to police the provisions should be designated in the Bill. The Minister's amendment empowers the Minister to appoint anyone he believes to be suitably qualified to have the extensive policing powers contained in the measure. Although one may take the view that the present Minister for Agriculture and Rural Affairs will act honourably and responsibly in all circumstances——

The Hon. E. H. Walker—A Minister from your side would do the same, I hope.

The Hon. R. I. KNOWLES—I am delighted that the Minister will be replaced by a Liberal Minister.

The Hon. E. H. Walker—It may be you, Rob; you would be a good Minister.

The Hon. R. I. KNOWLES—If I happen to be the Minister for Agriculture and Rural Affairs in the future, I assure the present Minister that I would not seek to use the power contained in the amendment. It is important that Parliament specifies the qualifications of inspectors given that Parliament is giving those officers significant policing powers.

The Bill already authorizes a variety of people to carry out responsibilities. I challenge the Minister for Agriculture and Rural Affairs to identify a particular circumstance that he could foresee that would require this amendment.

The Opposition's view is that the proposal is unlikely, if ever, to occur and as a consequence it is not prepared to support the establishing of such a wide-ranging power, given the responsibilities that would be exercised by the people so appointed.

The Hon. B. P. DUNN (North Western Province)—The National Party has similar reservations regarding inspectors and the Minister's desire to appoint a person not necessarily having any qualification or expertise to act as an inspector.

Clause 21 deals with the power of inspectors. Inspectors have the power to enter premises, to inspect animals, plant, equipment or facilities, to order the destruction of animals, to order animals to be fed, watered and to charge the owners of animals for those costs. Obviously inspectors have extensive powers and people with those powers should be specified in the Bill.

I do not believe the Minister really wants this power. It has probably been a demand of the Royal Society for the Prevention of Cruelty to Animals or another group that regards the proposed amendment as a means of getting people associated with their interests appointed as inspectors.

The Bill is satisfactory as it stands, as it allows for the appointment of a full-time officer of the Royal Society for the Prevention of Cruelty to Animals. It allows for members of the Victoria Police Force, stock inspectors and proper officers of municipalities to be appointed. Surely that is wide enough.

The National Party will vote against the amendment because the power is not required and the proposed amendment is too wide.

The Hon. E. H. WALKER (Minister for Agriculture and Rural Affairs)—This is a reasonable provision but clearly the Opposition and the National Party do not believe it is. The comments of Opposition spokespersons reflect a lack of trust in this type of clause that indicates from where the proper officer will come. It should not be beyond Mr Dunn's imagination to appreciate that in due course a group of people ought to be included for appointment as inspectors, but I do not have any group in mind.

The provision exists in other legislation that I have administered over recent years where discretionary provisions are allowed. The Opposition will confine the provisions in

such a way that it will regret that the lack of discretion is not included as an amendment. Parliament has to trust the Minister of the day.

The Hon. B. P. Dunn—Why didn't you put it in the Bill the first time round?

The Hon. E. H. WALKER—The Government received a significant number of submissions on this issue. I endeavour to respond to reasonable submissions and this is one such case.

The Opposition's views make it clear that it does not trust the Government of the day or the Minister. The Opposition has the numbers to stop the amendment being passed and it will use its numbers. I do not wish to make it a matter for division because I do not believe it is so significant, but it is a reflection of submissions that the Government has received.

As I indicated earlier, I have no specific group in mind, but it is an amendment that makes the Bill a better Bill.

The Hon. R. I. KNOWLES (Ballarat Province)—The Minister indicated that the amendment was a result of widespread requests by a number of groups, but when challenged the Minister was not able to identify the groups concerned. The Opposition has not received similar requests.

The Minister stated that the Opposition is adopting an approach that indicates it does not trust the Minister, but it is a broader issue than that. The people concerned are empowered to exercise considerable control and Parliament ought to insist on certain parameters on the types of inspectors who are to exercise that control.

I indicated that the Opposition believes the Royal Society for the Prevention of Cruelty to Animals does a good job, but one is burying one's head in the sand if one does not recognize that there are other groups in the community who believe the society is too conservative and that it should take a more radical approach on this issue. If the amendment were passed it would significantly increase the pressure on the Minister to appoint other groups of people as inspectors who would exercise those powers in addition to representatives of the Royal Society for the Prevention of Cruelty to Animals.

Parliament ought to encourage those who are concerned with animal welfare to join the society and to work with that organization so that a united approach from a community group is adopted rather than encourage the establishment of a whole range of groups.

The Minister indicated that the Opposition may regret, at some future stage, that the proposed amendment was not included in the Bill. However, by defeating the amendment, the Minister may appreciate the fact that Parliament has not given him the extra powers because he will be subjected to considerable pressure from different groups who aspire to replace the society.

I reject the Minister's suggestion that the Opposition is being bloody-minded and that it does not trust the Minister. The Opposition is adopting the broader view that the Bill should specify who is to police the significant provisions of the Bill.

The amendment was negatived.

The Hon. E. H. WALKER (Minister for Agriculture and Rural Affairs)—I move:

31. Clause 18, line 19, after "committed" insert "or a circumstance occurring"

The purpose of the amendment is to ensure that the powers of an inspector who is a proper officer appointed under the Dog Act 1978 is not limited to alleged offences under the Bill, but also extends to circumstances where an animal is behaving in such a manner that it is likely to cause death or serious injury to any person.

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

Clause 19

The Hon. F. J. GRANTER (Central Highlands Province)—This clause relates to identification certificates of inspectors. Am I correct in presuming that inspectors of the Royal Society for the Prevention of Cruelty to Animals will also be required to obtain identification certificates signed by the Minister?

The Hon. E. H. WALKER (Minister for Agriculture and Rural Affairs)—Yes; they will be treated just like everyone else.

The clause was agreed to, as was clause 20.

Clause 21

The Hon. E. H. WALKER (Minister for Agriculture and Rural Affairs)—I move:

32. Clause 21, line 2, after "powers" insert "for the purposes of this Part".

The effect of the amendment is simply to make clear that the powers of inspectors extend only to the matters dealt with in Part 2 of the Bill, namely, the protection of animals from acts of cruelty. The supervision of Part 3 of the Bill in regard to scientific procedures will be undertaken by authorized officers appointed under that Part.

The amendment was agreed to.

The Hon. E. H. WALKER (Minister for Agriculture and Rural Affairs)—I move:

33. Clause 21, line 15, after "requests" insert "in relation to the suspected baiting, trap-shooting or luring".

34. Clause 21, line 17, after "inspector" insert "in relation to the suspected baiting, trap-shooting or luring".

The purpose of these amendments is to clarify that an inspector's powers to give information and answer questions apply only to suspected offences of baiting, trap-shooting and luring.

The amendments were agreed to.

The Hon. E. H. WALKER (Minister for Agriculture and Rural Affairs)—I move:

35. Clause 21, line 18, after "premises" insert "other than a person's dwelling".

The Bill empowers an inspector to enter any premises to water and feed neglected animals confined without adequate food and water. The purpose of the amendment is expressly to exclude any right of entry to a person's dwelling for such purposes. The amendment will render the inspector's powers consistent with those available in respect of suspected offences of baiting, trap-shooting or luring, where the right of entry to a person's dwelling is expressly excluded.

The amendment was agreed to.

The Hon. E. H. WALKER (Minister for Agriculture and Rural Affairs)—I move:

36. Clause 21, lines 21 and 22, omit all words and expressions on these lines and insert "if the inspector has a reasonable suspicion that the animals—".

The purpose of this amendment is twofold: firstly, to remove the power enabling an inspector to direct another person to enter premises and feed and water neglected animals—this is now considered to be an inappropriate extension of power and should be deleted; and, secondly, to provide that the inspector must have a reasonable suspicion that animals have not been properly fed and watered before entering premises for the purposes of feeding and watering them.

The Hon. R. J. LONG (Gippsland Province)—I express my strongest objection to the use of the word "suspicion" in the amendment. How does one define it? I would accept it if it stated that the inspector had "reasonable grounds for believing" something was happening, but the use of the expression "reasonable suspicion" in the amendment means nothing. It is absolutely non-definable and should surely be amended in the way I have suggested.

The Hon. E. H. WALKER (Minister for Agriculture and Rural Affairs)—Mr Long is a lawyer, and perhaps he makes a lawyer's point. I should have thought the amendment containing the expression "reasonable suspicion" had some meaning. However, if Mr Long believes it has no legal meaning, and if the Leader of the Opposition, who is also a man of some legal capacity, believes it has no legal meaning, I am happy to replace that expression with words that they believe would be better. Frankly, I thought "reasonable suspicion" would be well understood.

The Hon. R. J. LONG (Gippsland Province)—I suggest to the Minister that the amendment should read, "If the inspector believes on reasonable grounds that the animal . . ." I would go along with that rather than the use of the expression "reasonable suspicion".

The Hon. A. J. HUNT (South Eastern Province)—In appropriately formal wording, following Mr Long's suggestion, I move:

That the amendment be amended by the omission of the words "has a reasonable suspicion" and inserting in lieu thereof the words "believes on reasonable grounds".

Mr Hunt's amendment on Mr Walker's amendment was agreed to, and the amendment, as amended, was agreed to.

The Hon. E. H. WALKER (Minister for Agriculture and Rural Affairs)—I move:

37. Clause 21, line 26, omit "warm-blooded animals" and insert "mammals or of any birds".

38. Clause 21, page 14, lines 1 to 4, omit all words and expressions on these lines and insert—

'"ruminant" means any animal which is capable of chewing its cud.'.

These amendments are consequential and are of a machinery nature.

The amendments were agreed to, and the clause, as amended, was adopted, as was clause 22.

Clause 23

The Hon. E. H. WALKER (Minister for Agriculture and Rural Affairs)—I move:

39. Clause 23, lines 18 and 19, omit "or any other person acting under the direction of an inspector".

The amendment was agreed to, and the clause, as amended, was adopted, as was clause 24.

Clause 25

The Hon. E. H. WALKER (Minister for Agriculture and Rural Affairs)—I move:

41. Clause 25, page 17, line 8, after "1975" insert "or anything done under section 4 of that Act".

The purpose of this amendment is to remove any possibility of inconsistencies between the provisions of the Bill relating to scientific procedures and relevant provisions of the Wildlife Act 1975.

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

Clause 26

The Hon. E. H. WALKER (Minister for Agriculture and Rural Affairs)—I move:

43. Clause 26, line 31, after "Committee" insert "which includes a representative of the public with appropriate experience in animal welfare".

The purpose of this amendment is to require that the membership of each animal experimentation ethics committee must include a representative of the public with appropriate experience in animal welfare. That matter was raised during the second-reading debate.

The Hon. B. P. DUNN (North Western Province)—I should like to make one point about what is being proposed by the Minister in this case, and I made reference to it in my contribution to the second-reading debate.

The amendment extends the ability of the animal welfare movement to become directly involved in the work of scientific establishments through a guaranteed place for them on ethics committees.

We do not necessarily agree with that but it could raise some potential difficulties and conflicts. How the amendment works will depend on the people appointed to those positions.

We have known for some time that the animal welfare movement would like to have an inside involvement in animal experimentation. The amendment gives them that.

It is a significant departure from the Bill as it was first presented and it holds a significant power. I have doubts about it but the National Party is prepared to allow it to proceed and hope that the people appointed to the ethics committee will ensure that the Bill works positively and effectively. We shall be watching it closely.

The Hon. R. I. KNOWLES (Ballarat Province)—The Opposition supports the amendment and takes the view that, if an issue can be opened up for public discussion, the heat is often removed from the issue. One of the difficulties previously identified was that if a group of professionals are working in relative isolation, it creates an attitude outside that they have something to hide. Placing a member of the community on an ethics committee provides an opportunity of opening up the issue for discussion. However, I take the point that Mr Dunn made, and similarly the point made by Mr Connard during the second-reading debate.

The Opposition believes the amendment provides the opportunity for opening up the issue for discussion and enabling a more rational debate about some of the issues that are canvassed.

The amendment was agreed to.

The Hon. R. I. KNOWLES (Ballarat Province)—I move:

4. Clause 26, page 18, line 30, omit "used;" and insert—"used—

but in any case a dog or cat obtained from a municipal pound must not be used in such a scientific procedure;".

This issue was canvassed during the second-reading debate. The amendment ensures that no dog or cat taken from a municipal pound can be used for a scientific procedure. The Opposition canvassed the issue previously and I commend the amendment to the Committee.

The Hon. E. H. WALKER (Minister for Agriculture and Rural Affairs)—Some discussion on this matter took place prior to the Bill coming to this Chamber. I am convinced by the argument of the spokesman for the Liberal Party on the matter of pounded dogs and cats. It is proper that they should not be made available for experimentation.

I was fascinated that Mr Connard, during the second-reading debate, said that, if we were not careful, pounded dogs and cats would not be available for experimentation. I am not sure where he was when discussion on the Bill took place. He is not now present in the Chamber.

The Hon. R. I. Knowles—The Opposition is more flexible.

The Hon. E. H. WALKER—That has been evident today. I refer especially to Mr Granter. This is a reasonable amendment and the Government is happy to support it.

The amendment was agreed to, as were consequential amendments, and the clause, as amended, was adopted, as was clause 27.

Clauses 28 and 29 were consequentially amended, and, as amended, were adopted, as was clause 30.

Clause 31

The Hon. E. H. WALKER (Minister for Agriculture and Rural Affairs)—I move:

57. Clause 31, lines 42 and 45, omit all words and expressions on these lines and insert "of a person under sub-section (1) if the person has the minimum qualifications specified by Order of the Governor in Council published in the *Government Gazette*.".

The Bill currently sets out the qualifications to be held by persons before they can be registered as experimenters for the purpose of carrying out scientific procedures on animals. Concerns have been expressed that the relevant provision is too restrictive and impracticable and it is now considered that a measure of flexibility should be provided in setting the appropriate qualifications. The purpose of the amendment is to replace the present provisions with a new measure that provides for the relevant qualifications to be specified by way of Order in Council.

The amendment was agreed to, as were consequential amendments, and the clause, as amended, was adopted, as was clause 32.

Clause 33 was consequentially amended, and, as amended, was adopted, as was clause 34.

Clause 35

The Hon. E. H. WALKER (Minister for Agriculture and Rural Affairs)—I move:

59. Clause 35, line 19, after "Part" insert "generally or for any specific purpose under this Part specified in the instrument of appointment".

The purpose of the amendment is to enable the Minister to appoint authorized officers for any specific purposes of the part of the Bill that relates to scientific procedure.

The amendment was agreed to.

The Hon. E. H. WALKER (Minister for Agriculture and Rural Affairs)—I move:

60. Clause 35, after line 19, insert.

"( ) The appointment of an authorized officer remains in force for a period—

(*a*) specified in the instrument of appointment; and

(*b*) of not more than three years expiring on 30 June in the year that it ceases to have force.

( ) The Minister may cancel the appointment of an authorized officer.

( ) The Minister must issue every authorized officer with an identification certificate in the prescribed form.

( ) When on duty an authorized officer must on demand produce that certificate.

( ) A person who impersonates an authorized officer named in an identification certificate or falsely pretends to be an authorized officer is guilty of an offence.

Penalty: 10 penalty units.".

The purpose of the amendment is to insert new measures that provide, firstly, that the appointment of an authorized officer remains in force for a specified period not exceeding three years; secondly, that the Minister may cancel an appointment; thirdly, that authorized officers must be issued with identification certificates that must be produced on demand; and, fourthly, that it is an offence to impersonate an authorized officer. These measures are similar to provisions relating to inspectors under Part 2 of the Bill, to which I have already referred.

The amendment was agreed to.

The Hon. E. H. WALKER (Minister for Agriculture and Rural Affairs)—I move:

62. Clause 35, line 31, after "(*a*)" insert "and in the case of a requirement for destruction, giving reasons for that requirement".

The purpose of amendment No. 62 is to require an authorized officer who issues an order requiring the destruction of any animal to give specified reasons for such an order.

The amendment was agreed to, as was a consequential amendment, and the clause, as amended, was adopted, as were clauses 36 and 37.

Clause 38 was consequentially amended, and, as amended, was adopted, as were clauses 39 to 41.

Clause 42

The Hon. E. H. WALKER (Minister for Agriculture and Rural Affairs)—I move:

65. Clause 42, line 32, after "8)" insert "or an authorized officer (as defined in section 25)".

66. Clause 42, lines 33 and 34, omit "appointed under section 35".

These are consequential and machinery amendments.

The amendments were agreed to.

The Hon. E. H. WALKER (Minister for Agriculture and Rural Affairs)—I move:

68. Clause 42, page 27, line 40, omit "The" and insert "Subject to section 26 (2) (*a*), the".

The amendment was agreed to.

The Hon. E. H. WALKER (Minister for Agriculture and Rural Affairs)—I move:

69. Clause 42, page 27, after line 41, insert—

"( ) prohibiting absolutely or in part certain scientific procedures (as defined in section 25) or imposing conditions on or regulating the carrying out of the whole or part of any such procedures;".

Representation has been made that the Bill should expressly prohibit certain scientific procedures which are widely regarded as being unacceptable. It is considered that the best way of approaching this matter is to provide appropriate and adequate powers to make regulations in this area. Accordingly, the amendment extends the regulation-making powers of the Bill so as to enable the regulations to prohibit absolutely or partially or to control or impose conditions on the carrying out of scientific procedures.

The amendment was agreed to.

The Hon. E. H. WALKER (Minister for Agriculture and Rural Affairs)—I move:

70. Clause 42, page 28, line 15, omit "regulations." and insert—

"regulations: and

(*d*) may apply, adopt or incorporate (with or without modification)—

(i) the provisions of any document, code, standard, rule, specification or method formulated, issued, prescribed or published by any authority or body whether as formulated, issued, prescribed or published at the time the regulations are made, or at any time before then; or

(ii) the provisions of any Act of the Commonwealth or of another State or of a Territory or the provisions of any subordinate instrument under any such Act, whether as in force at a particular time or from time to time; and

(*e*) may leave any matter or thing to be from time to time determined, applied, dispensed with or regulated by the Minister; and

(*f*) may confer powers or impose duties in connexion with the regulations on the Minister.".

The purpose of the amendment is to extend the regulation-making powers of the Bill so as to provide an ability for the regulations to apply, adopt or incorporate certain matters and to enable the Minister to do certain things in connection with the regulations.

The amendment was agreed to.

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

8. Clause 42, page 28, after line 15, insert—

"(3) The regulations do not apply to any act or practice with respect to the farming, transport, sale or killing of any farm animal if that act or practice is carried out in accordance with a Code of Practice."

The aim of the amendment is to enshrine the same principle in regard to the regulation-making powers as was inserted earlier in the Bill. It clarifies once and for all that farm animals are exempt from some of the regulation-making powers.

The National Party was concerned to discover that the Governor in Council may make regulations covering a whole range of matters. For example, under clause 42 (1) (*c*), the Governor in Council may make regulations in regard to the conditions under which animals may be kept in captivity, including the sizes of enclosures and cages. They are extensive regulation-making powers.

Farm animals will be covered by codes of practice which the National Party has accepted in principle. The National Party has also accepted that those codes of practice will be reviewed by Parliament, and that is a significant improvement even on the existing Act.

The National Party cannot see any reason why the regulation-making powers should be further extended to cover farm animals. It is hoped that the proposed amendment makes that fact clear for people who will use the proposed Act and for the farming community who will attempt to comply with it.

The Hon. E. H. WALKER (Minister for Agriculture and Rural Affairs)—This relates to an earlier matter debated some hours ago. It is consistent with what occurred earlier, and I wonder whether Mr Dunn would be willing to withdraw the word "farm" so that the conditions that he wishes to insert in the Bill simply apply to any animal. It would be wise to do so because the word "farm" was withdrawn from an earlier amendment moved by Mr Knowles but the principle that applied then applies here.

The Hon. B. P. DUNN (North Western Province)—I understand that argument. Consideration was given to that view in amendments Nos 1, 2 and 3 which dealt with this issue but the National Party decided to proceed with the definition of "farm animal". Frankly, I would prefer to be consistent and to do the same in this regard.

Mr Knowles moved an amendment in regard to the codes of practice. The effect of his exclusion of the word "farm" meant every code of practice has to come before the Parliament, and that is reasonable and that is what the National Party is aiming for.

This is a different question. The amendment was specifically designed to make it clear that farm animals do not come under this provision. It may well be that one will need the regulation-making powers in relation to other animals. There could be some dangers in broadening the definition to cover all animals.

The Hon. R. I. KNOWLES (Ballarat Province)—It may be helpful if this matter is discussed while the Bill is between here and another place. There is some value in the suggestion the Minister has put to the Committee that the regulation-making powers should exclude all codes of practice. Mr Dunn has moved an amendment that the regulation-making powers should not be extended to the keeping of animals already covered by a code of practice, that is, farm animals.

The Minister has said that the Government accepts that principle but that the provision should cover all animals and not just farm animals. There is some value in the suggestion of the Minister who is saying that, in terms of the parameters within which cruelty will be defined, it should be addressed by the codes of practice rather than by regulation.

Although I could be wrong in my interpretation, it would appear that the appropriate way to deal with Mr Dunn's amendment is to discuss it while the Bill is between here and another place, and, if necessary, an amendment can be moved in another place to delete the word "farm".

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

New clause

The Hon. E. H. WALKER (Minister for Agriculture and Rural Affairs)—I move:

71. Insert the following new clause to follow clause 11:

Defence to cruelty or aggravated cruelty.

"AA. In any proceedings against a person in relation to an act of cruelty under section 9 or an act of aggravated cruelty under section 10, it is a defence if the person—

(*a*) acted reasonably; or

(*b*) reasonably omitted to do an act—

in defending himself or herself or any other person against an animal or against any threat of attack by an animal.".

I remarked earlier on a comment by Mr Chamberlain, but again I indicate that the Bill states:

Any person injuring or killing an animal while defending himself, herself or another person from attack or threat of attack by the animal might be regarded as having committed an act of cruelty.

An example would be killing a snake that was threatening. The purpose of the new clause is to provide that in any proceedings against a person for an act of cruelty or aggravated cruelty, it will be a defence if the person acted reasonably or reasonably omitted to do an act in defending himself or herself or any other person against an animal or against any threat or attack by an animal.

The new clause covers the instance that people asked about regarding an attack by a snake, but it also covers other animals as well and it is a reasonable self-protection clause.

The new clause was agreed to, as was the schedule.

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

TAXATION (INTEREST ON OVERPAYMENTS) BILL

This Bill was received from the Assembly and, on the motion of the Hon. E. H. Walker (Minister for Agriculture and Rural Affairs), for the Hon. D. R. WHITE (Minister for Health), was read a first time.

For the **Hon. D. R. WHITE** (Minister for Health), the Hon. E. H. Walker (Minister for Agriculture and Rural Affairs)—I move:

That this Bill be now read a second time.

This Bill corrects an anomaly in State taxation legislation. It provides that, where it is established through the normal objection and appeal procedures an overpayment of tax has been made, the taxpayer receiving the refund is entitled to receive interest.

Presently State taxation Acts provide for penalty interest to be levied on late payments of tax. There is no reciprocal provision enabling interest to be paid to the taxpayer where an overpayment has arisen because of a successful appeal.

The initial rate of interest written into the Bill is the average yield to maturity of the longest term Commonwealth bond sold in the most recent bond tender. The Bill sets up machinery for the rate to be adjusted from time to time. It is proposed that such adjustments should be made by reference to the same criterion by which the original rate has been determined.

This Bill will enable the Government to give fair treatment to taxpayers who have overpaid tax. I commend the Bill to the House.

The Hon. A. J. HUNT (South Eastern Province)—The Opposition naturally supports the Bill. It gives a semblance of equity to those who have been out of pocket for some time due to an overpayment. The Opposition's only regret is that the Bill does not give interest to them at the same rate as they would be required to pay if they were in default.

The motion was agreed to.

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

ALPINE RESORTS (AMENDMENT) BILL

This Bill was received from the Assembly and, on the motion of the Hon. E. H. Walker (Minister for Agriculture and Rural Affairs), for the Hon. D. R. WHITE (Minister for Health), was read a first time.

LOCAL GOVERNMENT (GENERAL AMENDMENT) BILL

The debate (adjourned from April 15) on the motion of the Hon. C. J. Hogg (Minister for Community Services) for the second reading of this Bill was resumed.

The Hon. REG MACEY (Monash Province)—When this matter was last before the House, the Opposition sought an adjournment of fourteen days. The procedures of the House did not enable me to indicate to the House why the Opposition sought such a lengthy adjournment but, subsequently in a discussion with the Minister handling the Bill in this House, I pointed out that the Opposition was extremely concerned about some of the implications of the Bill, particularly as matters had been raised in another place which the Opposition believed had not been effectively dealt with by the Government. I also pointed out that the Opposition believed it was deplorable that the Bill was guillotined in another place, giving only 9 hours for the response to both the second-reading speech and the consideration of the Bill in Committee—and this was a 52-clause Bill.

The PRESIDENT—Order! The honourable member is out of order in referring to a debate in another place. I suggest that he continue his speech in regard to this House.

The Hon. REG MACEY—That House had to deal with important matters, and honourable members on this side of the House believed there was insufficient information provided. It was brought to the attention of the Opposition that Mr Henshaw, at a public meeting at Geelong, indicated that provisions of the Bill could facilitate the Government ultimately requiring councils to take over financial responsibility for areas that are currently funded by the Government. The Opposition is especially concerned about this because Mr Henshaw was reported as having stated——

The Hon. D. E. Henshaw—By whom?

The Hon. REG MACEY—The shadow Minister for Local Government indicated that at a public meeting at Geelong, Mr Henshaw, in answer to a question——

The Hon. D. E. HENSHAW (Geelong Province)—On a point of order, I believe the honourable member is referring to the debate in another place.

The PRESIDENT—I have been listening to the honourable member and I believe I heard him quoting from a statement that Mr Henshaw made at a public meeting at Geelong.

The Hon. REG MACEY (Monash Province)—Yes, that is right, it was a public meeting at the Newtown Town Hall in Geelong and it related to the amalgamation issue. I do not know the date and I am quoting verbatim the comments given to me by the honourable member for Mornington, Mr Cooper, in another place, which Mr Henshaw will have an opportunity to answer.

The PRESIDENT—Order! As I said before, the honourable member must not refer to speeches made in the other place.

The Hon. REG MACEY—I am seeking assistance to refresh my memory, Sir, but I am not relying in any sense on debate that took place in another place.

The Hon. J. H. Kennan—Why have you a copy of *Hansard* in front of you?

The Hon. REG MACEY—I have written down comments on the copy of *Hansard*; I am not relating to the debate.

The specific item refers to the Local Government Commission. It mentions the principles and program recently produced by that commission and the concept of what Mr Morris referred to as functional viability relating to whether a municipality was able to raise sufficient finance from its own resources to administer the municipality, to carry out what he called the basic local government functions with which honourable members agree, such as the provision of physical services, health services, surveying and land planning and also to carry out a range of other functions which are open for local government to perform. I emphasize that because this Bill significantly broadens the functions which are open for local government to perform, and it is the funding of those activities that causes the Opposition concern.

There is no disagreement on this side of the House with the concept of local government having enhanced powers. It is the government closest to the people; it is the government the Opposition believes is better able to ascertain the needs of its local community. However, it does not follow that local government has the necessary revenue base to be able to provide those services in an equitable way. This is the key factor.

The Opposition argues that local government, relying as it does basically on property tax, relies on a system of taxation which is no longer a reflection of the wealth of the property owner. It was at one time, but that is no longer the case. A property tax is based on the assessment of the value of that property, that is the capital value; it takes no account of mortgages, of money that is owed on that property and it takes no account of the income that is available to the property owner.

In the municipality of South Melbourne in which I live there are 8500 residential property owners and approximately 1200 of them are pensioners. South Melbourne is faced with the prospect of having to rely on pensioners, themselves welfare beneficiaries, to fund welfare activities. That type of situation precludes councils from effectively providing the wide range of services that the Government may seek to impose on councils.

The concern is that the Government, in its attempt to fulfil a promise which it made prior to the last election relating to control on increases in taxation and charges so that they remain below the consumer price index, could, by a thimble and pea trick, attempt to achieve—and the Opposition would hope not achieve—that aim by moving to local government the responsibility for picking up a significant proportion of welfare activities that are currently funded by the State.

The Opposition was not anxious to facilitate that strategy and hence I sought through the good offices of the Minister a meeting with the Minister for Local Government to discuss the Opposition's concerns, and I thank you, Mr President, for the advice that you gave in relation to how this should be done.

On behalf of the Opposition I provided the Minister with a request for a document detailing the Government's so-called social justice policy. The Opposition calls it "so-called" social justice because social justice can be defined in all sorts of ways and not necessarily in a sense that may be considered equitable. It is often all in the eye of the beholder.

The Opposition required information on the role and responsibilities local government would have in implementing that policy and the cost to ratepayers and to residents of that role. The Minister assured me, and I conveyed this information back to my party, that the Bill in fact was not part of the Government's social justice policy, in that councils were given only the power to carry out these activities in the human services area if they so

desired. There was no intention of the Government to use the Local Government (General Amendment) Bill as a vehicle for moving responsibility for additional welfare activities to local government, and I shall be asking the Minister who is handling the Bill in this place for a similar assurance.

The Hon. D. E. Henshaw—Read the Bill!

The Hon. REG MACEY—The Opposition has read the Bill and it considers it does provide a vehicle, if the Government were so disposed, and the experience of those on this side of the House in relation to assurances given by Ministers in the past is that when one comes to the sharp edge, they have not been confirmed by action. I shall give a specific case as Mr Henshaw interjected and asked for one, and it relates to the issue of amalgamation.

The Opposition was given assurances by the former Minister for Local Government that he would not be seeking to impose forced amalgamation, that there would be consultation, that there would be co-operation and that the Government would not seek to enforce upon councils amalgamations which were not accepted by local government.

The Opposition found with the new Minister that this is not the case. It does not direct its criticism to the former Minister because clearly the Government is at fault and the Government must accept responsibility for now being confronted with an Opposition that has no faith in general assurances. The Opposition seeks something more specific and that is what it is seeking in relation to this matter.

The Hon. D. E. Henshaw—It is a lack of faith that you are trying to beat up.

The Hon. REG MACEY—It goes beyond the period of the former Minister for Local Government. Mr Henshaw invited me to comment and I shall do so. Prior to the 1982 election the then shadow Treasurer gave the South Melbourne City Council an assurance, which he signed, stating that a Labor Government would not take any action in relation to the Melbourne and Metropolitan Board of Works that would be to the detriment of Board of Works' ratepayers. The then South Melbourne City Council was satisfied with that assurance and did not publicize its concern about what a future Labor Government may do with the reserves of the Board of Works. Everyone knows that an amount approaching $200 million has been filched from the Board of Works' ratepayers—taken by the Labor Government and used for purposes other than the benefit of Board of Works' ratepayers. Does Mr Henshaw want more examples?

The Hon. D. E. Henshaw—I want to hear about what is relevant.

The Hon. REG MACEY—Mr Henshaw will have an opportunity later of stating whether he supports forced amalgamation of councils, because that issue is of particular concern and the Local Government (General Amendment) Bill deals directly with amalgamations in several of its clauses, no matter what Mr Henshaw says, and I shall deal with those later.

The Hon. A. J. Hunt—He did not answer the question, did he?

The Hon. REG MACEY—I had noticed that Mr Henshaw did not answer the question and I hope he will do so before the conclusion of this debate. The Bill is significant. It contains 53 clauses and makes major changes to the role of local government. The Opposition concedes that most of the clauses are not controversial and will be supported.

Given the situation now confronting local government, it will be of interest to honourable members to consider the history of local government in Victoria. What is forgotten by many, if in fact it was ever known, is that local government in Victoria predates the State of Victoria. Unlike New South Wales, where the City of Sydney was created in 1842, many years after the foundation of Sydney in 1788, it was only eight years after the foundation of the City of Melbourne that the Melbourne Town Council was formed and seven years prior to the creation of the State of Victoria.

There is an historic reason for the difficulties the Government now faces in attempting to impose forced amalgamation of local councils upon the citizens of the State. I refer honourable members to a well recognized publication, *The Civic Frontier,* on the origin of local communities and local government in Victoria by the State Historian, Dr Bernard Barrett, published by Melbourne University Press in 1979. At page 40 the publication points out that Melbourne was pleased to be granted local government in 1842, unlike Sydney, where residents were not happy to have the responsibility of raising revenue for their local improvements. The book states:

> Melbourne, however, was more tolerant, since incorporation would be a step towards greater independence for Port Phillip.

It was then, of course, known as the Port Phillip District. Historically, local government was the first representative government in Victoria, and it is surprising that residents and ratepayers are now defending their right to the local government of their choice and a structure that they wish rather than one that is imposed on them.

The Government asserts that the Bill has three main purposes. Firstly, it will give municipal councils greater discretion in the carrying out of functions, which will bring it closer to the concept of powers of general competency, subject, however, to the Minister and Treasurer, which the Opposition supports. Secondly, the Government asserts that the Bill will increase the accountability of municipal councils. Thirdly, it will generally increase the efficient operation of local government, to which I shall refer in detail later.

One should ask on the matter of increasing the accountability of municipal councils: accountability to whom? By providing an approach to a general competency provision—not totally, because it requires the approval of the Minister and the Treasurer—one could argue that the accountability falls upon the Government, not councils. Indeed, the Opposition is concerned not so much that it is part of the Bill and will become law, but about whether this provision will be misunderstood by residents of municipalities where councils seek to take advantage of this power—and the Opposition agrees they should be encouraged to do so where it is appropriate.

However, the concern of the Opposition is that, because councils will naturally publicize the fact that the proposal has the approval of the Minister and the Treasurer, an imprimatur will thus be given to a proposal which may, in the absence of any contrary statement from the Government and effective publicity, be misunderstood by residents and ratepayers, who may believe the Government is underwriting the proposal.

There is no indication in the Bill that the Government intends to do that and I assume that it does not, but the residents and ratepayers must be fully informed about the consequences of councils proceeding with activities in which they have not been previously able to involve themselves. It must be made clear by the Government that the approval of the Minister and the Treasurer is not an agreement to underwrite a proposal or a guarantee that a proposal will be viable.

The Opposition understands that the Government will examine the proposal and will make an honest judgment about its viability. The residents and ratepayers must be told how far the agreement goes. If the buck stops with the ratepayers and residents, they must be told that at the beginning and not later if the project falls into financial disarray.

It has been asserted that the Bill will increase the accountability of municipal councils, but it does not amend the Local Government Act or provide a requirement that councils should bring their wards into balance. Many councils in Victoria—and some have been alluded to in a report by the Local Government Commission—have wards that are very much out of balance. How can one speak about providing greater accountability for local government, if the opportunity for local government to be involved in major financial ventures of an entrepreneurial nature is provided when councils are not structured in a democratic way if wards are to remain out of balance? How accountable will they be to ratepayers and residents?

I can speak with some feeling about Monash Province, which includes seven local councils, but I shall refer to only two of them as a contrast. It does not necessarily follow that unbalanced wards lead to unsatisfactory results. Port Melbourne City Council has a number of wards out of balance. However, for many years no elections have occurred in any ward and no ripples have appeared on the municipal scene. If the community is satisfied with the council, it would have no effect if those wards were revised tomorrow so that they were within the recommended variation of no more than 5 per cent either side of the average numbers of voters in each ward.

However, in the future an issue could emerge in Port Melbourne that might prevent a democratic expression of the residents and ratepayers because of the actions of the council of the day.

I am familiar with the imbalance in the wards of the South Melbourne City Council because two wards are substantially deficient in voting strength. The variation has undoubtedly led to the South Melbourne council slipping from the leadership role which it held in the mid-1970s. Its leadership role was of such significance that the council was mentioned in school text books as an example of a progressive and responsible council. One could argue about that now. The major reason is because the imbalance of the wards has meant the council is no longer representative of the total community.

The problem arises not because councillors of those wards are out of step in that they have far fewer voters than average, because those councillors generally represent their wards effectively, and have been re-elected. However, because of the imbalance in the wards the attitudes reflected by those councillors are often not representative of the mainstream of thinking in the whole community. That prevents the council from being fully accountable if it is to take advantage of the powers that the Bill will enable it to use.

It has been asserted by the Government that if councils are to act effectively, their powers must be strengthened and the Opposition agrees with that view, with some reservations. The Opposition forwarded copies of the Bill to all municipalities in Victoria. It concedes the Government's claim that, overall, councils have indicated their general support for the provisions contained in the measure. When they have not done so, the Opposition has considered moving amendments to provisions of the Bill and in some cases it will do so. That will not be done in every case where concern was expressed because the Opposition believed some concerns did not have general application or it did not agree with the thrust of those concerns.

I shall now turn to the provisions of the Bill and speak about them in further detail, but I shall save the finer detail for the Committee stage. Clause 4 enables a municipal enterprise to proceed, subject to the approval of the Minister for Local Government and the Treasurer. The Opposition has indicated its concern about the perception of residents and ratepayers who will pick up the tab if the project becomes a financial disaster. The Opposition will seek an assurance from the Minister on how the community will be educated about that matter.

A number of councils have sought authority to undertake municipal enterprises and the Opposition will co-operate with the Government in facilitating the opportunity that the Bill will provide.

Clause 5 is designed to provide municipal councils with what is referred to as clear powers in the health and welfare and other human services area. I have already mentioned the concern of the Opposition about the financial responsibility for these services. The Opposition believes the property tax as presently constituted under the net annual value and site value system is not based on the ability to pay. It is not based on wealth. It cannot be used fairly and equitably as a substitute for a wealth tax, and that is a significant concern of the Opposition.

The Opposition accepts that the Local Government Act has limited powers for councils to maintain health and welfare activities and that the Bill extends those powers. The

Opposition is concerned about welfare services being funded by property taxes because there are many pensioner property owners in Port Melbourne and South Melbourne and a significant number in St Kilda. Registration as a property owner is not necessarily an accurate reflection of the ability of property owners to fund welfare services in their own areas. It is incongruous if those who need the welfare are required to fund it and that is the danger that will arise if councils have to rely on property taxes to fund that welfare.

Clause 5 brings together the limited powers under the present Local Government Act into a new part and permits councils to become involved in a wide range of services, if they so desire. Mr Henshaw has asserted that that is all there is to it; the Opposition hopes that is the situation.

If councils do not wish to directly undertake a service, clause 6 of the Bill provides new powers to enable them to delegate any of their functions under the recreation provisions and the new health, welfare and human services provisions. The Opposition is concerned that in some areas where councils are controlled by a particular political party, namely, the Australian Labor Party, powers may be delegated to special interest groups whose most significant characteristic is their preponderance of members of the ALP.

Clause 7 inserts in the principal Act a new section 241B to enable councils to enter into agreements with bodies corporate for the carrying out of any function under specified parts of the Act. The Opposition notes that a number of amendments were made to this clause in another place.

Clause 8, which is strongly supported by the Opposition, enables a municipal council to purchase goods and materials or machinery and equipment on behalf of other municipalities. It introduces the concept of a centralized purchasing scheme, and provides for economies of scale. The Opposition welcomes this common-sense provision and looks forward to its speedy implementation.

The Opposition strongly objects to clause 9, which reduces the period during which valuations can be maintained in force in a municipality from four years to three years in respect of properties within the Melbourne and Metropolitan Board of Works area and from six years to four years in respect of valuations in all other municipalities. The Opposition is not prepared to accept that clause because the existing legislation allows councils to do exactly that. It is not mandatory for them to carry out valuations over a shorter period, but it is mandatory that valuations be performed at intervals of no more than four years in Melbourne and Metropolitan Board of Works areas and six years elsewhere. Councils that detect an imbalance occurring in valuations already have power to act.

The Government has not put forward acceptable arguments as to why the provision should be amended. The Opposition has received a substantial number of representations from councils pointing out quite persuasively the additional cost that will accrue to councils as a result of the requirement of more frequent valuations, without any evidence of benefit to the ratepayers of those municipalities. The Opposition looks to the Government to justify this amendment, if it can. If the Government has examples of imbalances having led to injustice and can document them, the Opposition will listen to and consider those case studies. However, the Opposition sees no reason to support clause 9, as drafted, and will oppose it.

Clause 10 provides a two-tier system for the hearing of disciplinary matters by municipal boards, and the Opposition will indicate a number of reservations about this area, although it supports the over-all thrust. The Liberal Party believes legal representation, before boards as important as the bodies that are being established, is a right, not a privilege, particularly when one considers the effect that an adverse decision may have upon the livelihoods of those who will be required to present themselves for investigation by those boards. The Opposition will raise a number of other matters on the clause in the Committee stage.

Part 3 of the Bill makes a number of machinery amendments which the Government asserts are designed to increase the efficient operation of councils and to clarify the intent of several provisions. Clause 11 substantially provides for the making of transitional arrangements under orders pursuant to Part II of the Act. One provision permits the establishment of interim councils until the first election of new councils and allows the expedition of amalgamation proposals that the Government may seek to impose upon municipalities. The Opposition will oppose this clause. It is not prepared to do anything to facilitate forced amalgamations, especially given the undertaking that was provided by the former Minister for Local Government that forced amalgamations would not occur. The Opposition will do everything within its power to ensure that forced amalgamations do not occur.

The Hon. D. E. Henshaw—You want to stop all amalgamations, at that rate.

The Hon. REG MACEY—The clause provides not only for speeding up the process of amalgamation but also, as a result of an amendment, for councillors from amalgamated councils to be appointed to a new council that the Government may seek to introduce. The Opposition is not prepared to support any aspect of that clause and I will speak later in more detail about the reasons, but I am sure the thrust of the Opposition's feeling is clear.

Clause 12 increases the amount of a councillor's allowance from $1500 to $2000, and enables an increased amount to be fixed from time to time by the Governor in Council. The second-reading notes do not point out that it provides for a significant power to be conferred on the Minister—a discretion not only to provide in excess of $2000, but also to vary the amount between councils and categories of councils. The Opposition sees this as yet another aspect of the Bill which relates to amalgamations.

It will enable a carrot to be held out to councils where amalgamations have been proposed if the Minister can argue—as he will be able to do quite properly—that councillors in bigger municipalities will have a much heavier workload. The Opposition envisages him arguing that they should be recompensed accordingly—a case of jobs for the boys and the girls. The Opposition will not fall for that. It will oppose the clause and will move an amendment to provide for a fixed amount of $2000. It is the business of Parliament to determine any changes in that amount. It was originally intended to provide for out-of-pocket expenses of councillors, and the Opposition believes its members are close enough to councillors in their own municipalities to be able to reach a satisfactory judgment on those requirements. Parliament is the place to make any such change.

Clause 13 permits a municipal council to provide insurance cover for the spouse of the chairman of the municipality, and the Opposition is pleased to see that the amendment in the other place extended the clause to cover spouses of other councillors.

Although clause 14 is not mentioned in the Minister's second-reading speech, it refers to the day on which the chairman is to be elected. The Opposition will ask the Minister to explain the reasons for specifying the day and will point out that if, in fact, the Government finds it necessary for the election to be dealt with on a particular day, the clause will not guarantee that that will happen, because the meeting could be adjourned to a later date and the chairman appointed then.

I direct the attention of the Government to the fact that that is so. Maybe an explanation from the Minister on why the particular date has been fixed will enable honourable members to make a judgment on the matter. Other provisions relate to the notice of council meetings. The Opposition expresses concern about those matters. Clause 17 excludes public sector employees from pecuniary interest legislation in so far as it applies to their employment.

The second-reading speech did not deal thoroughly enough with some significant aspects of the Bill which were considered by the Government to be relatively minor. The

Opposition does not consider they are so minor as to be ignored in the second-reading speech. The Opposition expresses concern about the matter.

As the Leader of the Government has pointed out by interjection, honourable members will deal with the clauses in detail later, but it is appropriate that I should flag, for the benefit of the Government, some areas of concern, opposition and proposed amendments. The Opposition has provided the Government with proposed amendments to various clauses.

The Opposition will seek to amend three clauses. It opposes clause 25 which covers the introduction of provisions to enable councils to apply deficit budgeting. It is not appropriate for councils to budget for a deficit, particularly as the procedure may be used with the concurrence of the Treasurer if the deficit is between 1 per cent and 5 per cent; deficit budgeting requires the approval of the Governor in Council if the deficit is to be in excess of 5 per cent. The Opposition considers it is not appropriate for an incoming council to have to inherit the budget deficiencies of an outgoing council. This is not a move to increase the accountability of councils; rather it is a move to reduce the accountability of particular councils that are budgeting for a deficit. The Opposition will oppose that clause.

Other provisions of the Bill relate to council finances and methods of keeping accounts and records that are generally acceptable and certainly not controversial.

Clause 31 is a matter on which the Opposition will query the Government. Why will the Treasurer not require a council to make public the maximum interest rate that will be paid on a loan negotiated by the council? The Opposition is intrigued to ascertain why the Government considers the provision is necessary, and it seeks an explanation on that point.

The Opposition will also raise questions about clause 38 relating to the holding of street parties and the reason for that provision.

Clause 36 relates to councils being enabled to sell quarry products. The Opposition is concerned about the definition of "surplus to council requirements" and the meaning of "excessive cost" in that clause by which councils will be enabled to sell quarry products to residents in their municipalities if those residents are unable to obtain those quarried products except at an excessive cost. That is rather vague and the Opposition seeks guidance from the Government on its intention in the definition of what is "surplus to council requirements" and "excessive cost".

It is claimed by the Government that the proposals in the Bill will provide councils with more flexibility and efficiency. However, it remains to be seen whether, by providing this additional flexibility, together with other amendments to the principal Act, residents and ratepayers of municipalities will benefit from the proposed legislation. Ultimately, the actions of the Government will be the major determinant of the extent or otherwise of the benefits that will accrue.

The Hon. K. I. M. WRIGHT (North Western Province)—The Bill contains 53 clauses amending the Local Government Act. Bills seeking to amend that Act appear before the House from time to time. In her second-reading speech the Minister stated that the purpose of the Bill was to provide, firstly, councils with greater discretion in the carrying out of functions and, secondly, an increase in accountability. Like other honourable members I found that statement a contradiction in terms because, on the one hand, the Government calls for greater economy in councils and, on the other hand, it takes away that accountability.

Clause 11 is vital. It refers to interim arrangements that are made for a restructure of councils while elections are taking place between outgoing councils and new councils.

The Minister for Local Government, Mr Simmonds, has been energetic in moving around the countryside. I give him credit for the way in which he has done so. I have met him at Maryborough, Ouyen and other places. He refers to the trifecta—he must have

obtained that term from the Minister for Sport and Recreation—of restructure, triennal elections and proportional representation.

The National Party cannot support clause 11 while the Government's proposed restructure of local government is being implemented by compulsion. I admit that the Government has amended that clause extensively and almost to the point that the National Party would like it to be worded. Mr Macey mentioned the fact that he represented seven councils in Monash Province. He should spare a thought for the North Western Province which has 27 councils and for my colleagues, Mr Hallam and Mr Chamberlain, who represent 30 municipalities in Western Province.

The Hon. Robert Lawson—Do they attend 30 municipal balls?

The Hon. K. I. M. WRIGHT—They receive 30 invitations. It is proposed by the Minister that there should be a huge reduction in the number of municipalities so that there are 60 fewer in the first year and 120 fewer in the next year. That sort of proposition has not engendered confidence within municipalities. It is claimed to be part of the Government's philosophy and social justice policy.

I happen to have a copy of the Government's social justice policy with me. I see little reference to local government, and what is there is fairly general. The Government's philosophy is that if the number of councils can be reduced so that there are larger councils, those larger bodies can be better manipulated towards the point of view of a Government because, with triennial elections and proportional representation, councils are likely to operate with more party policy and party endorsement of candidates.

The National Party strongly opposes that clause. It strongly opposes enforced local government restructuring. National Party policy is to support inquiries into areas requiring special investigation but it strongly opposes restructuring, amalgamation, realignment and so forth, especially where there is no opportunity for councils or people expressing a point of view. Before restructuring takes place all councils should be in favour of the proposals and the changes should be approved by a referendum of ratepayers. The approval should be indicated by a simple majority in each area where a vote is actually taken; that is an important point.

The Minister must accept the result. Unfortunately, the current Minister for Local Government has said that he may not accept the result of a poll. This has been made abundantly clear and has been printed in the media. The municipalities are extremely concerned about the matter. In that way the Minister has treated the councils with contempt. I am sure he has misjudged the depth of strong feelings by municipalities about the boundaries and the Labor Party could easily lose office on this issue.

The Minister actively retired from the field fairly early and, in a key move, Mr Stuart Morris was appointed Chairman of the Local Government Commission. I do not doubt his knowledge, ability or character. As I have pointed out earlier, he grew up in the Sunraysia district. However, his appointment was blatantly political whereas the Chairman of the Local Government Commission should be unbiased and independent. Instead, the appointee is an ardent advocate of council amalgamation, a former Australian Labor Party candidate for Monbulk and a current member of the Australian Labor Party. I liken it to Dracula being placed in charge of the blood bank!

The plans for the Bendigo area were released recently.

The Hon. J. E. Kirner—Who are you supporting?

The Hon. K. I. M. WRIGHT—There is only one council that is fully in favour of amalgamation in Bendigo and that is the Bendigo City Council. Despite requests for the honourable member for Bendigo West, Mr Kennedy, in another place, to declare his position, he has not done so and he continues to sit on the fence. He could pay the penalty for the Government's policy in this area. The National Party rejects the fact that

restructuring is necessary or inevitable. The National Party rejects the assumption that restructure is justified on the simple formula of population and revenue.

The Hon. D. E. Henshaw—Where is this in the Bill?

The Hon. K. I. M. WRIGHT—I am dealing with clause 11. There is no demand for restructure; the opposite is the case. The Shire of Pyalong, which is located in the areas represented by Mr Grimwade and Mr Granter, has a population of 650 people and is about as small a municipality as one can get. The residents are happy with the services provided and with the representation they receive, just as municipalities of 50 000 residents are happy with their services.

I reject the assumption that only restructured councils can achieve economies of scale. All the claims of the proponents of amalgamation have yet to be proved. Big is not necessarily better. On my study tour of the United Kingdom in 1979 I discovered that people were complaining bitterly about the amalgamations that had taken place in that country. They were upset about the loss of the names of their municipalities which had endured for perhaps 500 or 600 years.

The additional workload placed upon councillors must also be considered. Councillors already have a large workload and I pay tribute to them for the amount of voluntary work they undertake. Larger municipalities will mean increased travelling times, more onerous responsibilities and more difficulties in obtaining suitable people to stand as councillors.

In the United Kingdom amalgamation resulted in costly buildings, the employment of more staff, loss of identities of municipalities and the adoption of different names for the municipalities. I notice that in the Ballarat restructure one of the proposed municipalities is to be named "Central". Can honourable members imagine living in a municipality with that name? What excitement that would be! I consider that enforced amalgamations are obnoxious, unnecessary and unjustified.

Clause 8 deals with centralized purchasing schemes. I have some doubts about this because many of the local businessmen are also ratepayers and when one embarks upon schemes such as this one is often cutting off the feet of the people who support the municipalities.

Clause 9, which deals with the time for making valuations, is opposed by the National Party. It is a method of compulsion and some councils would prefer to remain with the current six years. In any event, the legislation makes provision for valuations to be made in a lesser period.

Clause 11 refers to transitional arrangements, about which I have already commented. Clause 12 increases councillors' allowances from $1500 to $2000. The clause also provides that amounts in excess of $2000 may be fixed by Order in Council in respect of a council or a category of councils. One could have a situation where councillors are paid $15 000 or $20 000 a year, as happens, as I understand, in the Brisbane City Council. An important factor in local government is its amateur status. I was a councillor for twelve years and councillors took great satisfaction in performing the job without any payment.

Clause 13 deals with accident insurance and includes the spouse of a councillor which is a good move. Clause 15 deals with long service leave. Although the National Party is happy about the clause, it does not see the need for the approval of the municipal auditor.

Clause 17 amends section 181 of the principal Act and the National Party will propose amendments during the Committee stage to overcome problems in this clause. The Shire of Leigh has written to the National Party in response to a draft Bill, which I did not have the opportunity of examining. On page 13, clause 15 (*e*) of the draft Bill stated:

> The Municipal Clerk, if requested by a Councillor or nominated officer, shall disclose to the Councillor or nominated officer the name of any person who has applied to the Municipal Clerk to inspect the register of interests of that Councillor or nominated officer.

Apparently this has not been included in the Bill. If persons wish to examine the registers for details of certain councillors they usually have some ulterior motive and it is fair enough that the councillors should know the identities of the inquirers. I realize there are two sides to the matter in that some people consider inquirers might be inhibited in applying to examine the registers if they know their names will be revealed to the persons about whom they are inquiring.

I resisted the temptation to propose an amendment to the clause. I request the Minister to take the suggestion on board and re-examine the matter on the next occasion when the Local Government Act is being amended. Clause 25, which deals with deficit budgeting, is opposed by the National Party.

Clause 53 proposes the repeal of the War Expenditure and Overdrafts Act 1914. I must commend the studious Minister or officer who detected that that piece of legislation was still in existence. I suppose that was a war-time measure implemented in 1914 and it has been continued.

I shall conclude my remarks on that note and point out that I have spoken for less than a quarter of an hour. Generally, the National Party supports the Bill but does not support the Government's philosophy behind it. It will support the majority of clauses but has several amendments it wishes to move.

I thank members of the Opposition and the Minister for the co-operative way in which they have joined with the National Party in an endeavour to bring in a Bill that is, in the main, satisfactory.

The Hon. D. E. HENSHAW (Geelong Province)—The distorted views about several clauses of the Bill tend to be based on the diatribe the House has heard against the Government's intention to restructure local government. It is unfortunate that the opposition parties have taken a leaf from the book of such a body as the Goulburn councils' group. If it can be said that those councils represent their ratepayers, they are representing only 11 per cent of the ratepayers of Victoria. That may sound a high percentage to members of the National Party but it behoves members of the Liberal Party to be careful about whom they represent and whether they are representing the best interests of the people.

The sort of distortion of the facts that has been carried out tonight is an attempt to use the Bill as a vehicle to attack the proposal for the restructure of local government. The only clause that in any way relates to that restructure is clause 11, which will be implemented only after the decision to restructure is taken. It will not affect the restructure process until then.

Members of the Opposition should have looked for a Bill about restructure and the mechanism for it on which to base those sorts of arguments. They would have done better to have taken a more reasoned approach to the Bill.

The Hon. K. I. M. Wright—We are very reasonable.

The Hon. D. E. HENSHAW—Mr Wright was more reasonable than his associates in another place.

This Bill is the third that the Cain Government has introduced that seeks to amend the Local Government Act. All of them have generally followed the pattern of freeing up councils, having fewer restrictions on their operations and giving them more responsibility in their own affairs. The Bill was tabled during the last sessional period in another place and was then released for public comment. Subsequent to a good deal of comment, the Government introduced a number of amendments in another place.

I shall briefly comment on the more important clauses, the first of which is clause 4. This clause seeks to facilitate municipal enterprises. It is true that one of the major objectives of the Government is to encourage municipal councils to take more interest in entrepreneurial activities in the general community. That is to be encouraged. To suggest

that there is any undue restriction in asking the Minister and the Treasurer to review such proposals is in error.

The Treasurer is already exercising considerable surveillance of loan programs at the local government level and it is necessary for him to do so. Mr Macey's suggestion that councils and ratepayers will perceive some sort of imprimatur arising from that surveillance takes no account of the sort of surveillance that is already occurring. His argument was specious.

Clause 5 seeks to clarify the ability of councils to enter into arrangements in the health and welfare areas. Part of the reason for the clause arose from the baby bassinet scheme which the Government sought to implement between the Ministry of Transport and councils and arose from certain legal aspects.

In response to Mr Macey's comments about the wording of proposed new section 807 (3) as contained in clause 5 that "a council may exercise its powers under this section", any sort of extension into the health and welfare areas such as he envisaged would have to be done on a co-operative basis between the State Government and local government. That is emphasized by the words "may exercise its powers". There can be no suggestion that the Government will be a Big Brother and force councils to take on expenditures in the health and welfare areas without adequate consideration of financial provisions.

Mr Macey referred to statements that I made at a public meeting held in Geelong. He inadvertently tried to misquote me. I spent some time at that public meeting outlining Australian Labor Party policy on the percentage of State revenue payable to local councils. I have also commented on that issue in this House and Mr Macey was present, I think. I was emphatic at that meeting that the Government was sensitive to increased charges by councils.

Clause 9 deals with the time for making valuations. A number of examples have been given of inequities arising from the comparative infrequency of valuations of properties. In country areas the valuations are done on a six-year cycle. At present, although the average rate is implemented yearly, based on a six-year cycle, inequities are likely to arise because one particular area of the municipality has increased in value more than another and those ratepayers are suddenly faced with an increase in rates. Anything that can be done to lessen the sudden increase in charges made to ratepayers is to be applauded. An increase in the frequency of valuations will help to overcome that problem.

The Government has made inquiries about the extra costs involved and, through its inquiries, has been assured that minimum costs will be involved. This applies not only to rating property valuations but also to valuations for other purposes. For example, in assessing land tax a long cyclic period for readjustment of values can cause inequities.

Another example I direct to the attention of Mr Macey is obvious in the Geelong area. The Geelong and District Water Board rates are determined according to the valuations. The nine or so councils in that area make their valuations at different times within the six-year cycle. A group of ratepayers in one municipality may suddenly face a large increase in their rates but the increased rates might not be charged throughout the whole area. There is an advantage in finding some way of indexing seasonal valuations, and reducing the cyclic period is one way of moving towards that end.

It would be unwise to delete the provision for increasing the frequency of valuations. Although the principal Act at present allows councils to shorten the period at their own discretion, that does not happen. If the provision is embodied in legislation, it will lead to advantages.

There has been considerable discussion about clause 10, which relates to inquiries made by municipal boards. The object of the Government in this clause is to provide a facility for municipal boards that have no automatic legal representation. It is clear that if legal

representation is used in every case that comes before a municipal board, the process will become complex and long, and perhaps no fairer.

The object of the Government is to establish a two-tier system where minor indiscretions are brought before a municipal board and considered in an informal and sensitive atmosphere while serious charges are referred to a second tier where legal representation is a requirement. There is a good deal of acceptance of that provision and, if the Opposition seeks to modify it, I hope it will not dispense with the two-tier system.

I shall now refer to interim and transitional arrangements. They are inserted to facilitate a situation where there is a change to the external boundaries of a municipality. I shall refer to a hypothetical case of an amalgamation between two municipalities. One municipality may base its rates on a capital value base and the other on a site rate base. Clause 11 caters for that during a transition. Other arrangements can be made under that clause to ensure that ratepayers are not hit by massive increases in rates.

The clause is designed to make any restructure or amalgamation of two or more councils or the establishment of a new municipal area fairer and more acceptable to the ratepayers so that there is equity and they are not severely disadvantaged. If the Opposition wants to omit that clause, it will be the Liberal Party that the fingers of ratepayers will point to when they must pay, in some cases, steeply increased rate charges. The Opposition has not given enough consideration to this matter when it decided its hysterical opposition to amalgamation at all costs. If the clause is omitted, ratepayers will be faced with inequities. The Opposition is grossly misguided in its ambitions.

Clause 12 refers to councillors' allowances. The object of the clause is to allow indexation of allowances without having to refer them every year to Parliament. Members of the Opposition may claim that the Minister currently has the power to set councillors' allowances at any figure he likes. In theory, that is true. However, if that is the argument put forward by the Opposition, I should like to see it come forward with an amendment specifying that an allowance of $2000 will be automatically increased by indexation according to a proven formula, rather than simply omitting the clause and substituting a fixed amount of $2000. That would be a more responsible attitude for the Opposition to adopt with respect to that clause.

Mr Wright alluded to clause 15 and long service leave funds. The object of the clause is to do away with unnecessary supervision by the Minister for Local Government regarding the allocation of excess funds from long service leave funds into a general municipal fund. The Government is keen to give councils more independence and authority. The Opposition apparently believes councils should have a degree of supervision. The Opposition has suggested that the municipal auditor should supervise the matter.

Practices regarding long service leave funds are clearly spelt out in the relevant regulations. There is no room for manoeuvre by a town clerk in deciding how much he will allocate to the municipal fund. Any responsible town clerk would follow the regulations and would not behave in a manner that is *ultra vires*. Town clerks should be trusted to do that and I see no reason for supervision of town clerks in that respect.

Clause 19 is widely appreciated. It clarifies the ability of councils to set by-laws on the use and construction of incinerators. That is a worth-while provision.

I am disappointed that the Opposition intends to omit some clauses from the Bill. It has not considered the clauses thoroughly enough. The Opposition has taken an hysterical position in believing that anything the Minister for Local Government suggests should be stopped. That is not logical. Mr Macey suggested that the Minister was going to force amalgamations. However, there are no examples of that. There is no suggestion that the Minister would do anything other than take a fair course of action in the restructuring of local government. It would be politically unwise if the Minister did anything other than take a fair course of action in this matter.

The Hon. Robert Lawson—Why go to all this bother?

The Hon. D. E. HENSHAW—Because there will be significant restructure. There are increasing signs that restructure is receiving positive support from the community. The proposal is receiving support from traditional areas of support of the Liberal Party, such as various chambers of commerce.

One company in the Geelong area of which I am aware is sited on the boundary of four municipalities and, therefore, must deal with four municipalities. There are many examples where industry and commerce must deal with more councils in day-to-day operations than is sensible and justifiable.

In the Geelong area, the Master Builders Association must deal with a multiplicity of councils. There is no general uniformity in the approach as would be generated from one municipality. The association sees disadvantages and costs in dealing with the different requirements of different councils. The association is opposed to leaving councils as they are, which appears to be the object of the Opposition. The association seeks some degree of restructure. Many organizations and an increasing number of municipalities favour a degree of restructure. There will be a significant degree of restructure and I look forward to that.

The Hon. A. J. Hunt—Not forced restructure!

The Hon. D. E. HENSHAW—The definition of "forced restructure" or "amalgamation" depends on one's view of the voting process that will be debated tomorrow. One must be careful how one defines "forced". A better term is "fair restructure".

The Hon. A. J. Hunt—I gathered from your early interjections that you do not favour forced restructure.

The Hon. D. E. HENSHAW—I certainly do not. If there were major opposition to restructure, the Government would be out of office. The restructure must be effective and be of benefit to the Victorian community at large.

The Hon. Robert Lawson—Does Ms Creati agree?

The Hon. D. E. HENSHAW—I do not know the opinion of the person to whom Mr Lawson referred.

The Hon. Robert Lawson—I thought you worked for her?

The Hon. D. E. HENSHAW—Not in that regard. The Bill is a step in freeing up local government and I emphasize the importance of passing the Bill. A process of formalization and rewriting of the Local Government Act is taking place and the Government hopes to table proposed legislation in the next sessional period of Parliament which will be a further step in assisting local government.

The motion was agreed to.

The Bill was read a second time and committed.

Clause 1 was agreed to.

Clause 2

The Hon. C. J. HOGG (Minister for Community Services)—I thank honourable members who contributed to the debate for the substantial co-operation that the Government has enjoyed today and over the past ten to fourteen days in working through a series of difficulties that opposition parties had with provisions in the Bill. I am delighted that no honourable member indicated any disagreement about enhancing the powers of local government.

I assure honourable members that there is no intention of imposing upon local government a role in human services. In so far as I have come into contact with local government, it is my belief it chooses to embrace that role and I have found myself

constantly answering questions about how local government can extend its role into human services and the welfare area.

It is obvious that local government wants equitable funding arrangements when it takes upon itself community or human services and it is not the Government's intention to do other than to facilitate those arrangements.

I acknowledge the contribution made by Mr Henshaw, who addressed a number of concerns raised by honourable members. I understand that further Opposition concerns will be addressed briefly during the Committee stage.

The clause was agreed to, as was clause 3.

Clause 4

The Hon. K. I. M. WRIGHT (North Western Province)—I move:

1. Clause 4, lines 16 and 17, omit "with the approval of the Minister and the Treasurer".

During the second-reading debate I indicated to the House that, in many instances, the Bill, rather than giving local government more autonomy, was taking its rights away. That is the reason for the National Party's amendment. If the National Party fails with amendment No. 1 it will not proceed with amendments Nos 2 to 7.

The Hon. REG MACEY (Monash Province)—The Opposition opposes the amendment. It accepts that the Bill is of an experimental nature and it is appropriate that it be monitored during its initial stages. The Liberal Party has expressed concern about how the Government will publicize approval of the projects in which councils are involved, but it believes surveillance is necessary in the initial stages.

The Hon. C. J. HOGG (Minister for Community Services)—I thank Mr Macey for his remarks and support in opposing the amendment.

The amendment was negatived, and the clause was agreed to, as were clauses 5 to 7.

Clause 8

The Hon. K. I. M. WRIGHT (North Western Province)—I move:

Clause 8, lines 19 to 21, omit all words and expressions on these lines.

Proposed section 505B (4) states:

The Governor in Council may make regulations under this section prescribing the terms and conditions of agreements under sub-section (2).

The National Party believes local government should have the prerogative to make these arrangements and not the Governor in Council. I commend the amendment to the Committee.

The Hon. C. J. HOGG (Minister for Community Services)—The amendment refers to the regulation-making powers in the Bill. After considerable discussion on this matter the Government has decided to accept the amendment.

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

Clause 9

The Hon. REG MACEY (Monash Province)—The Opposition opposes clause 9 and has stated its reason for opposition during the second-reading debate.

The Hon. K. I. M. WRIGHT (North Western Province)—The National Party opposes the clause.

The clause was negatived.

Clause 10

The Hon. K. I. M. WRIGHT (North Western Province)—I move:

9. Clause 10, lines 37 and 38, omit "or on the complaint of any person".

The National Party believes no single person should have that power.

The Hon. C. J. HOGG (Minister for Community Services)—That is acceptable to the Government.

The amendment was agreed to.

The Hon. K. I. M. WRIGHT (North Western Province)—I move:

10. Clause 10, page 10, after line 2 insert—

"(11) Before an inquiry under this section, the certificate holder may request the municipal board to take action under section 173A and on that request the municipal board is precluded from proceeding with the inquiry under this section."

The amendment merely gives the certificate holder the opportunity, before the inquiry under the other provision commences, of electing to have the inquiry under proposed section 173A, which automatically means that he is able to have the assistance of legal counsel.

I commend the amendment to the Committee. I thank the Government, the Minister and the Opposition for their assistance in reaching agreement on the wording of the amendment I have moved.

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

Clause 11

The Hon. REG MACEY (Monash Province)—The Opposition will oppose this clause on the grounds that were outlined during the second-reading debate. The Opposition has made its position clear.

The Hon. C. J. HOGG (Minister for Community Services)—The Government believes clause 11 is merely to empower the making of transitional arrangements relating to Orders in Council under Part II of the Act. The important point is that any new municipality is not impeded in its initial development because of a lack of a legislative basis. It ensures that it operates during the transitional period and that it operates efficiently and effectively.

The purpose of the provision relating to interim councils is clear: to provide continuity until the first election can be held. No such council would be established without proper consultation with the municipalities affected and the membership would always comprise councillors from the affected municipalities.

The Government believes this is a sensible clause and is not persuaded by the arguments put by the Opposition during the second-reading debate.

The Hon. K. I. M. WRIGHT (North Western Province)—The National Party has reached the decision to vote against the clause, not because of the wording that has been arrived at but because it is unhappy about the proposal of compulsory amalgamations. Therefore, the National Party will oppose the clause.

The Committee divided on the clause (the Hon. G. A. Sgro in the chair).

Ayes	20
Noes	22
Majority against the clause	2

AYES	NOES
Mr Arnold	Mr Baxter
Mr Crawford	Mr Birrell

AYES	NOES
Mrs Dixon	Mr Chamberlain
Mr Henshaw	Mr Connard
Mrs Hogg	Mr de Fegely
Mr Kennan	Mr Dunn
Mr Kennedy	Mr Evans
Mrs Kirner	Mr Granter
Mr Landeryou	Mr Grimwade
Mrs Lyster	Mr Guest
Mr McArthur	Mr Hallam
Mrs McLean	Mr Hunt
Mr Mier	Mr Knowles
Mr Murphy	Mr Long
Mr Sandon	Mr Macey
Mr Van Buren	Mr Miles
Mr Walker	Mr Reid
Mr White	Mr Storey
Tellers	Mrs Varty
Mrs Coxsedge	Mr Ward
Mr Pullen	*Tellers*
	Mr Lawson
	Mr Wright

Clause 12 was negatived.

Clauses 13 and 14 were agreed to.

Clause 15

The Hon. REG MACEY (Monash Province)—I move:

2. Clause 15, line 36, after "liabilities" insert "and which is approved by the municipal auditor".

The concern of the Opposition is that this amendment is necessary to protect the town clerk from undue pressure from councillors.

The Hon. D. E. HENSHAW (Geelong Province)—I reiterate what I said during the second-reading debate, that the way in which funds can be disbursed is clearly set out. It is ridiculous for the Opposition to suggest that the town clerk should be monitored or put under surveillance in this fashion.

This is a further indication that the Opposition is not prepared to consider giving councils more independence and more authority.

The Hon. K. I. M. WRIGHT (North Western Province)—The National Party opposes the amendment. We cannot see any logical reason for it.

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

New clause

The Hon. A. J. HUNT (South Eastern Province)—I move:

Insert the following new clause to follow the Part heading preceding clause 11:

Polls

"AA. In section 240 (1) of the Principal Act, after the word "poll", insert:

"and, where a poll has been held, must not make a recommendation to the Governor in Council to give effect to a proposal unless a majority of the valid votes recorded at the poll are for that proposal.".

During the second-reading debate Mr Henshaw said that he was opposed to enforced amalgamations. New clause AA makes it clear that the Opposition does not accept enforced amalgamations and, where a poll has been held, the result will be binding.

The Hon. D. E. HENSHAW (Geelong Province)—On a point of order, Mr Chairman, it is my understanding that the new clause moved by Mr Hunt is covered by a Bill already

before the House and due to be debated tomorrow. I ask whether Mr Hunt can move this new clause when the subject-matter is dealt with in another Bill.

The Hon. A. J. HUNT (South Eastern Province)—Mr Chairman, it is quite clear that I can move the new clause. The House has made no decision on the other matter and this is a convenient place to move the new clause.

The Hon. D. E. HENSHAW (Geelong Province)—The Leader of the Opposition has taken me by surprise because I was expecting this debate tomorrow. It would appear that there is a philosophical weakness in the amendment.

Honourable members interjecting.

The Hon. D. E. HENSHAW—The wording of the existing Bill states that the purpose of the poll is to determine the extent of opposition to the proposal. I point out that the new clause moved by Mr Hunt is philosophically at odds with that requirement of the Bill. Therefore, it does not sit within the existing Act. It would introduce an anomaly into the existing Act and would cause all sorts of problems with interpretation.

The Leader of the Opposition has not given the matter sufficient thought. He should have waited until tomorrow until he had time to think about it more clearly and deeply.

The Hon. C. J. HOGG (Minister for Community Services)—Although endorsing entirely what Mr Henshaw said, I suspect that Mr Hunt has given the matter quite a deal of thought. The Government's position is one of resolute opposition to the amendment.

The Hon. K. I. M. WRIGHT (North Western Province)—I had not previously seen the new clause proposed by Mr Hunt but it does strike a chord in the heart of the National Party. I disagree with Mr Henshaw that it does not sit well with the existing Act. It fits in admirably. The present clause is demonstrably poor and weak in that it states that a Minister can take note of a referendum. What sort of weak clause could that be? The Minister for Local Government has already indicated that he will not necessarily take note of any poll. For that reason, it is absolutely essential that the Act should be strengthened in this way and the National Party has no hesitation in supporting the proposed new clause.

The Hon. REG MACEY (Monash Province)—I reinforce the Opposition's strong support for the new clause.

The Hon. D. E. HENSHAW (Geelong Province)—I shall again attempt to push it into these thick heads opposite. At least under the existing Act there is a reasonable proposition that, if a clear expression of opinion in opposition exists, that can be defined. If Mr Hunt's new clause is accepted, a local government community of, say, 10 000 people could have two people voting for an amalgamation and one person voting against it. According to Mr Hunt, the Minister takes notice of that result. In other words, an unfair vote could be the result. It would be more sensible in specifying the numbers to relate it to the size of the community, not to the number of people who vote. I urge Mr Hunt to reconsider the matter.

The Committee divided on the new clause (the Hon. G. A. Sgro in the chair).

Ayes	22
Noes	20
Majority for the new clause	2

AYES	NOES
Mr Baxter	Mr Arnold
Mr Birrell	Mrs Coxsedge
Mr Chamberlain	Mr Crawford
Mr Connard	Mr Henshaw
Mr de Fegely	Mrs Hogg
Mr Dunn	Mr Kennan

AYES	NOES
Mr Granter	Mrs Kirner
Mr Grimwade	Mr Landeryou
Mr Guest	Mrs Lyster
Mr Hallam	Mr McArthur
Mr Hunt	Mrs McLean
Mr Knowles	Mr Mier
Mr Lawson	Mr Murphy
Mr Long	Mr Pullen
Mr Macey	Mr Sandon
Mr Miles	Mr Van Buren
Mr Storey	Mr Walker
Mrs Varty	Mr White
Mr Ward	*Tellers*
Mr Wright	Mrs Dixon
Tellers	Mr Kennedy
Mr Evans	
Mr Reid	

The Hon. REG MACEY (Monash Province)—I move:

3. Insert the following new clause to follow clause 11:

Councillors' allowances.

'BB. In section 64 (2) of the Principal Act for "$1500" substitute "$2000".'.

The new clause was agreed to.

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

YOUTH AFFAIRS BILL

This Bill was received from the Assembly and, on the motion of the Hon. D. R. WHITE (Minister for Health), was read a first time.

The Hon. D. R. WHITE (Minister for Health)—I move:

That this Bill be now read a second time.

Within a month of coming to office in 1982 the Labor Government commenced a review of youth policy and the administrative arrangements relating to youth affairs.

The review was thorough and involved all interested parties from Government, trade unions, local government and community organizations.

As a result of this work the Government has commenced its second term of office with a stronger, better, co-ordinated and more purposeful structure to implement its policies in the youth area. The structure also has received widespread community support and brings together all of the key players in the youth area.

A Youth Policy Development Council will oversee the co-ordination and development of youth policy. It is made up of representatives from Government, community organizations, local government and trade unions. One-third of its membership is under 26 years of age and it has a full-time chairperson, Mary Crooks.

The council will have direct access to the Minister, its own research budget, and will be serviced by the Youth Affairs Division of the Department of Labour.

These changes not only increase the Victorian Government's capacity to develop and implement policy affecting young people but also reflect more fundamental shifts in attitude.

The new structure reflects a closer working relationship between Government and community groups; a greater involvement of young people including access to the policy

process and a recognition that the needs of young people encompass health, education, housing, transport, employment, income security: all policy areas, not just recreation and leisure.

The Bill will shift the focus of youth affairs away from the narrow welfare-recreation approach of keeping young people out of trouble and off the streets to a more positive and comprehensive approach.

It acknowledges that the community as a whole must increase young people's skills and their prospects of finding work in the primary labour market; it must give them a voice and a greater say in decisions which affect their lives; it must ensure that the disadvantaged and disillusioned have points of re-entry, personal supports and basic rights; and it must ensure that all young people have the right to shelter, an income, legal protection and the basic means to become responsible adults.

The Government views adolescence as the period in people's lives when they make the transition from childhood to adulthood and learn to negotiate the complex institutional structures of our society more independently. The Government's approach to youth policy has been to place emphasis on young people being part of the community as a whole.

Although the need for special forms of support and for information and access is recognized, the Government wants to avoid those measures that isolate young people. The Government recognizes the importance of youth culture and the untapped potential of young people's creative abilities in the arts as well as in industry and community affairs. International Youth Year demonstrated how widespread and underutilized this potential is.

It would be wrong to continue to refer to young people as a whole. Young people are not an homogeneous group; they are part of the wide cultural, gender, class and geographic structures of society.

Without policies directed towards achieving greater equality and without affirmative action programs for young women, young disabled people, recently arrived migrants, young Aborigines and other disadvantaged groups, the worst aspects of social and economic isolation will be perpetuated.

This is the first time that legislation specific to youth affairs has been designed in Victoria. It reflects the increased commitment which has been made to youth affairs.

The nature of the proposed legislation itself—its very spirit and purpose—now enables the Government to develop and co-ordinate policies and programs which are progressive and responsive to the needs of our young people.

I commend the Bill to the House.

On the motion of the Hon. R. I. Knowles, for the Hon. J. G. MILES (Templestowe Province), the debate was adjourned.

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

The House adjourned at 12.1 *a.m. (Wednesday)*

QUESTION ON NOTICE

SPERWAY CONSTRUCTIONS PTY LTD

(Question No. 75)

The Hon. W. R. BAXTER (North Eastern Province) asked the Minister for Conservation, Forests and Lands, for the Minister for Consumer Affairs:

On what date was Sperway Constructions Pty Ltd registered under the house builders' liability scheme as an approved builder?

The Hon. J. E. KIRNER (Minister for Conservation, Forests and Lands)—The answer supplied by the Minister for Consumer Affairs is:

Sperway Constructions Pty Ltd was registered under the house builders' liability scheme as an approved builder on 21 May 1981.

Wednesday, 7 May 1986

The PRESIDENT (the Hon. R. A. Mackenzie) took the chair at 11.3 a.m. and read the prayer.

SMALL BUSINESS DEVELOPMENT CORPORATION (AMENDMENT) BILL

This Bill was received from the Assembly and, on the motion of the Hon. D. R. WHITE (Minister for Health), was read a first time.

CONTRACT CLEANING INDUSTRY (LONG SERVICE LEAVE) BILL

This Bill was received from the Assembly and, on the motion of the Hon. D. R. WHITE (Minister for Health), was read a first time.

QUESTIONS WITHOUT NOTICE

HONOURABLE MEMBER FOR RICHMOND

The Hon. B. A. CHAMBERLAIN (Western Province)—Has the Attorney-General examined the opinion of Mr Alan Goldberg, QC, on the eligibility of the honourable member for Richmond to continue to sit in the Legislative Assembly? If so, what was the result?

The Hon. J. H. KENNAN (Attorney-General)—I am sorry; I have not examined it.

PENALTIES ON DAIRY FARMERS

The Hon. B. P. DUNN (North Western Province)—I ask the Minister for Agriculture and Rural Affairs a question on the decision by the Victorian Dairy Industry Authority to apply more than $197 000 in costs to the dairy farmers as a result of the blockades which occurred last year; the amount will be deducted from payments to every dairy farmer in Victoria regardless of whether they took part in that action. Does the Minister condone the application of this penalty by the authority on dairy farmers of Victoria and, if so, will the Government follow a similar line with regard to the losses incurred by the Government and by the public because of action taken by unions such as the Builders Labourers Federation, the Australian Railways Union and the Australasian Meat Industry Employees Union?

The Hon. E. H. WALKER (Minister for Agriculture and Rural Affairs)—The honourable member brought this matter to my attention just a moment or so before question time commenced. I have not had time to investigate what is in fact a report in a country newspaper and so I shall firstly check on the matter.

The Hon. B. P. Dunn—You wrote a letter to Mr Hann.

The Hon. E. H. WALKER—I shall make the information available to the honourable member in due course.

PLANNING LEGISLATION

The Hon. D. E. HENSHAW (Geelong Province)—The Government has previously given in this House a commitment to streamline Victoria's planning legislation. Can the Minister for Planning and Environment advise the House of the progress on the overhaul of the planning legislation?

The Hon. J. H. KENNAN (Minister for Planning and Environment)—The intelligence of honourable members opposite is not good, as I have given the press conference already. Honourable members opposite, and especially Mr Hunt, will be aware that Mr Evan Walker, the former Minister, put a great deal of effort into preparing amendments to the Town and Country Planning Act. It was recently said to me that two of my three predecessors were lawyers and one was an architect, and the architect was brilliant. I apologize to Mr Hunt and to Mr Lieberman, the honourable member for Benambra in another place.

Honourable members interjecting.

The Hon. J. H. KENNAN—No, in fact it was one of the supporters of the Cpposition.

Cabinet has approved the preparation of new planning and environment legislation and it has now also——

An Honourable Member—Is that the one we should have got last year?

The Hon. J. H. KENNAN—Honourable members will get it in September. The Cabinet has now approved new subdivision legislation. Honourable members will be aware that there has long been concern about the excessive regulation inherent in the various planning Acts. There are a great many of them such as the Strata Titles Act, the Cluster Titles Act, the Local Government Act and the Planning Act that impinge on this area.

The Government now has a draft of a new Town and Country Planning Act in extremely plain English which I shall be happy, in due course, to circulate to honourable members opposite as a major step towards a single development permit concept and a reduction in time taken to process development approvals.

Some of this review will lead to the consolidation of legislation both in terms of planning and development control but with the assistance of Mr Michael Arnold, the honourable member for Templestowe Province, the Government is also looking particularly at streamlining the building control provisions and looking at a greater move towards one-stop shopping in the building control area.

In relation to the matter which concerns one of the honourable members, at least, we shall at the same time be taking steps to protect people's rights to participate in the planning process and shall endeavour to ensure that the standing provisions in relation to appeals under the new legislation are clarified in a spirit similar to that which Mr Hunt indicated.

I welcome the interest of the House in this issue and look forward to a speedy passage of the Bill by members of the Opposition when I introduce it.

MAYFAIR HAMS & BACON CO., BENDIGO

The Hon. F. J. GRANTER (Central Highlands Province)—I refer the Minister for Agriculture and Rural Affairs to Mayfair Hams & Bacon Co. at Epsom near Bendigo. As the Minister will be aware, this firm has been out of operation for some eight weeks as a result of a dispute between the management and employees. I ask the question without any prompting from the management or employees, a number of whom I know quite well: is the Government doing all that it can to resolve this dispute and to get Mayfair hams back on the production line, because I believe it produces the best hams in Victoria, if not Australia? This is a very serious matter for the City of Bendigo, the employees and the company. What can the Minister do to resolve the situation?

The Hon. E. H. WALKER (Minister for Agriculture and Rural Affairs)—I am conscious of the issue that Mr Granter raises and, of course, initiatives have been taken by the Government, particularly by the Minister for Labour, who has hosted several meetings between Mayfair food executives and the Australasian Meat Industry Employees Union. I have information that will be of interest to Mr Granter if he cares to talk to me later. I

will make it my business to contact the Minister for Labour to determine the state of negotiations today and I will advise Mr Granter of those circumstances.

DHURRINGILE PRISON

The Hon. W. R. BAXTER (North Eastern Province)—I ask the Attorney-General, who is the Minister responsible for the Office of Corrections, following his announcement in the Ministerial statement he made last week that developments would proceed at Dhurringile Prison to enable meat and vegetables to be supplied to the whole of the prison system from Dhurringile, which is a laudable objective in providing constructive activities for prisoners: has the proposal been examined for its cost-effectiveness?

The Hon. J. H. KENNAN (Attorney-General)—Certainly it has, and I welcome Mr Baxter's continued interest in and support for this operation at Dhurringile Prison, which is also exporting its egg production. There was a problem with the egg quota, but there is no longer a problem owing to the actions of the Minister for Agriculture and Rural Affairs, who streamlined that process as a result of my representations.

It is hoped the prison will be able to provide food for the whole prison system. There may need to be some expansion in meat production. Certainly the prison has an excellent dam and a couple of new turkey's-nest dams have been built. It is an excellent operation and certainly it will be cost-effective.

The Victorian Prison Industries Commission is to be congratulated on its work. The overseer is an excellent person—I do not know whether Mr Baxter knows him—who is working extremely well. He has spent most of his life in the country and has an excellent background for this work.

I am grateful for the enthusiastic support of Mr Baxter for this operation at Dhurringile Prison and I shall be happy to take the honourable member to the prison to show him around the premises at any time—I notify him that there may be a vacancy in the canning operations!

The Hon. M. J. Arnold—Can you get Mr Baxter to work 8 hours?

The Hon. J. H. KENNAN—That is an outrageous suggestion.

The Hon. W. R. Baxter—I was concerned under the previous Government about what was being done at Dhurringile Prison, which was not cost-effective.

The Hon. J. H. KENNAN—I share Mr Baxter's concern about the previous Liberal Government—it was terrible. This Government is doing a much better job.

APPOINTMENT OF CHIEF GENERAL MANAGER OF DEPARTMENT OF AGRICULTURE AND RURAL AFFAIRS

The Hon. L. A. McARTHUR (Nunawading Province)—Can the Minister for Agriculture and Rural Affairs advise the House of progress made in the search for a chief general manager of his department?

The Hon. E. H. WALKER (Minister for Agriculture and Rural Affairs)—I am delighted to inform the House that late yesterday a meeting of the Executive Council confirmed the appointment of Mr Jeffrey Wright, who is at present Chairman of the Environment Protection Authority, as the new Chief General Manager of the Department of Agriculture and Rural Affairs.

Mr Wright will bring enormous enthusiasm, management skills and scientific background to the job. Rural Victorians will appreciate the capacity and energies of this man who has taken on an important and newly defined role following the restructure of the department. Mr Wright has a technical and scientific background, particularly in engineering, health and the pollution control area but, most importantly, he has wide management experience

and is highly regarded throughout the Victorian Public Service. His experience will be extremely useful in the control and leadership of this important department.

I am delighted that the appointment will be established from 19 May and that Mr Wright will take up the position on 18 June.

"X"-RATED MOVIES AT TURANA YOUTH TRAINING CENTRE

The Hon. R. I. KNOWLES (Ballarat Province)—Has the Minister for Community Services or her department received complaints that X-rated movies have been shown at Turana Youth Training Centre? If so, have the complaints been investigated and what are the results of those investigations?

The Hon. C. J. HOGG (Minister for Community Services)—I saw the press report referred to by Mr Knowles and his reported comments in yesterday's *Sun* newspaper. The complaint was not made to my department. I noted Mr Knowles's comments and immediately asked for an investigation to be made of the incident at Turana Youth Training Centre.

As the only information we could work on was the press report, which said "recent showing", we have checked back as far as possible with officials from that section. Questions have been asked of trainees in that section and I believe there is no substance to the newspaper report. However, if more specific information and a date can be provided to me, I shall certainly investigate the matter.

EMERGENCY YOUTH ACCOMMODATION

The Hon. K. I. M. WRIGHT (North Western Province)—My question relating to emergency youth accommodation is also directed to the Minister for Community Services. Although the Minister may not be able to give a specific reply, perhaps she can inform the House what action her department is taking to provide emergency accommodation for youth in provincial cities, such as Mildura, where there is a strong need, Bendigo and Swan Hill?

The Hon. C. J. HOGG (Minister for Community Services)—Until this moment I had not had directed to my attention any specific requests for additional youth accommodation in any of the cities mentioned by Mr Wright, unlike the City of Frankston, which makes continual requests for meetings about additional youth accommodation. I cannot recall any specific letters or requests for deputations regarding emergency accommodation for youth in any of those three cities.

However, I take the point Mr Wright is making involving disadvantaged young people or people living in poverty. General accommodation or housing is probably the single most important factor in the battle against poverty. I am meeting with members of the Youth Accommodation Coalition early next month and perhaps they will direct specific examples to my attention. The department has been proceeding in a staged manner with the Commonwealth Government in the supported accommodation program. I repeat that I would be delighted to hear of any specific examples raised by Mr Wright.

SCHOOL HOLIDAY PROGRAMS OF DEPARTMENT OF CONSERVATION, FORESTS AND LANDS

The Hon. G. A. SGRO (Melbourne North Province)—Will the Minister for Conservation, Forests and Lands inform the House of the programs her department has for children during the May school holidays?

Honourable members interjecting.

The Hon. J. E. KIRNER (Minister for Conservation, Forests and Lands)—I thank the honourable member for his question. It is interesting that honourable members opposite, who are most anxious to leave this place to go on their holidays——

Honourable members interjecting.

The Hon. J. E. KIRNER—If their spouses were sitting on that side, I am sure they would be much more interested.

An Honourable Member—Speak for yourself!

The Hon. J. E. KIRNER—It is manners to wait until you are asked. The principles behind our school holiday program are fourfold. Firstly, we believe public buildings normally used for education purposes ought to be available for holiday purposes; secondly, there should be a geographical spread, and disadvantaged areas in particular should have their needs met; thirdly, parks should be available for people and, especially during that time, should have their importance interpreted; and, fourthly, workers in my department—especially single parents who need to look after their children during that time—ought to have child care facilities available.

We have moved on those four principles. For the first time we are using the Creswick School of Forestry and Land Management, in the absence of the students, for a family camp in the second week of the school holidays. Twenty families will take part. The bookings were advertised in the *Sun* on the Saturday and were filled within an hour on the Monday.

So far as the disadvantaged areas are concerned, instead of doing our own thing this time by simply appointing officers to parks, my department will work with local government to ensure that the holiday programs in local municipal areas are augmented by environmental activities. Accordingly, a program will be conducted at Gellibrand Hill Park by the Broadmeadows, Sunshine, Bulla, St Albans and Footscray councils. In addition, the Public Service holiday child care program and its leaders from my department, the Ministry of Housing, and Community Services Victoria will also attend a program.

The third area is that some of our parks throughout the State will have extra people appointed for the short term so that the "What's On" program can be available for all children in the metropolitan area and a number of country areas.

For staff within the department, a child care program will operate. This program was conducted during the last school holidays and was most successful. It will be run again this year and will be conducted in our building at Forest House.

PUBLIC COMPANY TAKEOVER BIDS

The Hon. J. V. C. GUEST (Monash Province)—My question to the Attorney-General is not quite as friendly as Mr Sgro's question, but it is almost as friendly. Is the Attorney-General aware of the facts pointed out in a *Business Age* article last Saturday which featured an interview with Mr Charles Tait of Morgan Stanley, the New York merchant bank, who has recently been advising Broken Hill Proprietary Co. Ltd.? My question refers particularly to the fact that public companies in Australia that are subject to partial takeover bids cannot as adequately protect their shareholders' interests as they can in the United States of America. They cannot readily offer their shareholders an alternative deal—for example, by offering to buy back a proportion of the company's shares at a higher price than that offered by the maker of the outside offer.

Will the Attorney-General ensure that active consideration is given to reforms that would allow such methods of resolving the unsatisfactory state of affairs that confronts the

market in the case of partial takeover bids such as the bid by Bell Resources Holdings for Broken Hill Proprietary Co. Ltd.?

The Hon. J. H. KENNAN (Attorney-General)—Mr Guest has asked an extremely friendly question of me. It is true that the use of poison pills, shark repellents and other devices is more widespread in the United States of America than in Australia! Mr Guest would probably have taken interest in the Companies and Securities Legislation Amendment Bill that was decided upon at the Ministerial Council last December and that has been passed during the present session of the Federal Parliament.

The issue of companies being able to buy their own shares has been the subject of discussion and will be discussed further at the Ministerial Council level. A more sweeping approach must be adopted to regulate takeovers. A seminar was held in Melbourne last week on the takeover issue. It pointed to the need for the possible scrapping of the Companies (Acquisition of Shares) (Application of Laws) Act and a return to a position whereby the general principles are stated in a short takeovers code and giving discretion to the National Companies and Securities Commission on the framing of those regulations.

I expressed concern publicly last week and on previous occasions about the level of litigation associated with the takeovers industry and the way in which some people regard the courts as a mere device in the takeovers struggle.

Discussions will be held at the Ministerial Council meeting in July on the issue of takeovers in the widest possible sense. For my part, I believe serious consideration should be given to a model which will have general principles spelt out in legislation and, with the substantial scrapping of the existing legislation, giving increased discretion to the National Companies and Securities Commission. As part of that consideration the issue Mr Guest has properly raised ought to be considered. I also believe in a much more limited role for the courts under such a new scheme.

FREEDOM OF INFORMATION REQUESTS

The Hon. M. J. ARNOLD (Templestowe Province)—I quietly ask a question of the Minister for Health. Will he outline to the House his attitude towards freedom of information requests lodged with Health Department Victoria by members of the Opposition?

The Hon. D. R. WHITE (Minister for Health)—It should be pointed out, firstly, that during 1985 and 1986 in excess of 3000 photocopies have been provided to satisfy freedom of information requests of the Opposition. This represents a small proportion of the number of original documents that have been inspected. The topics covered by the documents provided include: the Royal Children's Hospital and Hospital Employees Federation dispute; district health councils; Prince Henry's Hospital; hospital waiting lists; reports on public meetings called to discuss district health councils; the central linen service; file indexes for research papers and reports prepared by officers or consultants; the Brand report on nursing home irregularities and associated Health Department Victoria papers; statistics on hospital waiting lists; reports on emergency critical care services; the Hospital Employees Federation mental retardation dispute; the non-nursing duties agreement; Public Service Board report on Health Department Victoria; the amalgamation of the Royal Southern Memorial and Caulfield hospitals; the Hospital Employees Federation and Queen Victoria Medical Centre dispute; report of committee of inquiry into nursing; the second McClelland report on public hospitals; the report of the country critical care services inquiry; reports prepared on Dr Scotton's trip to Britain; the "No work, no pay" guidelines; the 1981–82 report on linen services; the internal audit report on the Finance Division of Health Department Victoria; the Labor Government's achievements since assuming office; reports of the task force chairman on regionalization; the central linen service files; the files on Senior Executive Service program manager and policy review and development manager positions; the papers on the cost of the new Queen Victoria Medical Centre; the financial implications of the Mental Health Bill; a

number of requests for files relating to community health centres; the report on the activities of T. Bates; and all information on the country critical care services inquiry.

At all times the Government has remained co-operative in a spirit of responding to requests that have been made. The most recent request that has received publicity relates to section 32 of the Public Service Act. It should be pointed out that more than 100 appointments have been made by Health Department Victoria in 1985 and 1986 under section 32. These include painters, chiropodists, gardeners and paramedical staff. Appointments to Senior Executive Service classifications were a minor proportion of those.

The Hon. A. J. HUNT (South Eastern Province)—On a point of order, Mr President, the Minister appears to be discussing an issue that is currently before the Administrative Appeals Tribunal and, as such, it appears that he is perilously close to being out of order.

The Hon. D. R. WHITE (Minister for Health)—On the point of order, there is a matter of this nature before the Administrative Appeals Tribunal, but it is also clear that a request has been made by the Opposition in respect of a number of files.

I believe it is appropriate for the House to know and understand the process that has occurred with respect to Senior Executive Service appointments. It is fitting and appropriate that this Chamber should be the place where that information is provided and it in no way intrudes on the matter before the Administrative Appeals Tribunal.

The Hon. M. A. BIRRELL (East Yarra Province)—On the point of order, the issue has been set down for rehearing before the Administrative Appeals Tribunal this Friday. The Minister had the opportunity of providing the answer he wished in those judicial proceedings last Friday. He decided not to do so and he is in contempt of the tribunal by trying to undermine its jurisdiction by making a political statement on it now. The matter has been set down for hearing at the tribunal on Friday. If the Minister wanted to make a statement, he could have done so before he put up the brick wall of secrecy before this document was introduced. The Administrative Appeals Tribunal is inquiring into him now.

The PRESIDENT—Order! I do not believe there is a point of order as such. However, the warnings of the Opposition should be heeded by the Minister because he is getting close to breaching the matter. I ask the Minister to bear in mind the warnings of the Opposition as he continues his answer.

The Hon. D. R. WHITE (Minister for Health)—As I pointed out to the House, there were eight appointments under the Senior Executive Service classification. Of those eight appointments, only two were filled by section 32 procedures.

The normal interview process is not bypassed in filling section 32 appointments. Exhaustive interviewing took place in the selection of the eight successful candidates. Mr McLean was interviewed on three occasions. The Health Department Victoria has made it clear that, before releasing any personal information about any individual, that individual should have the opportunity of being contacted and those people are being contacted before the documents are made available.

The Hon. M. A. Birrell—You deliberately misled Parliament.

The PRESIDENT—Order! I ask the House to come to order.

The Hon. D. R. WHITE—I take exception to the remark made by Mr Birrell which alleges that I deliberately misled the House. I ask him to withdraw the remark.

The Hon. M. A. BIRRELL (East Yarra Province)—I withdraw.

PUBLIC BODIES REVIEW COMMITTEE

Victorian Wheat Advisory Committee

The Hon. B. A. CHAMBERLAIN (Western Province) presented a report from the Public Bodies Review Committee on the Victorian Wheat Advisory Committee, together with minutes of evidence.

The Hon. B. A. CHAMBERLAIN (Western Province)—I move:

That they be laid on the table and that the report be printed.

I point out that last year the Leader of the House gave to the committee seventeen different references that covered chickens, eggs, dried fruit, tobacco, wheat and stock medicines. This is the first of the reports of the Parliamentary committee. I expect that another of the reports will be tabled this week and a third report is not far from completion.

The motion was agreed to.

PAPERS

The following papers, pursuant to the direction of an Act of Parliament, were laid on the table by the Clerk:

Statutory Rules under the Public Service Act 1974—PSD Nos 9 to 12.

LOCAL GOVERNMENT (UNIFICATION OR ABOLITION OF MUNICIPAL DISTRICTS) BILL

The Order of the Day for the resumption of the debate on the motion for the second reading of this Bill was read.

The PRESIDENT—Order! Before proceeding with this Order of the Day, I direct the attention of the House to the fact that action taken by amendment to the Local Government (General Amendment) Bill, which was under consideration yesterday, in my view creates a problem regarding part of Mr Hunt's Bill.

Standing Order No. 99 deals with the "same question" rule, and it is clear that this rule is applied to Bills. Other concepts in Mr Hunt's Bill are, of course, not so affected, and are matters which it is still competent for the House to consider and ultimately determine.

I propose to permit the second-reading debate to continue and the question to be submitted to the House to afford the opportunity, should the Bill proceed to consideration in Committee, for amendments to be proposed to remove from the Bill the matter previously decided.

If a motion for third reading is submitted on this Bill, I shall review my position having regard to decisions made in Committee.

Meanwhile, I call on Mr Henshaw to resume the debate but, in so doing and in order to preserve the spirit of Standing Order No. 99, I will not permit debate on that aspect of the Bill upon which a decision has already been made by the House.

The Hon. E. H. WALKER (Minister for Agriculture and Rural Affairs)—Mr President, do I understand your ruling to mean that Mr Henshaw, in comment, is not to directly address the issue to which you referred but is able to make comment in regard to the activities of the Leader of the Opposition last night in bringing in an amendment to another Bill? Is he able to make comment about that as a code of behaviour in this House or must he refrain from commenting on that area also?

The Hon. B. A. CHAMBERLAIN (Western Province)—On a point of order, Mr President, I do not know how else to address this issue, but the principle of this issue is that this House is unable to reflect on its own decisions. The decision was taken by this House last evening and I suggest that the answer to the Leader's question has to be that such comments should be out of order.

The PRESIDENT—Order! On the point of order, the opportunity was available yesterday for Mr Henshaw to proceed along those lines if he so wished; but, as I pointed out, a section of the Bill has already been debated and decided upon and it is that section upon which Mr Henshaw may not continue to proceed when debating the Bill brought in by Mr Hunt.

The Hon. B. A. Chamberlain—Or comment, as suggested by the Leader?

The PRESIDENT—Order! That is correct; on that particular aspect or section of the Bill.

The Hon. M. J. ARNOLD (Templestowe Province)—On the point of order, I appreciate the ruling that Mr Henshaw may not debate or reflect on that particular action of Mr Hunt, but surely——

The PRESIDENT—Order! The honourable member is not making a point of order; he is seeking clarification.

The Hon. M. J. ARNOLD—Yes, I am seeking clarification. If Mr Henshaw is not allowed to reflect on Mr Hunt's particular action, on the substance of his amendment and on his action in relation to moving that amendment, Mr Henshaw can surely reflect on Mr Hunt's general action in this House in relation to the Government's legislation.

The PRESIDENT—Order! I have made it clear that the House is referring to a small part in the last section of the Bill, clause 3 (*f*), which was decided on yesterday by this House. In the course of the second-reading debate, Mr Henshaw must not participate in any debate dealing with that sub-clause. So far as the rest of the Bill is concerned and the broad issues that can be canvassed in the second-reading debate, Mr Henshaw may, of course, participate. However, he cannot comment on clause 3 (*f*).

The debate (adjourned from April 23) on the motion of the Hon. A. J. Hunt (South Eastern Province) for the second reading of this Bill was resumed.

The Hon. D. E. HENSHAW (Geelong Province)—As I pointed out last night, the thinking behind this Bill has been affected by a degree of hysteria. It is worth placing on record something that happened leading up to the debate last night, and it exemplifies the hysteria and lack of rationale in the Opposition's approach to the subject.

During preparation for the debate on the Bill debated last night, as normally occurs, discussions took place between the Minister handling the Bill and representatives of the opposition parties. The amendments the Opposition wished to move were discussed. Agreements were made between the various spokesmen for the parties, and those agreements were taken with the knowledge of the Leader of the Opposition in this place.

On a number of occasions in the past, honourable members have heard the Leader of the Opposition claim that due account should be taken of the procedures and forms of this House. Last night, Mr Hunt did not follow those procedures because he introduced an amendment——

The Hon. B. A. CHAMBERLAIN (Western Province)—On a point of order, Mr President, it is quite clear that Mr Henshaw is flouting your ruling, which made it clear that there can be no reference to the issues that have already been decided by the House. To date, that is all we have heard from the honourable member. I suggest he addresses the Bill before the House excluding the provision to which you, Sir, have drawn the attention of the House. If he does not, he continues to be in contempt of your ruling.

The Hon. D. E. HENSHAW (Geelong Province)—On the point of order, Mr President, I have not referred to the debate that took place in this Chamber last night nor the decisions made by the House at that time.

The Hon. B. T. PULLEN (Melbourne Province)—On the point of order, Mr President, the point of order is dangerous in that, if upheld, it will prevent an honourable member canvassing points and drawing out matters important for the understanding of a certain issue. Mr Henshaw has carefully accepted your ruling, Mr President, and has stayed within it. It would be most improper for the point of order to be upheld.

The Hon. B. A. CHAMBERLAIN (Western Province)—On the point of order, Mr President, Standing Order No. 127 states:

> No Member shall allude to any debate of the same Session, upon a question or Bill not being then under discussion, except by the indulgence of the Council for personal explanations.

That is the Standing Order on this issue, and you, Mr President, have ruled that honourable members are unable to reflect on a Bill that has already been passed. Mr Henshaw is continuing to flout both those rules. I suggest that you, Sir, direct him once again to accord with the ruling you have already given.

The Hon. D. E. HENSHAW (Geelong Province)—On the point of order, Mr President, I have not referred to the debate that took place last night.

The PRESIDENT—Order! I uphold the point of order. During the debate last night, ample opportunity was given to Mr Henshaw and all members of the House to debate the matters regarding certain areas of contention. The House is now dealing with another Bill, and Mr Henshaw has referred to the events leading up to the Bill debated last night. I ask Mr Henshaw to debate the Bill before the House in accordance with the rules I laid down at the beginning of the debate.

The Hon. D. E. HENSHAW (Geelong Province)—It is disappointing to learn that the forms and procedures of this House as expounded by the Leader of the Opposition have turned out to be hypocritical.

The Bill seeks to make it mandatory for the Minister for Local Government to institute a poll before implementing any recommendation regarding a change of external boundaries of a municipality. The Bill prevents the Minister from proceeding with a recommendation unless a majority of those voting approve of the recommendation.

That is in contrast to the Act passed in 1982. The Act clearly states that the Minister "shall have regard to the result of a poll". It is clear that a poll, if held, is one of the many factors that should be taken into account by the Minister in arriving at a fair decision. A fair decision must take into account the well-being of not only the affected community but also people in neighbouring communities. It must also have a view towards the financial viability of a restructured municipality. It must take into account all factors set out in section 24 (*g*) of the Act.

The Opposition proposes that a change of boundaries cannot be implemented unless there is agreement by a majority of people voting at a poll. If the Opposition is serious about such a proposal, it should consider rescinding a decision made during the time of the former Premier, then Henry Bolte, when the Government of the day decided against conducting a poll with regard to 6 o'clock closing of hotels. At that time, there was no suggestion that the views of the people affected should be taken into account to the extent that the majority should decide that issue. The Government of the day assumed responsibility for making decisions on behalf of the people of Victoria. Does the Opposition propose that any decision made by the Government that affects the people of Victoria should be proceeded with only if a referendum is held? That would be a complete abrogation of the processes of Parliament.

It is hypocritical for the Opposition to proceed with this Bill. The existing Act allows for a fair assessment of a proposal, taking into account a large number of considerations. The Opposition seeks to make it subject to a referendum. It would be interesting to examine the comments made during the debate in 1982 and compare them with the comments made by Mr Hunt and Mr Wright during this debate.

The Act provides for a referendum if there is widespread community concern about or opposition to a proposal put by the Minister. The process allows for a democratic procedure to take place. Even if a proposal has widespread acceptance, this Bill states that there must be a referendum. If a referendum is conducted, a majority of voters must decide the issue, which is an invitation for the rejection of widely acceptable proposals. Even though a vote

must be conducted under the provisions of the Local Government Act it is clear that a municipality, if it opposes a proposal, can arrange a biased vote. The Opposition's proposal does not suggest that there must be widespread advertising of the proposal or that it must be presented fairly or be conducted in a democratic fashion.

The Hon. W. R. Baxter—You are attributing ill will to municipalities.

The Hon. D. E. HENSHAW—I am not alone in that because Mrs Thatcher, the Prime Minister of Great Britain, a person with whom Mr Baxter has some sympathy, has a similar view: that the Government has a responsibility to make decisions for its constituency. I see no reason why the Local Government Act cannot be applied in a fair way. There is no indication that it will not be. There is no evidence, despite the hysteria, that the Act will not be applied fairly and it is incumbent upon a Government to apply its provisions in a fair and proper way, and it is irrational for the Opposition to suggest otherwise.

The Government cannot accept the Bill and I anticipate it will vote against the measure.

The Hon. B. T. PULLEN (Melbourne Province)—The proposal attempts to address a broad question by the introduction of a narrow measure. It is in contrast to the approach taken by the Government where, in addressing its responsibilities towards local government, it has introduced a process of examination of all issues involved, not just those raised by councillors of municipalities, and in a way where communities most affected by changes are able to provide an input into the results.

It is not easy for change to take place in local government because it has a long history with varied interests. However, that is not a sufficient reason for a Government to pull back from the concept that benefits can accrue from responsible changes in that system which are beneficial to the whole community.

The views of the constituents of municipalities are important in that process. It is crucial to gauge their views about the various options put before them and the context in which the options are placed before the community is important. It is important also for the community to make a decision after it has gained an insight into the various options for change that are put forward.

Often, when elections are held, some issues dominate all other issues. Similarly, it is difficult to say, in an atmosphere of restructuring of municipalities, whether, prior to a poll, all issues are put before the people, or whether issues are put in a context so that one aspect, often the most threatening one that appears to affect people's livelihoods, or rate levels, is highlighted, thus distorting the general issues. In that sense the measure introduced by Mr Hunt does a disservice to Parliament, to the second-reading debate and to proposed changes to local government. As Mr Henshaw indicated, it smacks of opportunism and is an attempt to play on the fears of people.

I regret that Mr Hunt has brought the issue forward in this way and that it is being linked with the forms of the House. It is obstructing the House dealing with a difficult matter in a concerned way. The measure should have been approached in a better way and it is regrettable, because of previous rulings of the House, that these measures cannot be debated in a proper fashion. The public is entitled to believe the House will debate the measure adequately.

Substantial issues are not addressed by the Bill and the House should reject it. If the debate had been approached in a different manner, the measure could have been given adequate scrutiny, but that is on the head of Mr Hunt because of the way he chose to introduce the measure and the manoeuvring he has adopted.

The Hon. C. J. HOGG (Minister for Community Services)—I support the remarks made by Mr Pullen and Mr Henshaw. One of the advantages of debates on local government issues in the House is the element of time—time for consideration, consultation and negotiation. I was going to seek an adjournment of the debate on the Bill, but I now oppose

the Bill because of the reprehensible use of the power of the House, which does not serve any good purpose for local government.

The Opposition is seeking to prevent the Government from carrying out policies it has previously stated and for which it has a mandate. The Government has clearly, carefully and with considerable consultation, undertaken a review of the system.

The process of change, as Mr Pullen pointed out, is often difficult and vexed. Very often, the natural passing of time makes that process better understood and better supported. Time and again if the community is provided with sufficent time to understand legislation and what is in the minds of other parties, partial, if not complete agreement, is reached.

However, I have the distinct sensation of a railroading process, of a wanton use of numbers and strength in this place when there is, even within quite conservative local government circles, a movement for change, an understanding that there should be change and that there are occasions when the game of local government could and should be lifted, when there is a need to facilitate change based on sometimes radical, and sometimes minor, restructure.

What this private member's Bill seeks to do is to undermine the work that the Minister for Local Government is doing and the consultation processes that are taking place. It seeks to undermine the possibilities for change, which practically every honourable member in this House has said from time to time—either in this place or outside the House—is necessary, important and profoundly desirable.

I am disappointed in the Bill. I am disappointed that honourable members, after last night, have come to such a debate today. I assure the Opposition that the Government rigorously opposes the Bill.

The House divided on the motion (the Hon. R. A. Mackenzie in the chair).

Ayes	21
Noes	20
Majority for the motion	1

AYES	NOES
Mr Baxter	Mr Arnold
Mr Birrell	Mrs Coxsedge
Mr Chamberlain	Mr Crawford
Mr Connard	Mrs Dixon
Mr de Fegely	Mr Henshaw
Mr Dunn	Mrs Hogg
Mr Evans	Mr Kennan
Mr Granter	Mrs Kirner
Mr Hallam	Mr Landeryou
Mr Hunt	Mrs Lyster
Mr Knowles	Mr Mier
Mr Lawson	Mr Murphy
Mr Long	Mr Pullen
Mr Macey	Mr Sandon
Mr Reid	Mr Sgro
Mr Storey	Mr Van Buren
Mrs Varty	Mr Walker
Mr Ward	Mr White

AYES		NOES
Mr Wright		*Tellers*
Tellers		Mr McArthur
Mr Grimwade		Mrs McLean
Mr Guest		
	PAIR	
Mr Miles		Mr Kennedy

The Bill was read a second time.

The Hon. A. J. HUNT (South Eastern Province)—I move:

That the Bill be now committed.

The House divided on the motion (the Hon. R. A. Mackenzie in the chair).

Ayes	21
Noes	20
Majority for the motion	1

AYES		NOES
Mr Baxter		Mr Arnold
Mr Birrell		Mrs Coxsedge
Mr Chamberlain		Mr Crawford
Mr Connard		Mrs Dixon
Mr de Fegely		Mr Henshaw
Mr Dunn		Mrs Hogg
Mr Evans		Mr Kennan
Mr Granter		Mrs Kirner
Mr Grimwade		Mr Landeryou
Mr Guest		Mrs Lyster
Mr Hallam		Mr McArthur
Mr Hunt		Mrs McLean
Mr Long		Mr Pullen
Mr Macey		Mr Sandon
Mr Reid		Mr Sgro
Mr Storey		Mr Van Buren
Mrs Varty		Mr Walker
Mr Ward		Mr White
Mr Wright		*Tellers*
Tellers		Mr Mier
Mr Knowles		Mr Murphy
Mr Lawson		
	PAIR	
Mr Miles		Mr Kennedy

The Bill was committed.

Clause 1

The Committee divided on the clause (the Hon. G. A. Sgro in the chair).

Ayes	21
Noes	19
Majority for the clause	2

AYES		NOES
Mr Baxter		Mr Arnold
Mr Birrell		Mrs Coxsedge
Mr Chamberlain		Mr Crawford
Mr Connard		Mrs Dixon
Mr de Fegely		Mr Henshaw
Mr Dunn		Mrs Hogg

AYES	NOES
Mr Granter	Mr Kennan
Mr Grimwade	Mrs Kirner
Mr Guest	Mrs Lyster
Mr Hallam	Mr McArthur
Mr Hunt	Mr Mier
Mr Knowles	Mr Murphy
Mr Lawson	Mr Pullen
Mr Macey	Mr Sandon
Mr Reid	Mr Van Buren
Mr Storey	Mr Walker
Mrs Varty	Mr White
Mr Ward	*Tellers*
Mr Wright	Mrs McLean
Tellers	Mr Landeryou
Mr Evans	
Mr Long	
PAIR	
Mr Miles	Mr Kennedy

Clause 2

The Hon. A. J. HUNT (South Eastern Province)—It is somewhat difficult to respond to arguments against the Bill because these arguments have been sparse. Perhaps the real argument is summed up in the words of the Minister for Community Services, that she believes that in some way or other the Bill is undermining the work of the Minister for Local Government and that it therefore constitutes—in her words again—a reprehensible use of power in this House.

Let us be very clear where the undermining is going on. In fact the Minister for Local Government has been undermining the spirit of the Act by the way in which he has gone about his current program of restructure. I have said in this Chamber previously and I say again, that the Act is very clear in its intention, and that is, that where restructuring is proposed there must be a specific proposal so that people know what they are talking about and can make their submissions in answer to the proposal, in support of it or for modification of it.

The public today is faced not with specific proposals relating to particular municipalities but with a general claim by the Minister that the whole State has to be restructured. Municipalities have been, in essence, punching at shadows. They have not had a specific proposal there to answer. What has occurred has been in defiance of the spirit and the intention of the Act, and that has diverted the attention of municipalities completely. To save their own position municipalities have been almost forced into making proposals for the annexation of others, and that is just what the Minister has been seeking to achieve.

There have been a few odd proposals but nothing in fact more than a general claim that there should be over-all restructuring. Municipalities have had legal advice that confirms the position I put to the House on a previous occasion, but the Minister's action has drawn to the attention of councils and citizens throughout the State the fact that they need to be protected against being undermined by the Minister. They need safeguards to ensure that the essential spirit of the Act will be preserved.

What they have done has been to demand over many months that there be a poll and that the result of the poll be abided by. We have already dealt with the second part of the proposition and I do not propose to discuss it in any way.

The Hon. E. H. Walker—Not after what you have done; the ruling has been made and I hope you are not going to discuss it.

The Hon. A. J. HUNT—I said I am not going to discuss it. It is clear that unless there is a requirement for a poll, the need to take local opinion into account—a need which local people believe in very seriously around the State; a need which they have been

emphasizing to all honourable members on all sides of the Committee—will not be met. Polls will be evaded wherever possible.

I point out that under section 24B of the Act there are twelve areas on which the Local Government Commission may make recommendations. This Bill deals with only four of them. It deals with those four major areas where the external boundaries of municipalities may be changed, and that is the issue that is uppermost in the minds of citizens.

Many of them fear interference without consent in the boundaries of their municipalities. They do not want to have no say in whether their municipality will be unified with another; whether it will be abolished; whether it will be annexed to a group of others and whether part of it will be taken over and given to one municipality and another part given to another. There is a sense of identity that many want to be protected.

The Bill then deals with the need for mandatory polls on issues where the external boundaries of municipalities will be affected and not on other matters. That is all that the Bill deals with. The purpose of the Bill is certainly not to undermine the law or to undermine the work of the Minister for Local Government but to protect the spirit of the Act and to give some protection to municipalities and their identity. The purpose of the Bill is to ensure that, on that issue, which does affect the community sense of identity, local people will, as a right, have a chance to have their say.

That is all the Bill does and it is rather difficult to see how standing for that principle represents a reprehensible use of powers of this Chamber. Actually, it is quite to the contrary: that is what the Chamber is here to do—to protect people in circumstances such as this when their rights are under threat.

The Committee divided on the clause (the Hon. G. A. Sgro in the chair).

Ayes	20
Noes	18
Majority for the clause	2

AYES	NOES
Mr Baxter	Mr Arnold
Mr Birrell	Mrs Coxsedge
Mr Chamberlain	Mr Crawford
Mr Connard	Mrs Dixon
Mr de Fegely	Mr Henshaw
Mr Dunn	Mrs Hogg
Mr Evans	Mr Kennan
Mr Granter	Mrs Kirner
Mr Grimwade	Mr Landeryou
Mr Hallam	Mrs Lyster
Mr Hunt	Mr McArthur
Mr Knowles	Mrs McLean
Mr Lawson	Mr Mier
Mr Long	Mr Murphy
Mr Macey	Mr Van Buren
Mr Storey	Mr Walker
Mrs Varty	*Tellers*
Mr Ward	Mr Pullen
Teller)	Mr Sandon
Mr Guest	
Mr Reid	

PAIRS	
Mr Miles	Mr Kennedy
Mr Wright	Mr White

Clause 3

The Hon. A. J. HUNT (East Yarra Province)—I move:

Clause 3, page 3, lines 8 to 12, omit all words and expressions on these lines.

The amendment was agreed to.

The Committee divided on the clause, as amended (the Hon. G. A. Sgro in the chair).

Ayes	20
Noes	18
Majority for the clause, as amended	2

AYES	NOES
Mr Baxter	Mrs Coxsedge
Mr Chamberlain	Mr Crawford
Mr Connard	Mr Henshaw
Mr de Fegely	Mrs Hogg
Mr Dunn	Mr Kennan
Mr Evans	Mrs Kirner
Mr Granter	Mr Landeryou
Mr Grimwade	Mrs Lyster
Mr Guest	Mr McArthur
Mr Hallam	Mrs McLean
Mr Hunt	Mr Mier
Mr Knowles	Mr Murphy
Mr Long	Mr Pullen
Mr Miles	Mr Sandon
Mr Reid	Mr Van Buren
Mr Storey	Mr Walker
Mrs Varty	*Tellers*
Mr Ward	Mr Arnold
Tellers	Mrs Dixon
Mr Lawson	
Mr Macey	
PAIRS	
Mr Birrell	Mr Kennedy
Mr Wright	Mr White

The Bill was reported to the House with an amendment, and the report was adopted.

The Hon. A. J. HUNT (South Eastern Province)—I move:

That this Bill be now read a third time.

The Hon. B. T. PULLEN (Melbourne Province)—I point out to honourable members who have supported the Bill that in so doing they have supported a measure that would require the expense of a poll to be paid for by local municipalities for the mere matter of a change of a street or the mere matter of a small change in a boundary. It is an entirely undue imposition of costs on municipalities and it clearly shows the political nature of the Bill.

The House divided on the motion (the Hon. R. A. Mackenzie in the chair).

Ayes	20
Noes	19
Majority for the motion	1

AYES	NOES
Mr Chamberlain	Mr Arnold
Mr Connard	Mrs Coxsedge
Mr de Fegely	Mr Crawford
Mr Dunn	Mrs Dixon
Mr Evans	Mr Henshaw
Mr Granter	Mrs Hogg
Mr Grimwade	Mr Kennan
Mr Guest	Mrs Kirner
Mr Hallam	Mr Landeryou
Mr Hunt	Mrs Lyster

AYES		NOES
Mr Knowles		Mr McArthur
Mr Long		Mrs McLean
Mr Macey		Mr Mier
Mr Miles		Mr Murphy
Mr Reid		Mr Sgro
Mr Storey		Mr Van Buren
Mrs Varty		Mr Walker
Mr Ward		*Tellers*
Tellers		Mr Pullen
Mr Baxter		Mr Sandon
Mr Lawson		
	PAIRS	
Mr Birrell		Mr Kennedy
Mr Wright		Mr White

The Bill was read a third time.

AFTER-CARE SERVICES FOR RELEASED PRISONERS

The Hon. B. A. CHAMBERLAIN (Western Province)—I move:

That this House, noting the positive contribution made by agencies providing after-care services for released prisoners, calls on the Government to increase its material support for these agencies.

This motion supports the work of three specific agencies which provide services in the community for released prisoners, especially young offenders, and those agencies are Four Flats Youth Services, the Victorian Association for the Care and Resettlement of Offenders and the Epistle Centre Inc.

To put the matter in perspective, I point out that in 1983–84, on the latest figures I have, 2223 youths aged between 16 and 20 years of age were received into adult gaols and 518 youths between the ages of 17 and 21 years were received into youth training centres. These figures indicate that four times as many young people are sent to adult correctional centres as are sent to youth training centres.

The fact that the number is of that proportion is due mainly to the increase in drug charges and drug-related offences. It is interesting to note the background of those 2223 offenders: 93 per cent had less than partial secondary education; 65 per cent were unemployed; 54 per cent had been in gaol before and of that number 33 per cent were in the Melbourne remand centre and in divisions "D", "F" and "G" and the balance at the larger country gaols or at Pentridge Prison. In that year, 1983–84, 2223 young people were sentenced to adult gaols.

Agencies are attempting to provide support services for released prisoners, many of whom are very young and, as I said, some 54 per cent of whom had been in gaol before. To solve the problems that the Attorney-General has as Minister responsible for the Office of Corrections of finding space for prisoners in the increasing prison population, he has to keep as many as possible out of the system, particularly younger offenders, and to provide them with the support outside that they require.

The first body to provide those services to which I shall refer is the Four Flats Youth Service, which was established in January 1977 at Power Street, Hawthorn; the name being derived from the building the service occupied which had been divided into four flats. The aim of the organization is to enable released prisoners to grow in dignity, self-esteem and independence. Its major work is to serve young men and women who are leaving prison whom no one else wants to help and to provide employment, counselling, accommodation and general support services.

The Four Flats Youth Service was established by the Catholic Church and it is based on underlying Christian principles of concern and respect for the individual. It is designed to provide ready availability of friendship and support. It employs skilled youth workers

who show an enormous commitment to their tasks over and above what would normally be required by people employed in those positions. The work that they do is detailed in the service's annual report and covers four major areas of activity which relate to prerelease visiting, community halfway houses, community supervision, and employment, training and placement.

The prerelease visiting program is extremely important. Recently I visited the Geelong Prison and prisoners who have been in gaol for a long period say that they almost need help to cross the road. They are not used to dealing with ordinary, everyday decisions because in the structured society of prisons all the decisions are made for them as to when to get up, when to go to bed, when to have a meal, and so on.

Consequently, the prerelease program which acclimatizes the prisoners as to what they can expect in the outside world is vital, and the Four Flats Youth Service provides that service to all prisoners from State gaols and juvenile correction institutions and also provides counselling and support for youth who have returned to those institutions.

The community halfway houses provide live-in accommodation for adults, normally in small groups, where they have leader tenants who provide supervision. The program provides meals, shelter and long-term independent accommodation. Normally there is a maximum of three youths in one place. They have regular meetings and a structured living environment so that there can be some regularity in their lives, as they have been used to in the years of prison or a training centre, and because of the smaller centres there is reduced pressure from their peer group to go off the rails again.

The service was operating three medium-term halfway houses, and that number may have increased since the annual report was issued.

Most of the activities carried out by the Four Flats Youth Service are also conducted by the other agencies with which I shall deal later. A third activity of the Four Flats Youth Service is to provide community supervision for up to 30 youths and to provide twelve months' support from a youth worker. It is obvious that if a prisoner is released and left to his or her own devices—often prisoners' families have repudiated them and there is no support in the community for them—it is most important to have continuing contact by youth workers who are aware of the fate of these prisoners and the pressures that they face. Consequently, that intensive visiting over the critical twelve months after leaving an institution is most important.

The Four Flats Youth Service operates an employment, training and placement program. Obviously the development of work skills, assistance for job placement or job hunting and involvement in community employment programs and work release schemes are extremely important. An article in the Catholic newspaper, the *Advocate,* of 24 April referred to a gardening project which is undertaken by the service. The article states, *inter alia*:

> Young people are being kept out of jail by the Four Flats Youth Service gardening project.
>
> Four Flats director Mark Griffiths said last week that nearly 50 young people had been employed in groups of six–eight on the two-year-old project opposite the Good Shepherd Sisters hospital in Yarra St, Abbotsford.
>
> "Without it many of them would have been back inside," he said. "There's no doubt about that."
>
> . . . . .
>
> "Results vary," he said "Some get apprenticeships, others get short-term jobs."
>
> He emphasized, however, that the experience of working and being paid adult wages contributed to the young ex-prisoner's chance of reforming.
>
> Only a small percentage returned to crime. Even young people, some confirmed alcoholics at 17 or 18, improved their behavior markedly.
>
> "It's mainly having regular work and income and support from Four Flats," he said.
>
> "I wouldn't say it's a panacea for every young person."

As I said before, with a figure in 1983–84 of 2223 young people ending up in adult prisons and another 550 ending up in youth training centres with some 53 per cent of those having been in institutions before, obviously that cycle of institution-offence and institution again can be broken by those support services, and the community should back the work that is being done.

The next body to which I refer is the Epistle Centre Inc. which was founded by a former prisoner, Stan McCormack, in 1983. The last page of the annual report of this body displays a photograph of a beaming Attorney-General, who visited the centre on 19 June 1985.

The Hon. J. H. Kennan—I gave it an award.

The Hon. B. A. CHAMBERLAIN—I know that the Government is generally supportive of the work of these bodies and this motion is intended to be a constructive motion and to place on record the work of these agencies and the fact that they are facing extreme difficulties staying in business. This House should be recommending greater support for their work by the Government.

The chairman of the centre is Mr Justice Nicholson, a judge of the Supreme Court of Victoria and Chairman of the Victorian Adult Parole Board. He feels strongly enough about the work of the body to participate actively in it.

The Epistle Centre Inc. was founded in 1983 by Mr Stan McCormack who recognized the totally inadequate after-care support provided to former offenders. He recognized that a voluntary agency designed to meet the specific needs of a category of clients was required.

The work of that body has been supported on an all-party basis. The all-party Select Committee of this House on prisons in its interim report stated:

> The Committee indicated its belief that punishment, humane containment and re-integration of offenders should be the main goals of a prison service.

The sitting was suspended at 1.1 *p.m. until* 2.4 *p.m.*

The Hon. B. A. CHAMBERLAIN—The Office of Corrections master plan which was tabled in this House in December 1983 also gave support to the work of these halfway houses:

> There is scope in Victoria for the development of community operated 'half-way houses' for the provision of more intense post-custodial support systems for offenders.
>
> Further investigation be made for possible post-custodial support services for offenders.

The philosophy behind the Epistle Centre Inc. is the acknowledgment of the worth and dignity of the individual ex-offender which is consistent with the religious convictions which inspired the creation of the centre.

The functions and objectives of the centre are:

> to provide an intensive after-care support service and community-based accommodation program to offenders being released from State correctional institutions.
>
> to publicise the existence of the Centre to those in custody through the *Epistle Newsmagazine* and to initiate or respond to letter and telephone contact with inmates.
>
> to arrange emergency or short-term accommodation for those released with nowhere to go.
>
> to provide a number of other services including counselling, a crisis-contact point service, a drop-in centre and a court assistance service, as well as mediating at times on behalf of clients with Government, community and commercial interests.
>
> to assist with practical matters where possible, viz: material aid, small cash advances, employment and transport.

A number of other functions are included, and all recognize the practical assistance that must be offered to those people who require their services.

The third of the agencies I wish to mention is the oldest—the Victorian Association for the Care and Resettlement of Offenders—VACRO—which was formerly the Prisoners Aid Society.

Established in 1872, VACRO now employs five staff who co-ordinate the work of a very large number of volunteers. It operates a family welfare house, providing a drop-in centre for visitors to Pentridge Prison, a family welfare officer assisting the families of prisoners both during and after their release, emergency relief and accommodation provided by a welfare officer who works within the institutions, and a forum for discussion and debate on matters of criminal justice and penology.

The three agencies are involved in supporting in material ways those people who have come out of the penal system. They provide them with practical assistance to assimilate them into the community, to improve job skills, to provide direct employment or community employment programs and generally to provide support so that they will not return to the institutions.

The cost of keeping an offender in Victoria's penal institutions is enormous. It costs approximately $30 000 a year to keep an adult in a Victorian prison. In institutions under the responsibility of the Minister for Community Services the cost is approximately $50 000 a year.

The Hon. C. J. Hogg—Around $1000 a week.

The Hon. B. A. CHAMBERLAIN—That is an astronomical figure. When one considers the measure of support VACRO, Four Flats Youth Service and the Epistle Centre Inc. receive, one realizes that only approximately $125 000 per annum is provided in total. The cost of incarcerating four prisoners a year, on the figures I have supplied to the House, is the amount provided to these three centres: $95 000 to VACRO; $20 000 to Four Flats Youth Service; and $10 000 to the Epistle Centre Inc. That is the amount of support the community gives to these agencies whose principal task is to ensure that adult and juvenile offenders do not return to penal and training institutions.

All honourable members would recognize the priorities of the Office of Corrections which has an annual budget of $100 million. An amount of $125 000 is inadequate and represents only 0·1248 per cent of the total budget allocated to assist agencies whose objectives are to keep people who have been incarcerated from returning to those institutions.

Honourable members should recognize that these agencies are doing a magnificent job and much of their work involves the efforts of volunteers.

Social welfare officers and others who work in these agencies tend to work above and beyond the call of duty because of their commitment to this important task. The House should record its support for the positive work of those agencies.

The Government should offer some direction and I ask the Minister for Community Services to note that these agencies are under enormous pressure. It is apparent that their ability to continue operating is in doubt. For instance, VACRO last year had a deficit of $37 000. The Epistle Centre Inc., which has an annual budget of $100 000, receives only $10 000 from this Government in support of its work.

The Government has a real interest in ensuring that the work of these agencies is successful, as do we all. The community needs to have a commitment from the Attorney-General of adequate funding for the work of these agencies because it is an investment in the youth of the community in that it helps to keep them out of those costly institutions. The Attorney-General only last week spelt out to the House the fact that the prison system is currently jam-packed.

The second issue I raise refers to support by the Attorney-General's department for the Brosnan centre, new premises purchased for the work of the Four Flats Youth Service in Sydney Road, Brunswick, at a cost of $200 000. I understand that Community Services

Victoria has provided $25 000 but that the Office of Corrections has supplied no funds towards what should prove to be a most useful facility and one that will be important in assisting the work of the Four Flats Youth Service.

I commend the motion to the House. The House should recognize and place on record its support for the work of these agencies that support those who have been through the penal system and do not want to return to it.

The second arm of the motion calls upon the Government to reassess its priorities with a view to providing more meaningful support for the work of these agencies.

The Hon. J. H. KENNAN (Attorney-General)—I thank Mr Chamberlain for raising this important matter in the constructive manner in which he has raised it. It is entirely appropriate that the House should note the very positive contribution of agencies providing after-care services for released prisioners. I agree with Mr Chamberlain that, in terms of cost-effectiveness, there is much to be said for increasing the funds available to those agencies. As Mr Chamberlain pointed out, it is far cheaper to ensure that people do not reoffend or, to use appropriately negative language in this context, to defer their reoffending—that is, to put off the evil day.

This State suffers from a shortage of halfway houses. The Four Flats Youth Service does a good job; so does the Epistle Centre Inc., which runs on a shoestring and at times has struggled to pay its rent and electricity bills. I substantially increased the funding for that centre.

In the Office of Corrections I have a budget of $200 000 to grant to various bodies, and that is scrutinized very carefully. Last year I took a substantial sum away from the Honorary Probation Officers Association—the equivalent of a full-time person, something in the region of $25 000 to $30 000—and redistributed it to other places, notably, the Epistle Centre Inc. That has caused concern to the honorary probation officer group. I hope the Opposition understands that much of the funding nowadays must be supplied by redeployment of funds within my budget. There really are no other substantial services being run in prisons or community-based corrections that can be pointed to as being susceptible to having their funds cut back. However, I have taken steps to hold down and even to reduce employment at the head office of the Office of Corrections and have turned some head office funds into extra prison officer funds.

That is what government is about nowadays. It is about starting with your budget from the first day, working out an ideal structure and moving towards it by holding down employment, not filling vacancies and redeploying funds from one area to other areas.

The $200 000 budget of the Office of Corrections may, on one view, be said to be inadequate for halfway houses; but I have taken steps to redeploy funds, principally to the Epistle Centre Inc. I have met with representatives of the Honorary Probation Officers Association and explained the matter to them, and I think they understand the position. However, I recognize, as I indicated in my Ministerial statement last week, that the association's members do an excellent job in supervising a substantial proportion of the offenders who are on community-based orders, especially in country areas. I do not want to be seen as denigrating their work in any way.

The problem goes beyond the Epistle Centre Inc. and the Four Flats Youth Service. Recently I received representations from an organization known as the Windana Society which is involved with after-care service in the drug rehabilitation area. That organization is establishing live-in facilities for people as well as providing a worker in the metropolitan region. That group urged on me the not unreasonable view that, as it would be dealing with either former or potential clients of the Office of Corrections, the Office of Corrections should therefore fund one position to enable the society to provide a worker in the drug area. If I may use the sort of phrase that I have prohibited, that appears to me to be prima facie a reasonable position.

The Hon. B. A. Chamberlain—What about some of the funds you are obtaining by means of confiscating the property of drug pushers?

The Hon. J. H. KENNAN—Sequestrated funds are going to help and, between Health Department Victoria and the Office of Corrections, we are spending a little more than $1 million in drug treatment strategies. Again, I outlined that in my Ministerial statement last week. We are conducting programs both within the prison system and in the community-based correction centres but those programs are, if I may use the expression again, really the tip of the iceberg because the sorts of programs that can be funded with $1 million are really very minor when one considers that more than half the prison population have drug and alcohol-related problems.

Further, I have recently had discussions with the philanthropic trusts, which are now exhibiting an interest in this area. There is no halfway house for former women prisoners and, in my discussions with the philanthropic trusts and with the Fairlea Prison Council, I have suggested that efforts be made towards some funding in this direction. I believe we need to see some growth in this important area of co-operation between the Government sector and the non-Government sector, in terms of both the type of work being done through the Four Flats Youth Service and the Epistle Centre Inc. and in drug funding access through the philanthropic trusts.

I do not dispute the basic propositions put by Mr Chamberlain. However, I direct the attention of the House to the Budget realities. As honourable members are aware, the Government is under strain in respect of the prison system. I welcome the bipartisan approach of the Opposition to my sentencing policies and my general policy of not expanding the prison system, and I ask the House to note that, despite those constraints, the Budget is still under some stress and will be under more stress when the new correctional facilities are built. The staffing ratio, for instance, at the new remand centre will be higher than at the existing remand centre, thereby increasing the recurrent costs and placing additional strains on the Budget.

I assure the House that the Government is conscious of the problem raised by Mr Chamberlain and is sympathetic to his general propositions. We will do everything possible in the next financial year to ensure redeployment of funds to the maximum extent possible in this direction. I believe that measure to be cost-effective.

One could hardly argue that these other agencies are anywhere near the level where one could say that they represent overspending. However, the Government is also seeking funds for this area from the non-Government sector in the form of the philanthropic trusts, and I consider that that will be cost-effective.

Finally, I make one general remark: that corrections are a community responsibility.

Part of the strength of the community-based corrections program is that there are 23 centres with 23 locally-based committees and the local communities are accepting the centres in a way in which the Victorian community and the conventional prison system has hitherto not done so. In many cases correctional problems arise out of community circumstances. When people breach the law, are dealt with by the law and are eventually released back into the community, they should not become a separate class of people. How those people are treated, like how any other minority is treated, is a long-term test of good government.

It is easy for a Government to kick with the wind and to make statements that gain popular support. It is easy to be a popularist and to score political points by kicking unpopular figures, minority groups or people who attract general disapproval or lack of sympathy, but it is harder to stand up for unpopular figures; it is much harder for Governments to do that.

I feel strongly that prisoners deserve to be treated in a civilized fashion and I submit that the laws relating to punishment and the community-based corrections program have

built an important bridge between the correctional system in the community and the way in which local communities accept the principle of community responsibility.

I congratulate all those involved in the community-based corrections sector. The program has broken down many of the hostile attitudes which have treated offenders as lepers, with many people not wanting to know offenders but simply wanting them to be locked up for a long time. However, the Government does not want to create more problems so when people are released they face circumstances that cause them to reoffend. Those people have expiated their crimes. That expiation involves the loss of liberty, not intolerable or dehumanized conditions which make it even more difficult for offenders to adjust to the outside world when they are released.

It is the excellent work carried out by agencies to which Mr Chamberlain referred that have helped improve that bridge. I refer to organizations such as the Epistle Centre Inc. and Four Flats Youth Service.

The Epistle Centre Inc. is operated by a fine man with a recorded armed robbery conviction. He has spent considerable time in gaol and is now devoting his life to this type of work and is making a worth-while community contribution. In many respects, people like him are the unsung heroes. I welcome the interest the House has taken in the matter.

I congratulate Mr Chamberlain for the motion he has moved and the interest that he has demonstrated in taking the trouble, as the shadow Minister, to move around Victoria visiting gaols not only in Victoria but also outside Victoria. I hope the facilities of the Office of Corrections can continue to be made available to him on an open basis to allow visits and access to information, because I very much applaud the bipartisan spirit adopted by political parties in this place towards this matter.

The Hon. C. J. HOGG (Minister for Community Services)—I am delighted by the way in which the motion has come forward. I welcome the opportunity of commending the groups that Mr Chamberlain has mentioned. I have had little direct experience with the Epistle Centre Inc. and with the Victorian Association for the Care and Resettlement of Offenders—VACRO. However, I am well aware of the work of Four Flats Youth Service and highly commend it.

I spent a Sunday afternoon in late May last year with the Four Flats Youth Service team. We visited the garden which is located in the grounds of the Convent of the Good Shepherd in Abbotsford and we discussed the gardening program being undertaken. I was presented with the largest bunch of spinach that it has ever been my good fortune to take away and subsequently eat. We visited many flats and halfway houses which cater for young people who are or have been extremely difficult to manage.

It is said about the Four Flats Youth Service that it handles the "heavy end of the market". When extremely difficult and often unattractive young people return to the outside world, the Four Flats Youth Service is their only hope for integration into the community and for a chance to become involved in activities that may stop them committing further offences.

I am delighted to indicate that the Government was able to launch the Brosnan centre campaign with a donation of $25 000. Community Services Victoria also funds the Four Flats Youth Service, although it is not to a really generous degree. As my colleague, the Attorney-General, pointed out none of those services are over-resourced or over-funded. An amount of $200 000 was provided in the 1985–86 allocation for salaries and a number of support services. I cannot speak too highly of the difficult work that those services perform and the undramatic work they do.

The Attorney-General referred to the people who run those services as unsung heroes. He was absolutely right. The very nature of the work those centres are trying to undertake is undramatic. It is low-profile work that is difficult and frustrating. The work must often be done again, but it is, in the best sense, supportive and preventive. If any of those services is the subject of a newspaper headline it is probably because something has gone

grossly wrong with one of the programs or projects. Any good remarks that can be made about those services are usually found at the bottom of page 26 of a newspaper. They are doing serious, undramatic work.

Everybody in the House agrees with the move towards community-based programs for young offenders and even adult criminals where that is possible. I take up the point Mr Chamberlain has made about how expensive it is to keep young offenders in institutions and how absurd it is to provide a service that the community demands but does not follow up. This service has developed and grown out of control over the years. It is ridiculous that it costs approximately $1000 a week to keep a young person in a training centre when that money could be spent on different sorts of facilities. Many alternative programs could be worked out and resources could be diverted to the centres that Mr Chamberlain has spoken about.

As the Attorney-General said, it is a community responsibility in the broadest sense. The community is easily stirred up by questions concerning offences against the law and correction of prisoners and young offenders. It is easy to over-react to the circumstances. It is easy to point the finger when a program appears to be going wrong. It is much harder to be doing the sort of work that the Four Flats Youth Service does day in and day out, year after year.

It provides the kind of support that stops young people from returning to training centres or gaols. It tries to provide them with work programs as soon as they leave gaol, as well as financial support. It assists them in finding work in the community where there are jobs to be found. That is the real community work to which honourable members could pay more tribute in this House. It is the unsung and uncelebrated contributions made by VACRO, the Epistle Centre Inc. and, as I said in some detail, the Four Flats Youth Service to which tribute should regularly be paid because, in community terms, these organizations are priceless.

The motion was agreed to.

BUSINESS OF THE HOUSE

The Hon. A. J. HUNT (South Eastern Province) *(By leave)*—The Opposition had intended today to deal with items Nos 29 and 30 listed under Orders of the Day on the Notice Paper concerning community health centres generally and the St Albans Community Health and Resources Centre in particular.

The Opposition has not done so because the Minister for Health said he would have a report by tomorrow and would prefer to debate the matter then and that time would be made available out of Government Business to deal with a reply by Mr Birrell. It is on that express undertaking that the Opposition will not proceed further with General Business. The Opposition would like an assurance that, provided the report is provided in time, those matters will be dealt with tomorrow morning.

The Hon. E. H. WALKER (Minister for Agriculture and Rural Affairs) *(By leave)*—Mr Hunt has failed to recognize that the 2 hours allowed on a Wednesday morning for General Business has almost expired anyway. He made it sound as though he was offering a splendid amount of time for Government Business. However, I shall respond positively. The Minister for Health intends to respond on the issue involving the St Albans Community Health and Resources Centre and, in the past day or two, he made it clear that Thursday was the day on which he would be able to do so. I am willing to make that time available to integrate the debate, in some way, with Government Business.

Mr Hunt expressed a preference for the debate to take place tomorrow morning and the Government will endeavour to do so. I do so, not on the basis that Mr Hunt is being extraordinarily generous with time, but on the basis that it is a reasonable procedure anyway.

FREEDOM OF INFORMATION (AMENDMENT) BILL

The debate (adjourned from November 20, 1985) on the motion of the Hon. J. H. Kennan (Attorney-General) for the second reading of this Bill was resumed.

The Hon. B. A. CHAMBERLAIN (Western Province)—The Bill describes its purpose as making further provision relating to Cabinet documents and the publication of statements and to enable requests for voluminous material to be refused in certain circumstances. The first real purpose of the Bill is to emasculate the Freedom of Information Act.

The second real purpose of the Bill is to permit the Cain Government to continue with its obsession for secrecy. Thirdly, the Bill is designed to pretend there are freedom of information processes that are capable of objective assessment and its fourth purpose is to continue the practice of Ministerial frustration of the freedom of information processes.

The Bill is small in size and consists of only five pages. However, it is clearly designed to draw the teeth of the current Freedom of Information Act. It is clear that freedom of information is an embarrassment to this Government. It is clear that the Government wants to turn back the clock on freedom of information.

The Bill is also designed to reverse the trend of recent years of the subjecting of administrative decision-making to judicial review. It is interesting to note the comments of the Premier about the role of the courts in the administrative affairs of government. I remind the House that when the Bill was introduced last November, in the middle of consultation the Government attempted to force it through this place without adequate consultation and with minimal debate. The Government wanted the House to deal with the matter within a couple of days and that is consistent with the attitude of the Government towards the whole issue of making information available about the activities of Government departments.

As I said before, the Government has an obsession with secrecy. One recent example was the failure of the Government to reveal to the public that the three-man legal team that had been formed to advise the police on the Continental Airlines Inc. racket had been terminated by the Government in November, even though it had been established in a glare of publicity the previous August.

In August, when the Continental Airlines Inc. issue was getting hot, the Government said, "We have set up a three-man, high-powered team to assist the police". That was a reasonable response in that experienced legal people would be available to advise the police on the apparent complexities of the Continental Airlines Inc. ticket issue. However, it was some time in December or even January that it was discovered that the team had been terminated in November 1985 even though the team had apparently called for a judicial inquiry.

The team was established in a blaze of publicity and disbanded on the quiet. That is symptomatic of what the Government is on about. We were not told that the team had been disbanded and its report was not released.

When the Attorney-General introduced the Bill last November he said that its purpose was to amend the Act in four respects. The second-reading speech listed them as follows:

1. To enable agencies to refuse requests for access where to comply with them would substantially and unreasonably interfere with the operations of that agency.

2. To amend the publication requirements of the Act so that these are more easily comprehended and administered.

3. To broaden the definition of Cabinet documents for the purpose of the Act.

4. To provide for review by the Premier of decisions of the Secretary of the Department of Premier and Cabinet made in relation to conclusive certificates.

I shall deal firstly with the voluminous requests. The criteria the Government has put to the House is that where, to comply with a request, an unreasonable diversion of agency resources is involved the agency has the ability to reject the request. That is the end of it. Should not the question be: is the request reasonable?

If the request covers large amounts of documents that is not necessarily the fault of the person requesting information. One commentator said:

> If bureaucratic papermaking has created a vast number of documents to handle a single issue, a person who seeks information about the issue cannot be blamed.

That is the position adopted by the Opposition. I think my colleague, Mr Birrell, said that the bottom line is that the volume of the request has nothing to do with its legitimacy.

The courts have implied a concept of reasonableness in a request that might require a large amount of work. If the request is unreasonable it may be disallowed by the Administrative Appeals Tribunal. That is clear when one examines section 17 (2) of the Act which states:

> A request shall provide such information concerning the document as is reasonably necessary to enable a responsible officer of the agency or the Minister, as the case may be, to identify the document.

The Act thus states that the request must be reasonable. The principle was enumerated by the Administrative Appeals Tribunal in the case of *C. J. Borthwick* v. *University of Melbourne.* In that case judgment was given by the Chairman of the Administrative Appeals Tribunal, Judge Rowlands, on 11 June 1985 when he stated:

> . . . but the tribunal must imply some concept of reasonableness if the legislation is to work in the community interest. The community has an interest in both a broad access to Government information and in Government employing its resources in the most beneficial manner. This is not to say that the legislature's clear resolve may be easily thwarted by easily made staff shortage pleas.

Therefore, it is clear that for a request to be capable of being allowed by the Administrative Appeals Tribunal, it must be a reasonable request.

The concept of a voluminous request is an issue that was dealt with in the annual report on freedom of information tabled by the Attorney-General in this House in October or November last year. Section 6.5.6 of that report on page 75 states:

> The problems presented by the voluminous requests have continued to be a source of major concern to agencies. Voluminous requests are those which involve agencies searching through many thousands of documents in order to satisfy the applicant's wish for information. In many cases they are vaguely framed and designed to determine whether or not an agency has documents of a particular kind rather than being directed towards achieving access to definable material. Such requests have been found by all agencies to be difficult to analyse, time consuming to process and costly to administer.

Later in the report a reference appeared about the increasing number of voluminous requests. It is interesting to contrast those comments with the comments in the report of the Public Service Board, which is required to report to the Attorney-General on the operation of the Act. At the top of page 3, in talking about the fears expressed that the development of the program would impose excessive work loads on agencies, the Public Service Board states that that has not turned out to be the case. It states:

> Of the agencies responding to the questionnaire, most did not receive any requests at all, and only amongst some of the larger agencies has the level of requests generated problems of any significance.

It is clear that the amendment before the House is not related simply to the Government's desire to avoid voluminous requests but is part of its over-all strategy to emasculate the whole Act. The Opposition, in considering the issue, recognizes that there is a problem in relation to voluminous requests and, consequently, it has endeavoured to produce an amendment that will deal constructively with that situation.

The Government's proposal is that if the agency is of the view that the request would unreasonably divert the resources of the agency, the agency or the Minister may refuse to grant access. That provision appears in clause 5.

The Opposition believes that is a cop-out and provides too easy a way out for an agency or a Minister who wants to dodge an embarrassing situation.

The Opposition is aware of decisions of the Administrative Appeals Tribunal that for a request to be complied with it must be a reasonable request. The Opposition is also aware—and my colleague, Mr Birrell, has encountered this situation—of agencies hiding behind the excuse of a voluminous request, not completing their investigation while they are haggling about the issue and, consequently, month after month ticks by, the 45 days becomes a nonsense and the agency does nothing. It just says it is too hard, and that, "It would unreasonably divert our resources. It is unreasonable and therefore it should not be complied with."

The Opposition has devised what I have called a fast-track approach. I hope the proposition will be attractive to the Government. The Opposition considered leaving the issue of reasonableness to the Ombudsman, but it now believes that would lead to a confusion between the role of the Ombudsman as an administrative investigator and the semi-judicial role of the tribunal. Therefore, the Opposition now proposes an amendment designed to ensure a couple of things: first of all, to ensure that the investigation of the request is immediately commenced. Regardless of whether the agency regards the issue as being too hard or too voluminous, it still has to commence the processing of the request immediately.

The second element of the amendment is that it will utilize the resources of the Ombudsman to investigate the facts. Thirdly, it will reverse the onus of proof by making the agency or the Minister establish that the request is unreasonable rather than the reverse because it is the agency that is seeking to use this as an excuse. The fourth element of the amendment is that it will obtain a quick decision from the tribunal on whether the request should proceed.

I should now like to spell out the actual terms of the amendment that would appear as an addition to the proposal of the Government in proposed section 26 (1) and to follow proposed section 26A (3). If a request were made and the agency believed it would unreasonably divert resources, then these provisions would apply:

The agency or the Minister shall immediately supply to the Ombudsman a copy of that application.

The registrar of the tribunal shall invite the Ombudsman to report to the tribunal within fourteen days of receiving the notification from the agency or the Minister on what would be involved in acceding to the application referred to in sub-section (1) and what documents of the kind sought by the applicant are likely to be available.

Upon receipt of the report of the Ombudsman the registrar will supply a copy thereof to the parties and a hearing of the tribunal will be arranged at which the Minister or agency, the applicant and the Ombudsman will be invited to appear not less than three days after such delivery.

The tribunal shall thereupon make a decision as to whether the request of the applicant was reasonable and ought to be granted. If the tribunal is of the opinion that the request is unreasonable—

(*a*) the tribunal must give the agency or Minister a certificate to that effect; and

(*b*) the agency or Minister may refuse to grant access to the documents.

Therefore, we have a two-stage approach. When the agency is faced with a proposal that it believes is unreasonable or would divert too much in the way of resources, the onus is then on the agency or the Minister to set certain processes going. Firstly, the agency must immediately commence dealing with the request; and, secondly, the Minister should make an application to the tribunal for a certificate on whether the request is reasonable. The resources of the Ombudsman are then brought in because he has the ability to examine administrative matters; after a short period he can go to the agency and assess what work is required in eliciting the information required by the request and can then report to the Administrative Appeals Tribunal on that issue.

The Administrative Appeals Tribunal will then, in a fairly short period, say whether the request is unreasonable and either stop the process there or direct the agency to comply with the request. The Opposition believes the amendment is constructive and that the

Government ought to accept it. The Opposition has tested it on practitioners in the area both at administrative levels and on other practitioners and it believes it can work. The Opposition will commend the amendment to the House at the appropriate time.

The second issue relates to the publication requirements. There is a new addition in clause 4 of the report to be identified in a list created by the agency since July 1985. This makes it quite clear that exempt documents need not be included in that list. I will say no more except that the Opposition has no objection to that provision.

The third objective of the Bill is to broaden the definition of Cabinet documents by amendments to section 28 (1). This section states:

A document is an exempt document if it is—

(*a*) the official record of any deliberation or decision of the Cabinet;

(*b*) a document that has been prepared by a Minister for the purpose of submission for consideration by the Cabinet;

(*c*) a document that is a copy of, or contains an extract from, a document referred to in paragraph (*a*) or (*b*); or

(*d*) a document the disclosure of which would involve the disclosure of any deliberation or decision of the Cabinet other than a document by which a decision of the Cabinet was officially published.

The proposed new definition of a Cabinet document contained in clause 6 is, in the view of the Opposition, so broad that it enables a shroud to be drawn over all the workings of government. It will enable a cloak of secrecy to be drawn over the activities of government, which should properly be in the domain of the public. The clause is clearly intended to prevent disclosures being given about issues such as Government travel arrangements, the Continental Airlines Inc. issue and many other issues that will be detailed to the House by other members of the Opposition. The Opposition proposes to vote against that provision in clause 6.

It has been suggested by Mr Baxter that the Bill gives the Government the opportunity of loading all the reports of Government agencies on to the back of a truck, driving the truck through Cabinet and gaining exemption for the reports. That may be a little far-fetched, but not too much. It is clear that that is the intention of the Government.

The fourth and major issue of the Bill is the question of the review of decisions relating to Cabinet documents. Currently, as honourable members are aware, the procedure under the Act is that if the Secretary to the Department of the Premier and Cabinet certifies that a document comes within the definition of a Cabinet document, such a certificate is conclusive. Section 28 (4) of the Act makes that provision.

When that provision is compared with section 50 (5), one finds an apparent conflict, which the Government did not appreciate when it presented the original legislation to the House. Section 50 (5) is clear in that it is intended to override the provisions of the certificate issued by the Secretary to the Department of the Premier and Cabinet.

Section 50 (5) states:

Where a certificate has been given in respect of a document under section 28 (4), the powers of the Court do not extend to reviewing the decision to give the certificate and shall be limited to determining whether a document has been properly classified as an exempt document within the meaning of section 28.

The clause provides that there is a procedure whereby documents can be given a certain classification, but there should be some basis of determining whether a certificate has been issued honestly.

Honourable members know that, in the past, certificates have been given dishonestly. Mr Birrell was faced with a certificate certifying that a specific document was a Cabinet document. Honourable members know that it was a departmental report that had not been anywhere near Cabinet and did not come within the definition. That was clearly an abuse of the provisions.

Section 50 (5) is included in the Act and is seen by all commentators and the courts as being a way of keeping the Government of the day honest. The Administrative Appeals Tribunal has made it clear that, in issuing certificates, the Secretary to the Department of the Premier and Cabinet has an obligation imposed on him by legislation and he is not beholden to the Government of the day when issuing a certificate.

The provisions of section 50 (5) have been made clear. At page 312 of his standard work on the Freedom of Information Act, Peter Baine commented that the provision makes it clear that the court has the power to examine a decision and to rule whether a document has been properly classified. That is the issue that sends shivers down the back of the Premier. Time and again honourable members hear about Cabinet being an oyster and that there is no way in which the public or the courts will open that oyster, even though the provision is clearly designed to stop improper classification of documents being given.

The issue of judicial review of Cabinet certificates was dealt with by the Full Court of the Supreme Court of Victoria in the case of the *Queen* v. *Kelly, ex parte Public Service Board, 1985 Victorian Law Reports,* page 825. The issue was dealt with at length by Mr Justice Kaye, who is a senior judge of the Supreme Court. I shall quote some extracts from the judgment of Mr Justice Kaye.

When examining the apparent discrepancy between the ability to give a certificate under section 28 (4) and section 50 (5), Mr Justice Kaye tried to elicit the intention of Parliament by reading the relevant Parliamentary debates. It is a commentary on this House and the other place that he was unable to elicit that intention. However, he pointed out that the provisions of the Act set out the basic intentions of the legislation. He pointed out that section 3 (1) has two major objects: firstly, to make available to the public information about the operations of agencies; and, secondly, to create a general right of access to information.

Mr Justice Kaye made a commentary on the principal features of the Act and analysed the structures of the Act. He then dealt with the operation of the provision that deals with exemption certificates issued by the Secretary to the Department of the Premier and Cabinet. He stated:

> Section 28 (4) is entirely administrative in its operation... By certifying that a document is exempt, the Secretary removes from the agency or Minister the obligation and power under s. 26 to make a decision concerning the availability of the document for which access is sought.

When referring to section 50 (5), Mr Justice Kaye stated:

> Section 50 (5) qualifies the extent of review by the Court of a document exempted by a certificate of the Secretary under s. 28 (4). The extent of the restriction of the Court's power is to preclude review of the decision of the Secretary to certify the document as an exempt one. This refers to the procedure followed by the Secretary when reaching his decision, including his observance of the appropriate administrative rules and procedures.
>
> . . . . .
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> Before reaching his decision to certify a Cabinet document as exempt under s. 28 (4), the Secretary must satisfy himself that the document is of the kind referred to in one of the four paragraphs of s. 29 (1). By s. 50 (5) the Court, upon review of a document subject to a certificate given under s. 28 (4), is empowered to determine whether the document is one of the class (meaning the kind) referred to in paras. (*a*) to (*d*) of sub s. (1). In doing so the Court therefore is required to review the basis upon which the Secretary has certified the document as exempt under s. 28 (4).

It is clear that the Supreme Court believes the court has that role. In expressing that view, the court is clearly building on a whole series of judicial decisions that reinforce the issue of the review of administrative decisions by the courts. It is consistent with recent decisions of the High Court of Australia in relation to the review of administrative decisions.

I shall quote from *Cross On Evidence,* the second Australian edition, which has as one of its editors Mr J. A. Gobbo, now Mr Justice Gobbo. At page 25, it states:

> It is sufficient to note that the High Court has re-affirmed the authority of the court to determine between the competing interests involved, notwithstanding a ministerial certificate. All Australian cases must now be read in the light of this most important decision. For a subsequent application of the principle, see *Barton v. Csidei.*

A number of cases have confirmed the authority of the court to determine between the competing interests involved, notwithstanding a Ministerial certificate.

I shall refer to a report of a decision of the High Court made on 11 April this year. I refer to the case of *Queen* v. *Kelly* and extracts are contained in the *Age* of 12 April. The article states:

The High Court decision, its first on the Cabinet issue in FOI said in part:

"The legislature chose to provide for review by way of appeal to a court and the ordinary function of a court is to make binding decisions and not to express opinions which might be disregarded at the will of the executive."

That is what the Premier is saying to Parliament. Once the Executive expresses its will on these issues, that should be the end of the matter. Fortunately, that is a view rejected by the High Court of Australia.

Returning to the account in the *Age* of 12 April, the article further states:

Rejecting the arguments, the bench noted the Act's aim of promoting prompt and inexpensive disclosure of the maximum amount of Government information. It said that an apparent conflict between parts of the FoI Act should properly be resolved by "a construction which would further, rather than hinder free access to information".

"It is in our view, evident that such a purpose would not be promoted by adopting a narrow construction of the appellate" functions of the County Court, the bench said.

The highest court in the country has analysed the Freedom of Information Act, the rights it purports to give to citizens, the access given to Government agencies, and it says that the Supreme Court of Victoria was right in indicating that section 50 (5) of the Freedom of Information Act reinforces the right of official review. That is a right that the Opposition says is an important part of the system of Government and it will be prepared to state that again when in government after the next election. It will not walk away from that commitment after the next election.

I turn now to the extraordinary proposals that the Premier intends to vest in himself as the final arbiter on the issue of Cabinet documents. It is Caesar appealing to Caesar. It is absolute nonsense. The Premier merely has to publish reasons for his decision and that is the end of the matter. Of course, with that sinks for ever the prospect of freedom of information.

The Hon. M. A. Birrell—Trust John Cain!

The Hon. B. A. CHAMBERLAIN—I do not wish to discuss the veracity or the reliability of the Premier on these issues, but I am sure that is central to the issues in this case.

The Premier says that Cabinet is an oyster and that the courts have no business inside the Cabinet room. The Opposition rejects that proposition in so far as it affects the ability of the courts to examine whether the Government has been honest in characterizing documents as Cabinet documents.

The Opposition recognizes that there must be a system of Cabinet documents and that some documents must remain privy to the Cabinet arena. However, what it is afraid of and what the record shows is that time and again the system has been abused and that documents are being improperly characterized. Consequently, the whole process of freedom of information is being frustrated.

Former President Richard Nixon indicated that he was prepared to certify that the illegal Watergate action was concerned with national security.

Examples of the conclusive certificates issued under the Freedom of Information Act are referred to in the Attorney-General's annual report to the House on the Freedom of Information Act 1985. On page 43, the report states:

. . . agenda papers submitted to the Industrial Relations Task Force relating to an industrial dispute involving McColl's Milk Transport, Geelong, and the Transport Workers Union;

forecasts of items for the Cabinet agenda, Ministerial advice of plans for and timing of future agenda items and the Cabinet Office—Register of Decisions;

Cabinet submissions on the Occupational Health and Safety Bill 1983 and instructions issued to Parliamentary Counsel for the drafting of the Bill

The fourth example is an interesting one. It is an issue in which the honourable members for Geelong Province have a considerable interest because it is the report relating to selection criteria for the proposed site for the new prison centre and staff training college near Lara; the report relating to alternative sites and the reason for rejecting those sites, together with the Geelong Regional Commission report relating to the suitability of the site near Lara.

The Lara Community Protection Group wrote a letter to the *Geelong Advertiser* on 5 May which reminded the community what happened to those documents in that instance. The letter was from David Basselot-Hall and it stated, in part:

Any member of the public who has attempted to use the FOI Act to seek rightful access to politically "sensitive" documents, will have found that the Government has already been abusing existing powers to prevent access. In our own case, we have encountered a most dramatic re-definition of a complete file of papers to "Cabinet documents".

A request to a Geelong office of the Department of Community Welfare Services, regarding the proposed prison at Lara, resulted in agreement to view the files, pending confirmation from Melbourne Head Office.

Evidently our request struck terror into the breasts of the then Minister and the Melbourne bureaucrats. They despatched a Government car to Geelong, removed the files, raced back to Melbourne and had them declared "Cabinet documents".

Whether they merely wheeled the filing cabinet through the Cabinet room has not been proved, but it has entered the realms of FOI legend notwithstanding.

My colleagues will give further examples of such matters. The Government has used the tactic of claiming Cabinet privilege to deny access to a report about pinball machines. The report has been improperly classified as a Cabinet document. It is a process to circumvent the provisions of the Act.

The Opposition is being asked to trust the Government and to give it the final say with appeal being to the Premier—hardly an independent source. The attitude of the Premier in upholding the law has recently been demonstrated by his refusal to uphold the Constitution of the State in relation to Mr Sidiropoulos, the honourable member for Richmond in another place. How can the House trust the Premier by giving him this power? A clear breach of the Constitution was demonstrated by the strong opinion of Mr Alan Goldberg, QC, which was not acted upon by the Premier or the Attorney-General. Yet, the Government says, "Trust us to enforce this law by giving the Premier the ability to make these final decisions".

As I indicated earlier, the direction of community opinion is moving towards the Opposition's view. The High Court of Australia examined the issue of Crown privilege in the case of *Sankey* v. *Whitlam* in 1985. Crown privilege was claimed by the Executive Government that certain documents or information should not be admitted in evidence in any court proceedings on the ground that public interest would be injured. That is the sort of issue being talked about in this instance.

The Acting Chief Justice at that time, Mr Justice Gibbs, said:

It is in all cases the duty of the court and not the privilege of the Executive Government to decide whether a document will be produced or may be withheld . . . the fundamental and governing principle is that documents may be withheld from disclosure only if, and to the extent, that the public interest renders it necessary. That principle in my opinion must also apply to State papers.

That is the concept of open government that obviously sends shivers down the spine of the Premier of Victoria. The obsession with secrecy that has characterized this Government from the beginning is contrary to the whole spirit of the Freedom of Information Act, an Act the Government clearly regrets introducing into Parliament.

As I have said before, the Opposition makes it clear that it is not afraid of a judicial test of the characteristics or the character of particular documents. If the court finds that a certificate has been properly issued, the Opposition is confident that its confidentiality will be kept. If it has been improperly characterized, it should be released. Consequently, the Opposition supports that aspect of the court's judgment and it will vote against the Government's amendment.

I shall now deal with the positive aspects of freedom of information, because I believe they have been forgotten. The report of the Attorney-General on the Freedom of Information Act 1980 states:

> Important benefits to public administration were identified by agencies. A more open attitude to public access to information is evident and written communication within the Public Service has improved. Management has benefited in three ways.

The Hon. M. J. Sandon interjected.

The Hon. B. A. CHAMBERLAIN—I am quoting to the House the words of the Attorney-General and honourable members opposite should hear them in silence. The report continues:

> Trouble spots can more easily be identified, information management has improved and personnel management practices are under increasing scrutiny.

Item 6.4.1 of the report, which also deals with benefits flowing to public administration, states:

> While the primary benefit of FoI lies in the community's right of access to Government information, there are many secondary benefits which flow to public administration generally. The many benefits reported last year continue to have their impact and are, this year, joined by new and practical ones.
>
> For example, the SEC reports changes associated with FoI in the following terms:
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> > "Officers are continuing to adopt a more open approach to the release of documents that may have previously been regarded as confidential or not available for public access. The commission is progressively implementing a records disposal program. In some cases FOI requests have highlighted the fact that some records series are retained for unnecessarily lengthy periods."

The report of the Attorney-General continues along these lines to show the positive benefits flowing to public administration from an open system of government, but it is a system this Government has clearly rejected.

It appears that the Attorney-General has not absorbed the lessons contained in his own report. It is clear that the Government is attempting to walk away from these benefits of freedom of information, which the Opposition believes the public ought to enjoy.

The Hon. W. R. BAXTER (North Eastern Province)—This Bill has been before the House for some considerable time and has been the subject of a good deal of speculation in the media and a good deal of dangling of the carrot, apparently, by the Premier on occasions, to the extent that he was having discussions with the National Party with a view to having the National Party agree to his amendments.

Let me put the record straight. The National Party never takes a fixed view on any proposed legislation that is before Parliament and it is always ready to listen to arguments, discussions and alternative propositions. That is what occurred on this occasion. Since the House made the decision prior to Christmas to postpone consideration of the Bill until the autumn sessional period, which was a quite proper decision for the House to reach bearing in mind the Government's attempts to force through fairly major amendments with very little notice and before Parliament had had time to acquaint itself with the implications of the amendments, there have been discussions on the propositions advanced in the Bill. It is not unfair to say that the National Party has some sympathy towards addressing the problems of voluminous requests. The National Party believes the expense to the taxpayer and the load placed upon the agencies by unspecified requests, which

require much searching for documents or the supply of many thousands of documents, may well be unnecessary and ought to be examined.

However, that does not mean to say that the National Party agrees with the proposition advanced in the Bill, because the National Party considers it to be simply a means of an agency declaring to be voluminous a request it did not like. The National Party will not be party to giving an agency that sort of escape route or, as Mr Chamberlain referred to it, cop-out. To that extent, the National Party will support the amendment foreshadowed by Mr Chamberlain.

Although at first glance it might appear to be a clumsy arrangement, Mr Chamberlain's foreshadowed amendment nevertheless provides equity on both sides and, if an agency is bound to commence on a request but it genuinely believes it to be voluminous, it can put in train a mechanism whereby the request can be reviewed and a decision can be made by the Administrative Appeals Tribunal after input from the Ombudsman to decide whether to proceed with the request. That is reasonable in the circumstances.

Another matter to which the National Party has had some regard and with which it has had some desire to assist the Government, if that is possible, relates to the definition of a Cabinet document. It is the view of the National Party that the deliberations of Cabinet ought to be subject to exemption and that perhaps, at present, the principal Act is a little too wide and too open in the restrictions it puts upon the declaration of exempt documents.

Having given the matter much consideration, having discussed it with Parliamentary Counsel, having tossed around various forms of wording and having sought independent advice, the National Party is firmly of the opinion that it is not possible to arrive at a definition of a Cabinet document that would not be in danger of going too far in the other direction and, in fact, enabling the Government of the day to keep secret and hidden from the public many documents that ought to be examined.

Mr Chamberlain alluded to some public comments of mine suggesting that the Bill, as worded, would enable the Premier to drive a truckload of documents through the Cabinet room, put a stamp on them and declare them exempt from the provisions of the Freedom of Information Act. That will be the import of the amending Bill if honourable members agree to it. I certainly will not be party to that, nor will my colleagues.

In dealing with the ability of the Premier to review the conclusive certificate and make a decision and table that decision in Parliament, it would, of course, be quite untenable, to say the least, to have this Premier, of all Premiers, making a judgment upon his own decision. That is basically what it would boil down to, and I do not believe that is a facility that ought to be accorded any Premier of this State, and certainly not to the current Premier.

Therefore, the National Party will not go along with that proposition to any extent. It believes the courts should still have a role in reviewing and determining whether a document has been properly declared and exempted.

The irony in the Bill is that when the Premier was Leader of the Opposition he trumpeted loudly about freedom of information and brought in a private member's Bill, which he held up as being the embodiment of an absolute, basic tenet of democracy—that the public should have the widest possible access to information. He was then the Premier and Attorney-General who brought in the Bill soon after his accession to office. Although he was told both publicly and privately by the National Party that it was a grievous mistake for any Premier of the day to hold another portfolio, he pressed ahead as Attorney-General and placed this legislation on the statute-book.

He now finds, in practice, that he does not like it and he is attempting to pull back from the position he so consistently and publicly held both prior to becoming Premier and since that time. It needs to be said that the principal Act is the Premier's baby and he must live with it, even if he does not like it.

The Premier is also endeavouring in the Bill to pre-empt a review that is currently under way. That review has simply not come out of the woodwork in recent times, it has been forecast for some time that an extensive review would be undertaken.

The annual report of the Attorney-General for 1985, at page 79 under the heading "Review of the Act", states:

> The Freedom of Information Act will be comprehensively reviewed during 1985–86. The review process will comprise three distinct parts: consultative groups, questionnaires and submissions.

What use is it for the review committee to proceed with this review if, in the meantime, the Government changes the ground rules by amending the Act and pre-empting the decisions of the review committee? Mr Long says, by interjection, that it is par for the course for this Government. However, it is not something that should be endorsed by Parliament and the National Party has no intention of endorsing that course of action.

When the review is completed, it may well point to some areas of the Act that need streamlining and revision. Some changes might be desirable to the changes made under the Act. The review might reveal what further amendments are needed on the issue of voluminous requests and so on. It would be wrong for the Government to act prior to a report being presented by that review committee and the National Party is not prepared to support the Bill for that reason alone. It also disagrees, not necessarily with the intent of the Bill, but certainly with the effect of the Government's circulated amendments to the Bill as currently worded.

The National Party has sympathy with the voluminous requests aspect and supports the Opposition's amendment. In terms of the definition of a Cabinet document, it concedes that the Act is a little too broad, but, after much discussion and thought, it is unable to produce a satisfactory definition. It is better to be safe than sorry and, on that basis, the National Party will vote against the Bill because it prefers the principal Act to remain intact.

The Hon. M. A. BIRRELL (East Yarra Province)—Along with my Liberal and National Party colleagues, I oppose the Bill. It is designed to close the door on open government and to promote secrecy rather than accountability in the Victorian Public Service and in the Victorian Cabinet.

The Premier is seeking total power over the release of so-called Cabinet documents. The last person to seek and use that power was the infamous Richard Nixon. So, in the 1980s, Premier Cain is emulating the secret ways of President Nixon in the 1970s. Never before have we seen a proposal where a Premier says he wants to be judge and jury on open government and says to the community, "You can trust me". Evidence and history show that one cannot trust John Cain. He is prepared to go to enormous lengths to keep documents under wraps rather than to allow public scrutiny.

When a person takes up the secretive attitude of Richard Nixon and then claims to be in favour of open government, it can be regarded only as a classic act of hypocrisy. However, the hypocrisy of the Cain Government is brought even more clearly into focus when one considers the promises made over the years and the promises that the Government now seeks to break. In a brazen attempt to ignore Australian Labor Party philosophy and policy, the Government is saying, "That was yesterday; today we are in government. Times have changed; we want to lock the door".

The Labor Party's justice policy, released in March 1982, promised, under the heading "Open Government and freedom of information":

> Government secrecy will be ended with Labor's Freedom of Information Bill. This Bill will give the community full rights to discover all the details of Government and administrative decision making, subject only to the requirements of essential security and individual privacy.

The promise is important but the absolutely fundamental aspect of the promise is contained in the latter words that open government will be "subject only to the requirements of essential security and individual privacy".

That is not what the Government puts forward today. It is not what the Attorney-General is putting forward in the Bill, nor what the Premier is putting forward in his support for the Bill.

The Premier believes the release of documents should be subject to other considerations and, in particular, to party political interests. That is why he seeks to bring in the proposal; he is concerned about what is being released and the fact that it is harming the interests of his political party. He is not arguing that it is harming the interests of democracy or of the Parliamentary system; he is concerned that it is harming his short-term electoral position.

The hypocrisy of John Cain is further evidenced in the speech he made when introducing the Freedom of Information Bill in the Legislative Assembly on 14 October 1982. In seeking congratulations for his stance in favour of open government, evidenced by his bringing in the Bill, he said:

> The public's legitimate right of access to administrative information on which Government decision making is based and the capacity of people to gather information to judge the correctness of decisions made by government on their behalf, should not be challenged by anyone.

John Cain should not be challenging the existing good law and the existing access system for the public. The current Act allows proper accountability of Parliament and Parliamentarians which ensures that a bad bureaucracy is exposed. The Premier seeks to change that. The Attorney-General is like his former Federal counterpart, Senator Gareth Evans, in that he has a sense of unease about putting forward these proposals.

I hope I have correctly stated that position because the Attorney-General has prided himself on being a law reformer. This is the dark cloud over the law reform agenda for the ALP because it sends a message out to the community that, when it comes to the crunch, the Government is happy to be reactionary and simply to abandon old policies and perhaps even current philosophies in favour of what is politically convenient.

I shall give the Attorney-General the benefit of the doubt that this is not really his Bill. It perhaps slipped past him in the night or he was rolled in the relevant Cabinet committee, but if he wished to put his personal stamp on it, I would be surprised. However, I look forward to that information so that at least honourable members know where the honourable gentleman stands.

The true source of the proposal is the Premier himself, who is paranoid about secrecy and, despite the fact that he brought in the freedom of information legislation, has been visibly annoyed when someone has dared to use it and gain access to documents that he did not want released.

If one is committed to a concept, one has to take it on the chin that every now and then someone will use that concept to one's short-term disadvantage. If one is a believer in freedom of information, one takes such developments in one's stride. However, the Premier has found it very difficult to accept the practice of open government even though he seeks publicity for supporting the philosophy of open government.

I shall cite five examples of where the Cain Government is engaged in classic abuse of the existing freedom of information legislation. I shall then cite some examples of where the freedom of information legislation has been outstandingly successful.

The negatives and the positives in those examples prove why we must stand by the basic provisions of the existing open government legislation. They prove why the bulk of the proposal that is before the House is offensive, unnecessary and therefore should be rejected or, as my colleague Mr Chamberlain pointed out, severely amended.

The first issue to which I wish to advert is the use of the current Cabinet exemption clause by the Government in relation to a freedom of information request that I made for documents held by the Local Government Department.

On 18 July 1985 I sought from the Cain Government documents which related to the inter-departmental inquiry into amusement parlours and pinball machines. On 9 September

1985 the Government replied to me through the information manager for the Local Government Department.

The Hon. R. I. Knowles—Mr President, I draw your attention to the state of the House, including the fact that there are no Ministers present.

A qourum was formed.

The Hon. M. A. BIRRELL—It is of course the duty of the Government to support its own Bill. It should be noted that, prior to a quorum being called, only one member of the Government was in the Chamber and no Ministers were present.

I was adverting to the fact that the Government has used the Cabinet exemption power widely, especially in the freedom of information request that I made to the Local Government Department. The department replied to my request on 9 September 1985 by stating:

> I have identified a report commissioned by the previous Minister for Local Government to examine the problems associated with amusement parlours and pinball machines. This report is a document that has been prepared by the Minister for the purpose of submission for consideration by the Cabinet. The report is therefore considered to be an exempt document pursuant to section 28 (1) (*b*) of the Act and you are not entitled to its access.

The bottom line on that story is that it was a fraud on me as a consumer under the Freedom of Information Act. I asked for the document but it was not provided. The Government said, "You cannot have it; this is a Cabinet document". Later, in a letter to me dated 1 October 1985, the Government said that a certificate had been requested under section 28 (4), which meant that I had a conclusive certificate slapped on me which the Cain Government wanted to use to stop the courts determining whether the Government had broken the law.

Does Mr Mier—who is interjecting— want to know the background to the document I requested, which I already had? My freedom of information request was designed to determine whether the Government lies. I actually had the document before I received an answer to the freedom of information request, but the Government said, "No, it is a Cabinet document".

What does the document conclude? It fell off the back of a truck into my possession! The document, on the face of it, shows absolutely no signs of being a Cabinet document. It is an inter-departmental inquiry that had representatives from a variety of sources including people who were not part of Government departments.

It is a classic example of a document that should have been released but deceptively and quite improperly the Government said that it was a Cabinet document and I could not have it.

The idle citizen who had been applying for that document would not have known the truth. Such a person would probably be overwhelmed by this official letter from the department saying, "Sorry, it is a Cabinet document and you cannot have it. We have wrapped it up in secrecy". However, I was not the idle citizen because I knew the Government was being entirely misleading.

That is the first example I want to list of where the Government has relied on the Cabinet exemption clause and been shown to have been totally misleading in its application of that clause.

However, today the Government comes before the House and has the cheek to say that it even wants to tighten up that clause so that it can be more deceptive and misleading.

The second example that I want to raise as an example of Cabinet exemption being used relates to the freedom of information request that I lodged with the Health Department on 7 November 1985. I asked the department for all documents prepared by or for the working party on the financial implications of the Mental Health Bill. What did the

Government say in response? In a letter the Department of the Premier and Cabinet, which ended up handling the request on 5 February 1986, said, in simple terms that I could not have the document because:

> I advise that this document was presented to Cabinet by the Minister for Health and as such is exempt under section 28 (1) (*b*) (*d*) of the FOI Act.

The Government said it was a Cabinet document and I could not have it. Bear in mind, as a matter of first principle that, under the existing freedom of information legislation, the Government does not have to rely on the exemption clauses anyway. The Government can say, "Regardless of what the FoI Act says, we shall release this document".

In other words, the Government can say, in favour of open government, "We shall give you the document regardless of the fact that we can hide it under an exemption". It chose not to do so in the case of the statistics on the Mental Health Bill.

Honourable members should note also that case law in Victoria, Federally under the Federal Administrative Appeals Tribunal, in the United States of America and in Canada, indicates that Governments should, as a matter of course, release purely statistical material. The material that I requested under the Freedom of Information Act was purely statistical. It could have been released but the Government chose instead the secrecy avenue. It chose to keep it from public scrutiny, and to this day it has not released that material. That is another example of the Cabinet exemption being abused.

The third example I wish to use is the freedom of information request that I made on behalf of the Opposition to seek the Public Service Board report on the review of the office of the Governor.

That was a celebrated case in its time and it is still the subject of secrecy. An identical freedom of information request was later made by the *Age* newspaper. The Government said, "No, you cannot have it; it is a Cabinet document". The Government offered no proof that this was the case and in fact many of the documents that were the subject of the request were not Cabinet documents and should not have been given Cabinet exemption.

The ultimate act of cynicism was when part of the request was fulfilled by the release of some of the documents—to the *Age* alone—that the Government had previously claimed were sacrosanct. It was a way of beating up the news and another story that the Government was considering allowing public visits to Government House. It was a trivial story that the Government released as a means of releasing part of the documents to the *Age* but not the full documents.

I make no criticism of the *Age* or the people who made the FOI request because if it had not been for the pioneering work of senior journalist Paul Chadwick, who until recently worked with the *Age* newspaper, we may not have the awareness of open government in this State that we do have.

Firstly, the Government said the documents were Cabinet documents and that they would not be made available; secondly, it offered no evidence that the documents were Cabinet documents and, thirdly, it overturned that statement in part by allowing the *Age* to publish part of the documents, yet when the issue was hot, it decided not to release any of them.

The fourth example that I wish to raise refers to the freedom of information request I made last year to seek documents on opinion polling done by Australian Nationwide Opinion Polls for the Cain Government. This polling was done secretly at the taxpayers' expense and without any Government announcement. I became aware of the matter and asked for all the Government documents. The Government has delayed and frustrated every attempt to get the documents and now I have initiated legal proceedings to be heard by the Administrative Appeals Tribunal.

Again the Government said that the documents were Cabinet documents and that I could not see them.

Recently the High Court ruled on whether Cabinet documents were to be kept from public scrutiny. Mr Chamberlain outlined that case and pointed out that, as a result of the decision in Wright's case in the High Court, the Administrative Appeals Tribunal has brought on my reinstated case as a matter of urgency. Within three weeks we will receive the tribunal's decision about the Government's cover-up of the opinion poll documents. I have every confidence that my request will be acceded to.

The fifth case is an example of Cabinet and other exemptions being abused. They relate to requests that I have made to Health Department Victoria for a range of documents. The department has shown a reluctance to provide information to the public. I understand that to have been the case with the former Minister of Health and, unfortunately, it is the same with the current Minister. In the near future I shall go into detail on those requests but for the moment suffice to say that in many cases exemptions are applied without justification.

I shall now turn to some freedom of information successes. I shall cite them to show that the Liberal Party is a strong supporter, and long has been, of FoI legislation. I shall show that it will continue to support such legislation in future. The Victorian Freedom of Information Act is modelled on the former Fraser Government's Freedom of Information Act. All the work the Premier has put in to FoI in this State is based on Bills passed by former Liberal Governments.

There is a mock groan from the Attorney-General. He knows as well as I that the Victorian FoI legislation is identical, except for a few words, to the Federal Freedom of Information Act, which was introduced by the former Federal Liberal Government and which was drafted by the Liberal Party and not by Labor Party lawyers or the Labor Party. That Act was inspired and drafted by the Liberal Party.

If the Government has any concern about the genesis of the FoI legislation, I refer it to the report of the Senate Standing Committee on Constitutional and Legal Affairs entitled "Freedom of Information". That definitive document, which was published in 1979, shows the true history of FoI, why open government should be supported now and in future and what the Liberal Party did on that issue.

The Hon. B. W. Mier interjected.

The PRESIDENT—Order! Mr Mier will have ample opportunity of contributing to the debate at a later stage. I suggest he refrain from interjecting.

The Hon. M. A. BIRRELL—The Government is wounded by the truth.

The Senate Standing Committee was chaired by the late Senator Alan Missen, who deserves credit for being one of the foremost advocates of freedom of information legislation in his time. In many cases he was a lone fighter for FoI legislation but his party——

The Hon. J. H. Kennan—Who was it?

The Hon. M. A. BIRRELL—The late Senator Alan Missen. His party stood by him on the changes recommended in the report. The Government's proposal on freedom of information is completely contradictory to what the late Senator supported.

If the Government wants a response to the Bill today, it needs to do no more than read the seven-year-old report of the Senate Standing Committee, which rejects the Government's concepts as reactionary, unnecessary and unworkable.

The Government should read the report of the committee which was chaired by a Liberal member and which comprised many Labor members of Parliament, including that doyen of Labor lawyers, Senator Gareth Evans. If the Attorney-General reads the report——

The Hon. J. H. Kennan—I have.

The Hon. M. A. BIRRELL—If the Attorney-General has read the report, I cannot understand how he can justify what he is doing now. Perhaps he would like to go into detail on how he justifies the Bill. This definitive Senate committee report effectively says that what the Government is doing now is a nonsense.

I shall provide the House with seven or eight examples of where FoI has been a useful vehicle for individuals who want to scrutinize government and expose exactly what the Government wishes to keep secret.

The Hon. M. J. ARNOLD (Templestowe Province)—On a point of order, Mr President, the other day you ruled on tedious repetition in the House. In the interests of maintaining that ruling, as well as the sanity of the House, perhaps the seven or eight examples to be quoted by Mr Birrell could be incorporated in *Hansard.*

The PRESIDENT—Order! There is no point of order.

The Hon. M. A. BIRRELL (East Yarra Province)—The one good point about trivial points of order is that they make one want to extend one's speech that little bit further. I should now not refer to seven or eight examples but perhaps nine or ten examples of the successes of freedom of information in Victoria. Because of the interest shown by members of the Labor Party, I shall go into some detail on all of the examples I cite.

The first success of the freedom of information that I want to comment upon related to a secret Government report to which the Opposition won access in 1985. The document revealed that in one year the Victorian Government had spent more than $26 million of public money on its publicity information services. The document had not previously been made available and the Government went out of its way to keep it secret. The Opposition had been fighting for access to the report since May 1984 but gained access to it only in August 1985.

The Premier and his department, in trying to keep the document secret, had shamelessly abused the spirit of the Freedom of Information Act. Instead of providing the document within 45 days, the Government chose to delay public access for more than one year.

It is important to record the successes of the Freedom of Information Act and perhaps by showing that we give encouragement to members of the public to use freedom of information more frequently; in addition, by showing the successes, perhaps we also highlight the reasons for the Government's belief that it should shut down freedom of information in this State.

The second document that the Opposition was able to gain access to after appealing to the Administrative Appeals Tribunal in April 1985——

The Hon. J. H. Kennan—It is a good tribunal.

The Hon M. A. BIRRELL—It is, and it has been helpful to the Opposition as it has awarded costs to the Opposition against the Minister's department on numerous occasions.

In April 1985, the Government made available to the Opposition, under duress, a number of documents relating to opinion polls it had done in the areas of transport and health.

The Hon. J. H. Kennan—What did they show?

The Hon. M. A. BIRRELL—They showed that the Labor Party was extremely unpopular in the areas of transport and health. I suspect that is the reason why the Government endeavoured to keep those polls secret.

There is enormous public interest in those documents being made available and given that they were paid for by public funding, they should have been made available.

If it had not been for the Freedom of Information Act, the public would not have known about these polls, and I put it on the record that a useful piece of material was gained.

Of course, there are other examples of a hunt being made for a document which may end up being innocuous or may show up the good work of the Public Service rather than giving rise to suspicion.

On 26 August 1985 I sought a file from the Public Service Board which was entitled, "Party Policies Analysis, 1985 Election, Confidential". I believe for anyone who wishes to gain an insight into government that type of document would make useful reading. It had no sinister overtones and it was provided promptly—that was a rare case. It indicated that the Public Service Board, prior to the State election, had done proper work in analysing the policies of the Liberal, the Labor and the National parties. That was a most useful document to have in the public domain and without freedom of information we would not have seen it.

A more dubious internal document that was made available to me following a freedom of information request to Health Department Victoria was entitled, "Labor Government achievements since assuming office". That certainly cost a lot of time and money of the Public Service. Given the outpourings of concern of the Attorney-General in his second-reading speech on this Bill that Public Service time might be misused because of freedom of information requests, I hope he is concerned that the former Health Commission, under the former Minister, Mr Roper, spent much of its time simply writing Australian Labor Party policies and publicity material.

The file that I accessed under freedom of information indicated that this impropriety occurred. If it had not been for the provisions of the Freedom of Information Act—which the Government now seeks to tone down—I would not have had access to the document.

There are many other examples of freedom of information successes in this State and they should be a guide to other States so that they may introduce freedom of information legislation but, clearly, Labor Governments are feeling the heat and are endeavouring to ensure that freedom of information legislation does not work.

I turn to the other area of major concern in the Bill and that is the change that the Government wants to make in respect of the so-called voluminous requests.

The volume of a request has nothing to do with its quality or its veracity. I certainly oppose vexatious requests but there are easy ways to handle those under the existing Act. To endeavour to restrict volume is a clever way for a Government to ensure that genuine requests are pigeonholed.

The Attorney-General in his second-reading speech made the following statement:

> . . . a member of the Opposition requested details of all funding by the Department of Community Services of community agencies and details of any changes to the funding of any agency for a period of three years.

He then complained—horror of horrors—that public servants had to work on that request and it took them a lot of time. There is no secret that I was the member of the Opposition concerned and I say openly that it was a good request, a very useful request for the recipient and one that I would not change with the benefit of hindsight.

The Attorney-General's complaint that it took up the time of the Public Service in my view is entirely irrelevant. Who cares, if, in fact, their work was in the public interest.

It should be noted that despite the Government's complaints about this request, the Public Service made absolutely no complaints about the breadth of the request that was made. It made no plea to me that the request be refined or reduced in its size and, as it turns out, the information was of great use to the Opposition in its Parliamentary work.

I put that on the record because it is one of the few cases that the Minister has cited and it is clear from the evidence that that case was not one that he should have cited if he had wanted supporting evidence.

I conclude by indicating that the Liberal Party quite properly will be opposing the clause that seeks to widen the Cabinet document definition. The Opposition will also be seeking

to amend the clause that would introduce a new law regarding voluminous requests. My colleague, Mr Chamberlain, in outlining the Opposition's background in detail has done a service in this place in placing on record the stance of the Liberal Party and making it abundantly clear that it believes in open government and I will not have a bar of the proposals in the Bill to water down open government. There should not be a move in that direction.

It reflects badly on the Labor Party and especially on the Premier and the Attorney-General that they should bring this Bill before the House today.

The Hon. HADDON STOREY (East Yarra Province)—I believed there was to be debate on the Bill but it appears that the Labor Party is not the slightest bit interested in supporting the Bill. It has not been prepared to put up any speaker in this debate to justify this extraordinary measure.

That is no surprise when it has had the advantage of hearing the arguments of Mr Chamberlain and Mr Birrell who have pointed out that the Government, in this Bill, is offending against the spirit of the Freedom of Information Act and offending against the words used by the Premier when he was Leader of the Opposition and subsequently the Premier when he introduced this legislation.

Mr Birrell referred to the late Senator Missen and I shall quote from a speech given by Senator Missen which was published in July 1985 because it sums up succinctly the spirit of freedom of information and the tendency of governments to try to deprive people of the benefit of that sort of legislation. He said:

> All in all, freedom of information in Australia needs a supportive society and needs greater development of knowledgeable people who are prepared to fight for it. It requires vigilance, and it requires money to be spent in support. There is a great arrogance of power which is found by successive governments and they will endeavour to smother this infant, if they can, at an early stage.

I believe that sums up what the Government is on about.

The Government has developed arrogance and it has now determined that freedom of information can winkle out for public gaze matters that the Government would prefer were kept hidden. It exposes the defects of the Government and exposes the action of the Government in not considering first the interests of the public. The Government is therefore attempting to smother the situation by introducing the Bill which will deprive people of the true benefits of the Act. Senator Missen went on to say in his speech on freedom of information legislation:

> It can, I think, prove to be a very effective weapon in freeing public life from the arrogance of monopoly of information which is one of government's main facilities.

Again, it is that aspect that worries the Government. Because the Government is not prepared to debate this issue and because Mr Chamberlain and Mr Birrell have already given adequate examples of the way in which the Government has failed to implement the spirit of this Act, I shall confine my remarks to just two examples.

The first involves an announcement by the Minister for Education of a restructure of the former Education Department, now the Ministry of Education. The Minister for Education referred to a report of the Public Service Board when he announced this change and relied upon the advice he had received from the board. Therefore, it was clearly important that the public ought to be able to see what the board said to test the Minister's statement that he was relying upon this advice.

The Minister refused to make that information available to the public and to members of the Opposition. As a result, I was compelled to seek access to that information under the Freedom of Information Act. The Minister declined to release the report and, instead, identified four documents which were the documents upon which he had relied, and he made all sorts of objection to making them available.

It was only by going to the Administrative Appeals Tribunal that in the end the Minister's hand was forced, and the day before the tribunal was to have a preliminary hearing the Minister handed over all but one of those documents. It was then and only then that information that should have been readily available to the public and which was of importance to people in the education community, the area where the greatest amount of public money is spent, was made available and the public was given access to the reasoning of the Public Service Board and the advice given to the Minister.

The second example is even more extraordinary. Every year the former Education Department, now the Ministry of Education, conducts a survey of all schools in Victoria, both Government and non-Government, as to the movement of pupils between and among those schools. That survey has been conducted each year for some years and it is put together in the form of a report which used to be made available to the education community and the public.

That report fits entirely into the category of information that should be readily available to the whole community. It is not in any sense in any category of the exemptions within the Act; it is the very nature of public information compiled and put together for public use that ought to be readily available.

Up until a month ago it was not possible to obtain from the Ministry of Education any reports since the 1983 report. They were denied not only to the Opposition but also to the independent schools even though they had provided part of the information which was compiled for the purpose of the report. I am told they were not available even to teacher unions, which appears an extraordinary omission.

Once again, a freedom of information request was made by me and after the 45 days allowed under the Act, finally I was given the 1984 survey and told that the results of the 1985 survey had not yet been compiled in the form of a report and, therefore, that information was not given to me.

It is only grudgingly and reluctantly that the Government was compelled to produce the 1984 report and it has still not revealed the results of the 1985 survey. I happen to know that the information from the survey has been collated, the results have been tabulated and the material is all available within the Ministry of Education. The only thing that has not been done to date is to put it together with a cover. I believe the Ministry is simply thwarting the desire of the Opposition and the public to have access to this information.

If I now wish to have it, I must go through a further process of either appealing or, by now, asking for the information preliminary to the actual putting it together in the form of a report. That demonstrates the Government's absolute obsession with secrecy and its determination not to reveal any information that may be in any way useful to scrutinize the actions of the Government.

The actions of the Government demonstrate clearly that the Government has no interest in freedom of information; it will do everything it can to avoid providing information that ought to be in the public domain. This Bill simply is another step on the part of the Government to frustrate and restrict access to information which is important to enable people to scrutinize Government actions and encourage public debate and, in that way, to improve the functioning of government in the community.

The Opposition has rightly used the Freedom of Information Act. I believe more people are now beginning to realize their rights under that Act and this legislative measure should not be allowed to pass in its present form because it will be used as a shield to avoid public discussion and scrutiny of Government action. Therefore, I very much support the comments of Mr Chamberlain, Mr Birrell and Mr Baxter, and I hope the Attorney-General at some stage of the debate will try to explain the Government's motivation so the public can see that there is no real argument to justify the offensive provisions of the Bill.

The motion was agreed to.

The Bill was read a second time and committed.

Clause 1 was agreed to.

Clause 2

The Hon. J. H. KENNAN (Attorney-General)—I am disappointed with the Opposition's attitude to the Bill because all it has sought to do is to make cheap political comments. The Opposition has misunderstood the nature of freedom of information legislation and has mischievously misunderstood the intention of the Government and the benefit to the public from freedom of information.

Two significant issues are involved: Cabinet documents and voluminous requests. I shall speak to the voluminous requests matter when the Opposition moves its proposed amendment. The Government will oppose the proposed amendment because it will not be workable. It is ridiculous to propose an amendment whereby agencies must go ahead and process applications, even though they may be making a request to the Administrative Appeals Tribunal and the tribunal may take several weeks to make a decision, thus wasting time. I suppose that illustrates the lack of grasp the Opposition has on government or the Freedom of Information Act.

The Opposition has suggested, in its attack on FOI, that the Government has reversed its policy. That is untrue and certain facts should be pointed out to the Committee. In the 1985 annual report on the Freedom of Information Act—an excellent report that has been lauded by members of the Oposition, but not understood—more than 5000 requests were made and of those 5000 a mere 9 Cabinet requests, some of which sought application for Cabinet documents. The Opposition suggests that 9 out of 5000 is most significant and that these are the most important issues. That is absolute nonsense because the Opposition wants to use that information to further its own political aims.

The Hon. M. A. Birrell—That is disgraceful!

The Hon. J. H. KENNAN—The Opposition is not interested in the use of the Act for the benefit of the public. Mr Birrell spoke about the Liberal Party but he steered carefully away from mentioning the Liberal Government that had been in office in Victoria for 27 years until 1982.

The Hon. W. R. Baxter—It is getting a while ago!

The Hon. J. H. KENNAN—Yes, but he said the Act that was introduced and passed by Parliament in 1982 was all due to the Liberal Party. However, the Liberal Party had been unable to enact legislation along those lines in Victoria and it took the Labor Government to do it.

The Hon. M. A. Birrell—We were going to do it just after the election!

The Hon. J. H. KENNAN—Mr Birrell's sense of humour is first class and no one takes the mickey out of his own party better than Mr Birrell.

The Hon. M. A. Birrell—Some of my constituents will read that and will write to me!

The Hon. J. H. KENNAN—It is a first-class joke to suggest that after 27 years in power the Liberal Party's commitment to freedom of information was such that it was on the verge of introducing a Bill.

The Hon. M. A. Birrell—What about the Curtin and Chifley Governments? What did they do about FoI?

The Hon. J. H. KENNAN—This is better still. It is marvellous that Mr Birrell has suggested that the Cain Labor Government enacted FoI legislation in 1982 as a result of the former Liberal Government which went out of power earlier that year. Mr Birrell said the 27th year was a bit early and that it would have done something in the 28th year. That is taking the mickey out of his party in a grand way.

Mr Birrell is suggesting that the Liberal Government of 1979-82 can be compared with Labor Governments of 40 years before, and I suppose that is not a bad analogy. I thank Mr Birrell for his comments because they are enormously helpful. Apart from taking the mickey out of the Liberal Party, which I enjoy as much as Mr Birrell——

The Hon. M. J. Arnold—Not quite!

The Hon. J. H. KENNAN—No, that is an exaggeration. I enjoy taking the mickey out of the National Party.

The Hon. M. A. Birrell—I like doing that, too!

The Hon. J. H. KENNAN—Mr Birrell and I agree but not as much as Mr Reid; not only does he like to take the mickey out of members of the National Party but he also kicks them.

The ACTING CHAIRMAN (the Hon. M. J. Sandon)—Order! The Attorney-General should return to the Bill.

The Hon. J. H. KENNAN—Yes, Mr Acting Chairman, that is quite proper. The Opposition does not understand that the public are interested in FOI principally, as the report indicates, to facilitate individual access to one's personal records. That is where the bulk of the applications lie and for one to suggest that 9 out of 5000, which is less than 1 per cent, can be said to go against the spirit of the Act needs only to be stated to be seen for the nonsense that it is.

No Government is prepared to operate without confidentiality surrounding the Cabinet process. The Bill is primarily about protecting that Cabinet process and providing an adequate definition of it. As stated in the second-reading speech, the current definition is not wide enough because documents can be brought into existence for the purpose of briefing a Minister on Cabinet matters, or prepared by a Minister or agency for the purpose of submission to Cabinet which may, under current provisions, be exposed. The Government stands by this without any embarrassment that the Cabinet process and discussions should be confidential.

I do not believe the Liberal Party in Victoria or elsewhere in Australia would suggest that Cabinet discussions, records or submissions to Cabinet should be public. The Government proposes a procedure whereby it can ensure the confidentiality of Cabinet deliberations. It is not a matter for the courts and there has been strong resistance in the Westminster tradition to having courts involved in the administration of judgments. Many people in the legal community share the view that it is inappropriate to have courts that do not have any experience of Cabinet Government attempting to rule on what is or is not a Cabinet document. That is a political decision and it is appropriate that that decision should ultimately rest with the Premier. The Premier is accountable to the electorate on a regular basis and that is where the responsibility for determining what is a Cabinet document should remain.

I congratulate the FOI officers in my department for the excellent work they have done in supplying freedom of information requests.

The Hon. M. A. Birrell—You are just saying that because they are listening!

The Hon. J. H. KENNAN—No, it is partly because I shall also show them the *Hansard* report. Victoria is the only State with freedom of information legislation. Mr Birrell spoke about the Liberal Party, but it has not moved to introduce freedom of legislation in any State of Australia. I understand the Liberal Party is in government in Tasmania, but there is no hint that the Liberal Party, which Mr Birrell champions with some embarrassment—I do not suggest he is fully on side with all the trends of modern Liberalism . . .

The Hon. M. A. Birrell—What about Western Australia?

The Hon. J. H. KENNAN—There is no proposal in Western Australia or Tasmania. Mr Birrell says the Liberal Party is the party of freedom of information and the Labor

Party is not. I point out to the honourable members that the Cain Labor Government is the only State Government to introduce freedom of information legislation.

The Hon. M. A. Birrell—And now it regrets it!

The Hon. J. H. KENNAN—I do not regret it at all. The Government believes the confidentiality of the Cabinet process must be protected.

The ACTING CHAIRMAN (the Hon. M. J. Sandon)—Order!

The Hon. J. H. KENNAN—Thank you for that protection, Mr Acting Chairman. I was becoming rattled with that interjection. I have the most enormous respect for this Chamber. It wounds me when I hear people laughing and ridiculing this place because it is such a fine institution and has an excellent record of acting in the public interest and looking after the real people.

The ACTING CHAIRMAN—Order! I ask the Attorney-General to return to the Bill.

The Hon. J. H. KENNAN—Members of the Opposition have introduced political matters into this debate and honourable members are interjecting and behaving in a disorderly fashion. It is too much when honourable members laugh and carry on in the Chamber. It is difficult for a person such as myself who respects the institution as much as I do.

The Hon. M. J. ARNOLD (Templestowe Province)—On a point of order, Mr Acting Chairman, the Attorney-General has waxed far too lyrically and has strayed too far from the proposed legislation.

The ACTING CHAIRMAN—Order! I uphold the point of order raised by Mr Arnold.

The Hon. J. H. KENNAN (Attorney-General)—I commenced the day with a press conference and Mr Arnold guided me through it. I am grateful for him again guiding me through this debate, together with your assistance, Mr Acting Chairman.

The nub of the issue is that the Opposition has misunderstood the position; I shall try to explain it, although perhaps not today. The Premier and I hope to be able to explain it so that Opposition members can see sense in the matter. The issue of Cabinet documents is peripheral in terms of the Freedom of Information Act.

The last statistics available for 1984 indicate that 9 out of 5038 requests were refused.

The Hon. M. A. Birrell—How many times have you told us?

The Hon. J. H. KENNAN—It is a good point. Many advocates have made a good career out of taking one good point and discarding the others.

My second good point is that no Government and no responsible political party in this country would suggest that Cabinet proceedings should be open to public exposure.

The Hon. M. A. Birrell—We agree. You are trying to say it should cover more than Cabinet proceedings.

The Hon. J. H. KENNAN—No, I am not. The Bill protects the confidentiality of Cabinet discussions by properly defining those Cabinet documents because, frankly, some documents are prepared for Ministers by a Minister or an agency for submission to Cabinet, or a document may be considered by Cabinet that may not have been brought into existence for the sole purpose of presentation to Cabinet. The existing definition is too narrow. Some Cabinet documents go well beyond the existing definition which, as I understand it, is limited to documents which are solely for the purpose of Cabinet discussion and are taken to Cabinet; whereas other documents may be relied on by a Minister for the purpose of Cabinet discussion and their disclosure would have the same effect of breaching Cabinet confidentiality.

A Minister who is being briefed or is seeking briefings for the purpose of Cabinet deliberations may ask for a briefing document that is not necessarily taken to Cabinet or is not necessarily discussed by Cabinet. However, it may well be prepared in relation to an issue that is discussed in Cabinet and it may well be a document on which the Minister relies or potentially relies for Cabinet discussion. The disclosure of such a document will disclose Cabinet issues just as surely as the disclosure of a formal Cabinet submission document that is circulated with all the other Cabinet documents.

To put it as charitably as I can, the Opposition fails to understand the nature of the Cabinet process and seeks to open the confidentiality of Cabinet discussions.

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

Clause 5

The Hon. B. A. CHAMBERLAIN (Western Province)—I move:

1. Clause 5, lines 27 to 43, omit all words on these lines and insert—

"the agency or Minister must commence to deal with the request but may apply to the Tribunal for a certificate stating whether or not the request is reasonable and ought not to be granted.

( ) The agency or Minister shall immediately give to the Ombudsman a copy of an application to the Tribunal.

( ) The Registrar of the Tribunal shall invite the Ombudsman to report to the Tribunal within fourteen days after the Ombudsman receives a copy of an application on what would be involved in acceding to the application and what documents of the kind sought by the applicant are likely to be available.

( ) Upon receipt of the report of the Ombudsman, the Registrar of the Tribunal shall give a copy to each of the parties and the Tribunal shall, not less than three days after copies are so given, hold a hearing at which the Minister or agency, the applicant and the Ombudsman shall be invited to appear.

( ) The Tribunal shall make a decision as to whether the request of the applicant was reasonable and ought to be granted.

( ) If the Tribunal decides that the request is unreasonable—

(*a*) the Tribunal must give the agency or Minister a certificate to that effect; and

(*b*) the agency or Minister may refuse to grant access to the documents.".

To add to my earlier remarks, one of the principal problems is that, when an agency receives a request that it finds displeasing, it refuses to deal with the request and uses every possible means to frustrate that request. There is example after example of agencies refusing to deal with requests because the officer considering the request says that the request involves an unreasonable amount of work and will unreasonably divert the resources of his department, so it should be refused. Month after month passes and nothing happens.

The amendment proposes, firstly, that there is a prima facie right under the Act to information. In this case, the Government is not saying that the request relates to a matter that is exempt—a Cabinet document or personal information on some other party; nor is it using any of the heads of exemption as the basis for refusing the request. It is simply saying it involves too much work. Agencies use that as an excuse for doing nothing.

Under the Opposition's amendment, an agency would immediately start to process the application. At the same time, if the agency considered the request was voluminous and would divert too much of its resources, it could commence other proceedings. The amendment would involve a reverse onus. It would be up to the agency or the Minister to establish that the request was unreasonable.

As Mr Justice Kaye said in the Supreme Court, the Act is set up on the basis that the public have a prima facie right to access. If the Government is seeking to avoid that right, some consequeneces must flow. The Opposition says that, when agencies use this excuse, a reverse onus should apply. An agency would be required to demonstrate to the Administrative Appeals Tribunal in a quick proceeding, which may also use the resources of the Ombudsman, that the request was unreasonable.

As I said, the Opposition believes the amendment is workable. It has been discussed with practitioners and administrators working in the field, and it is put forward in a constructive attempt to find a way out of the Government's dilemma, because, in some instances, requests clearly are vexatious and, in relation to the benefits sought to be gained, would involve too much effort. However, it is put forward in good faith. The Opposition believes it will work and urges the Committee to accept the amendment.

The Hon. J. H. KENNAN (Attorney-General)—I am sorry to have to disagree so vigorously with Mr Chamberlain. The amendment is a joke. In every other case where an agency wants to refuse, it does so, and the request is then the subject of an appeal. If the agency loses its appeal before the tribunal, it must then comply with the Act and the ordinary process starts.

The amendment suggests that an agency should not have the capacity to refuse; that it must start work and spend days or weeks of work on a voluminous request. It ends up going to the tribunal and asking it to rule that the request is voluminous. If the tribunal rules that the request is voluminous, the agency can stop work. That would involve an extraordinary potential waste of time because an agency would be required to start on what may be a voluminous request. It would then go to the tribunal and, if it succeeded, it would then stop work and the person making the request would not get access to the information. Thus, days or weeks of work that the agency had put in would be wasted.

The Hon. M. A. Birrell—How common do you think it will be? It would not be more than one case a year.

The Hon. J. H. KENNAN—Mr Birrell thinks it will be uncommon. If it is going to be uncommon, why should it not be like every other exemption under the Act in respect of which the agency refuses, in which case the matter is tested before the Administrative Appeals Tribunal and if the tribunal upholds the appeal the agency must start work?

The Hon. M. A. Birrell—It should be altered because they are using delaying tactics; they are abusing the current law. It can take years to get a document.

The Hon. J. H. KENNAN—Mr Birrell's most recent interjection indicates that he does not really have the public interest at heart in this matter. He is talking about political urgency.

The Hon. M. A. Birrell—You know that, under the Act, one is not allowed to give as a reason that somebody wants a document.

The Hon. J. H. KENNAN—The position of the Opposition on the Bill can be judged by its position on this clause. It has put forward a position that is palpable nonsense. I do not believe any administrator or person working in the public interest would support that position; that if the position adopted by the Opposition is right on this issue, it is right on all issues.

No one would suggest that public servants must keep working on all of those provisions. To suggest that public servants must start work immediately on a voluminous request and be able to knock off some weeks later when they receive a decision from the Administrative Appeals Tribunal and to suggest that the applicants are not to have access to information anyway, is literally designing a system to waste time.

One can speak about the good faith of the Opposition wanting to have a clause of that kind in the Bill. The Government will not cop it and will not proceed with the Bill if the Opposition forces those kinds of propositions to be accepted, because it is palpable nonsense.

The Committee divided on the question that the words proposed by Mr Chamberlain to be omitted stand part of the clause (the Hon. G. A. Sgro in the chair).

Ayes	19
Noes	21
Majority for the amendment ..	2

AYES	NOES
Mrs Coxsedge	Mr Baxter
Mrs Dixon	Mr Birrell
Mr Henshaw	Mr Chamberlain
Mrs Hogg	Mr de Fegely
Mr Kennan	Mr Dunn
Mr Kennedy	Mr Evans
Mrs Kirner	Mr Granter
Mr Landeryou	Mr Grimwade
Mrs Lyster	Mr Guest
Mr McArthur	Mr Hallam
Mrs McLean	Mr Hunt
Mr Murphy	Mr Knowles
Mr Pullen	Mr Lawson
Mr Sandon	Mr Long
Mr Van Buren	Mr Miles
Mr Walker	Mr Reid
Mr White	Mr Storey
Tellers	Mr Ward
Mr Arnold	Mr Wright
Mr Mier	*Tellers*
	Mr Connard
	Mr Macey
PAIR	
Mr Crawford	Mrs Varty

The clause was consequentially amended, and, as amended, was adopted.

Clause 6

The Hon. B. A. CHAMBERLAIN (Western Province)—I invite the Committee to vote against this clause. The reasons for doing so are quite clear. The Opposition does not agree with the extended definition of Cabinet documents in view of the added responsibilities this would impose on the Premier.

The Hon. J. H. KENNAN (Attorney-General)—The question that the Opposition must address is whether it wants Cabinet deliberations to be open to public scrutiny. Does the Opposition want Cabinet meetings to be recorded on radio or held in public? If so, it should stand up and say so. Frankly, the Opposition has no understanding of how Government works, otherwise it would understand that the present provisions in relation to Cabinet documents are too narrow.

The clause proposes to extend the definition of Cabinet documents to include a range of documents which are, in the view of the Government, documents that are given the same confidentiality for purposes of protecting the confidentiality of Cabinet. It is disappointing that the Opposition invites the Committee to vote against the clause. No amendments have been proposed by the Opposition to the clause. This indicates that all the Opposition is seeking to do is to score political points.

The amendment endeavours to widen the definition of Cabinet documents away from the narrow definition of documents solely for the purposes of consideration by Cabinet and includes all those documents which were prepared by a Minister for the purposes of submission and consideration by Cabinet or a document which has been considered by Cabinet and which is related to issues that are or have been before Cabinet, together with documents that are prepared for the purpose of briefing a Minister in relation to issues to be considered by Cabinet.

The Committee has not heard any rational discussion from the Opposition why these documents should not be exempt. If the Committee accepts that Cabinet discussions should be confidential, why should not documents that are prepared for the purpose of briefing the Minister in relation to issues to be considered by Cabinet be protected?

If those types of documents are released, or documents that are prepared by a Minister for the purpose of a submission to Cabinet are released, it opens up the whole issue of the confidentiality of Cabinet.

If the Opposition accepts that there should be confidentiality of Cabinet deliberations, one has to protect those documents that might directly shed light on what is considered at Cabinet. That is the only purpose for that part of the clause relating to the definition of the word "Cabinet".

I am disappointed that the Opposition is simply opposing the clause and not suggesting any amendments. If members of the Opposition believe Cabinet discussions should be confidential, they need to turn their minds to these issues.

In respect of the second part of the clause which the Opposition opposes, what has happened in relation to the interpretation of the Act can be contrasted with the Federal Act that Mr Birrell supports so enthusiastically.

The Hon. M. A. Birrell—That is the Liberal Party Act.

The Hon. J. H. KENNAN—Yes, but the honourable member does not support it. He supports the current provision, as interpreted by the courts, which says that courts should consider whether documents are Cabinet documents and, if the courts disagree with the Government, they can order their release. That is not the case in the Federal provision.

Mr Birrell is happy with the Federal Act, but he will not move an amendment to give effect to the Federal provisions in this clause.

This is a further example of the Opposition simply blocking provisions in respect of clause 6 without moving any amendments and without advancing any rational arguments. Mr Birrell put forward arguments supporting enthusiastically the Federal Act, and he is not prepared to move an amendment to the clause which will take account of the provisions in the Federal Act.

Cabinet documents must ultimately be a political decision and not a decision for the courts. The buck stops with the Premier. If there is community dissatisfaction on that political decision, it is the Premier who must accept the responsibility for that.

The Hon. W. R. BAXTER (North Eastern Province)—Although the Attorney-General did not mention the National Party, his remarks encouraged me to place on record the lengths to which the National Party went to formulate an amendment that would have been satisfactory to the party and which may or may not have been accepted by the Committee. The Attorney-General suggested that the Opposition is opposing the clause and not suggesting any amendments.

The National Party is opposing the clause and, although it is not suggesting an amendment, it is not for the want of trying. I shall set out, for the benefit of the Committee, some of the propositions that the National Party considered and rejected.

The Committee has before it a Bill which changes section 28 (1) of the Act, paragraph (*b*) of which states:

> a document that has been prepared by a Minister for the purpose of submission for consideration by the Cabinet.

That is the paragraph in the existing Act that the Government now finds far too wide for its liking. The Government proposes in the Bill to tighten it up by substituting paragraph (*b*) with a new paragraph (*b*) which states:

> a document that has been prepared by a Minister or agency for the purpose of submission for consideration by Cabinet or a document which has been considered by Cabinet and which is related to issues that are or have been before Cabinet;

The Government also proposes the insertion of a new paragraph (*ba*), which states:

a document prepared for the purpose of briefing a Minister in relation to issues to be considered by Cabinet;

As was widely canvassed in the second-reading debate, that definition is far too broad for a Cabinet document and virtually any document in the Public Service could be deemed, styled and characterized as having been a document prepared for briefing a Minister in relation to matters considered by Cabinet.

The National Party had discussions with the Premier and, following those discussions, a revised draft was put forward which split paragraphs (*b*) and (*ba*) in the Bill into three to read thus:

(*b*) a document that has been prepared by a Minister or at the request of a Minister or by an agency and is—

(i) a document prepared for the purpose of submission for consideration by Cabinet;

(ii) a document which has been considered by the Cabinet and which relates to the issues that are or have been before Cabinet; or

(iii) a document being a Cabinet Briefing Paper prepared for the purpose of briefing a Minister in relation to issues to be considered by Cabinet;

The Committee would agree that the term "a Cabinet briefing paper" is not defined and would be capable of such a wide definition that it would enable a whole host of documents to be declared Cabinet documents and thus exempt. The National Party was not prepared to accept that revised draft. Nevertheless, to indicate its good faith in the matter, it pressed on. It had a further formation of words put together to add to proposed paragraph (*ba*) and it would read thus:

A document prepared at the request of the Minister for the purpose of briefing a Minister in relation to a submission for consideration by Cabinet.

I think, at first glance, the proposed wording has some attractions. It speaks about a document prepared "at the request of the Minister". It seems to tie it down and make it positive. However, when one gives thorough consideration to those words they appear to be deficient and capable of the widest possible interpretation. I shall run through some of the interpretations that might be placed on that proposed wording.

One interpretation is that the FOI Act, of course, applies only to documents. But what does the proposed paragraph encompass by the word "document"? Is the paragraph confined to the document actually prepared as a result of the Minister's request or does the paragraph include other documents which are annexed to the document prepared to brief the Minister—for example, appendices, schedules and exhibits to the report?

Further, what is contemplated by the word request? Does the Minister have to request the preparation of the specific document or are all documents brought into existence as a result of a general request comprehended? The word request is also inapt. One would expect a Minister of the Crown to direct or instruct the preparation of a document rather than request its preparation.

Honourable members can see that, what might have been thought on the surface, to be suitable wording, is open to wide interpretation.

Further, must the document actually be used to brief the Minister or is it sufficient that the document be prepared only in case the Minister should need briefing? The words "for the purpose of briefing" are apt to cover even the latter situation. Whereas, if there is any justification for exempting such documents from the FOI Act, that justification can be only that the document was actually used as the submission to Cabinet.

There is no stipulation expressed in the paragraph that the document must be created after or pursuant to the Minister's request or direction. As the paragraph now stands, a document may fall within the definition even though it was prepared before the Minister

requested any information at all. Again, the proposed wording is found to be capable of very wide application.

A further interpretation is that the paragraph does not specify that the purpose of preparing it must be solely to brief the Minister. Therefore, a document may qualify within the paragraph if the purpose of briefing the Minister is only the main, or a substantial, or even a significant or, at worst, a remote purpose behind the preparation of the document.

The words "in relation to" are particularly odious. The phrase does not have any precision at all. What it means is that there must be some connection between the document and the contemplated submission. But the degree of the connection is utterly unspecified.

Therefore, I indicate to the Committee, in light of the Attorney-General's remarks, that although he did not particularly mention the National Party, an earnest endeavour has been made by the National Party to formulate an amendment that might be acceptable to the Committee. We have not found that possible.

The National Party is not happy with the proposals in the Bill and is not prepared to accept them. It is left with no option but to fall back to the Act as it stands and to allow the current law to remain pending a satisfactory definition of a Cabinet document emerging at some future date.

The Hon. B. A. CHAMBERLAIN (Western Province)—The Attorney-General castigated the Opposition for producing no rational argument for the rejection of the proposition contained in clause 6. However, the Opposition has heard nothing from the Government to justify these changes.

I invite the Attorney-General to give the Committee examples of situations where documents, which the Attorney-General believes should be exempted as Cabinet documents, were required to be produced under the existing law.

The Attorney-General says that there is a reason for changing the law; the Opposition says that there is no reason. I invite the Attorney-General to give the Committee examples of documents he believes should not have been released because the definition in the Act is too narrow, and which were released under the existing law.

The Hon. J. H. KENNAN (Attorney-General)—I can produce constant examples from the Government.

The Hon. B. A. Chamberlain—Are they real life cases?

The Hon. J. H. KENNAN—Of course the Opposition wants me to produce them because it wants me to start disclosing Cabinet confidentiality.

The Hon. B. A. Chamberlain—No, I am talking about documents that have been released under the Freedom of Information Act that you believe would not be released under your definition.

The Hon. J. H. KENNAN—That is not the point.

The Hon. B. A. Chamberlain—The point is whether the clause is needed at all.

The Hon. J. H. KENNAN—That is correct; the point is Cabinet confidentiality and this highlights it. As a Minister, I may have prepared a number of briefing papers that I wish to rely upon for the purpose of Cabinet discussions. They may not be a Cabinet submission; I may or may not take the document to a Cabinet meeting with me, but it may be a document that foreshadows a Cabinet discussion, foreshadows a position that other Ministries may take; it may canvass arguments that I wish to put; it may be a document that gives me background on a proposal, suggests a position that I may want to address, but I may not take the bit of paper to a Cabinet meeting and it may not be a Cabinet submission for the purpose of the existing Act. If it were released, it would most certainly shed light on Cabinet deliberations; it could shed more light on Cabinet deliberations than a Cabinet submission.

Let us suppose a Minister takes a submission to Cabinet on a particular Bill that will change the law; it might establish an administrative structure, it might involve financial outlay; and say the Minister is the Minister for "X". A number of other Ministers may be receiving background papers on the submission as it may affect their portfolios. The Treasurer may get a briefing note on the economic implications of it; the Premier may receive a note on the implications for Government administration; the Attorney-General may receive a briefing paper on the legal aspects or background of individuals involved in it; the Minister for Planning and Environment may receive a briefing paper on planning considerations for a proposal.

Those bits of paper generated for the purpose of briefing all of those other Ministers may shed a lot more light—were they to be disclosed on Cabinet discussions—than just simply the proposal of Minister "X" that is stamped "Cabinet submission" and which is clearly a Cabinet document.

The Government is saying that if the purpose of the exemption of Cabinet documents is to protect the confidentiality of Cabinet deliberations so that the community at large does not know what blows were traded in Cabinet, what discussions took place in Cabinet and what the pros and cons were—and we all seem to be in agreement that Cabinet discussions should not be disclosed to the public—it must protect this other class of document to which the Bill refers.

The Hon. B. A. CHAMBERLAIN (Western Province)—That argument by the Attorney-General demonstrates that there is no justification for this proposal. The Minister cited not one real life example of a case where a document, having to be produced under existing law, would be exempted under these proposals; and, therefore, it is a nonsense provision.

Secondly, the Minister is advocating that, after this proposal is passed through this Chamber, a Minister should walk down the road, buy a rubber stamp that says, "This document is prepared for briefing the Minister in relation to issues to be considered by Cabinet" and then be able to stamp that on every document produced in his or her department and, lo and behold, every document is thereby exempted from the scrutiny of the public.

The Government has given no justification for these amendments. In relation to the proposals before the Committee to say that there is an appeal from a conclusive certificate to the Premier of the State is clearly nonsense. The Premier is on the public record as saying that he is determined to prevent the scrutiny of the Cabinet oyster.

There is no way in the world that the Premier—if there were to be an appeal to him under the Government's proposals—would allow the release of a document that was politically embarrassing, regardless of whether it was a Cabinet document. That is a fact of life, and yet the Government is proposing to give the Premier the right to have the final say on these issues.

I shall examine the nature and the limited scope of the judicial survey referred to before. That judicial survey is consistent with consecutive decisions of the High Court, the Federal Court and the Supreme Court on the scrutiny of administrative decisions.

In this case, under section 50 (5) the court has a very limited role and that role is to ascertain whether the characterization of this document as a Cabinet document has properly been allocated. That is all it does. If the court comes to the conclusion that it is so properly characterized, that is the end of the matter. There is no way that the court would order the release of the document.

The Opposition has absolute confidence in the ability of the court to keep these documents confidential. On the other hand, if the document has been improperly characterized—and we have given real life examples of improper characterization—the court has the ability to, first of all, say that, and, secondly, based upon the decisions quoted earlier, the court has the ability to then say that the documents, not having exemption, must be released.

That is a position consistent with judicial thought in this country. It has been developed particularly over the past ten or fifteen years and it is a proposition that the Opposition whole-heartedly supports.

The Committee divided on the clause (the Hon. G. A. Sgro in the chair).

Ayes	18
Noes	21
Majority against the clause	3

AYES	NOES
Mr Arnold	Mr Baxter
Mrs Coxsedge	Mr Birrell
Mrs Dixon	Mr Chamberlain
Mr Henshaw	Mr Connard
Mrs Hogg	Mr de Fegely
Mr Kennan	Mr Dunn
Mr Kennedy	Mr Evans
Mrs Kirner	Mr Granter
Mr Landeryou	Mr Grimwade
Mr McArthur	Mr Guest
Mr Murphy	Mr Hallam
Mr Pullen	Mr Hunt
Mr Sandon	Mr Knowles
Mr Van Buren	Mr Lawson
Mr Walker	Mr Macey
Mr White	Mr Miles
Tellers	Mr Reid
Mrs Lyster	Mr Storey
Mrs McLean	Mr Wright
	Tellers
	Mr Long
	Mr Ward
PAIR	
Mr Crawford	Mrs Varty

The remaining clause was agreed to.

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

FIRE AUTHORITIES (AMENDMENT) BILL (No. 2)

This Bill was received from the Assembly and, on the motion of the Hon. J. E. Kirner (Minister for Conservation, Forests and Lands), was read a first time.

VICTORIAN CURRICULUM AND ASSESSMENT BOARD BILL

The debate (adjourned from April 24) on the motion of the Hon. E. H. Walker (Minister for Agriculture and Rural Affairs) for the second reading of this Bill was resumed.

The Hon. HADDON STOREY (East Yarra Province)—This is one of the most important Bills regarding education that the Chamber has had to consider for many years. It is important because it is part of a process that will involve dramatic changes in the form of post-compulsory schooling in Victoria.

The Bill arises from the report of the committee chaired by Jean Blackburn which was published last year, and which has been the subject of public discussion and controversy. Resulting from the report, proposals for a new approach to post-compulsory schooling have been put forward. Part of those is the creation of the Victorian Curriculum and

Assessment Board, which will be responsible for accrediting courses and conducting or supervising assessment of those courses in the final two years of secondary schooling.

The outcome of the process will affect thousands upon thousands of Victoria's young people and some older people who wish to complete their final years of schooling. It will affect, therefore, the nature of education in the State. Anybody who thinks that you can change what happens in Years 11 and 12 without having a consequential effect on the earlier years of schooling is ignoring the fact that there must be preparation for the final years of schooling and so the curriculum and the approach adopted for those final two years will undoubtedly affect the earlier years of schooling.

The Bill will have a profound effect upon education and it merits close examination. The background to the Bill is, as I said, the Blackburn report and the discussions which followed it. There is general agreement within the community that the education system is not perfect and needs to be examined and addressed, particularly in the final years of schooling.

Many complain that the final years of schooling are not providing what the community needs or wants, not satisfying students, the parents of those students or the needs of the community. It is pointed out as examples of this that students are not equipped to cope with a changing society and that the retention rate of secondary students is not comparable to world standards.

Education serves many purposes. It serves the social, economic and other developments of students and must provide a basic framework of knowledge. Much debate can ensue on what that basic framework is, but essentially there are our cultural traditions, scientific principles that have been developed over many years, the historical and the geographical settings in which we live. In respect of all of those areas there is a large body of knowledge which ought to be provided for our children to equip them for life in our world.

It is also inherent in education that there is development of the schools for community use, the need to be able to write, read and deal with figures. Those areas are extremely important in the life of our information society. Schools should also teach our children to respond to innovation, to emphasize the necessity of co-operation and living together in a community, to inculcate the knowledge and ability to grapple with the world and to be adaptable to change.

One can go on giving all sorts of definitions on what is required of a system of education and different people have different perspectives of it, although most would believe the compendium of matters I have discussed are matters that ought to arise out of the education system. We live in a community that is changing rapidly. Patterns of work and the hours of work and leisure are changing. People will more frequently change their occupations in the future and there is an increasing tendency to move from one area of activity to another. It is agreed by most people that we need the development of broad skills and flexibility and to have relevant learning suitable for living in our society.

In that context how do Australia and Victoria rate in terms of schooling? Many of the studies that have been conducted show that Australia has failed in a number of respects. I quote from the Economic Planning and Advisory Council report published last year titled, "Human Capital and Productivity Growth".

The Hon. J. E. Kirner—A great term for students—human capital!

The Hon. HADDON STOREY—I am not responsible for the title of the paper. I refer to it because it contains a number of important points, including references to the Blackburn report and its recommendations. I particularly refer to page 1 of the report which states:

> By most common measures, Australia's labour force lacks the education intensive skill base of many developed countries such as Japan, West Germany and the US. This is reflected in:
>
> poor school retention rates, inadequacies in the content of school curriculum and in school promotion and certification processes.

The report, in that respect, echoes many of the things said in the Blackburn report which made a number of recommendations to address these problems. One of the central feelings was the need to increase the retention rate in the final year of secondary school to 70 per cent; to broaden the curriculum; to orientate curriculum to adulthood; to provide appropriate structures for credentialling and accreditation; to provide a common credential—which is to be called the Victorian certificate of education—and establish a body, the Victorian Curriculum and Assessment Board, for this purpose.

I wish to examine some of the matters referred to in the report. The reference to the retention rate is supported by the fact that Australia, as I have said, has a low retention rate in senior schools compared to other countries. There has been a remarkable increase in the retention rate in Victoria over recent years. The present retention rate, according to the Minister is 54 per cent—that is, 54 per cent of those who attend Year 7, the first year of secondary schooling, remain in some form of education until the final year of secondary education, Year 12.

The Victorian figures for those undertaking the higher school certificate in 1985 were slightly more than 49 per cent of those who entered Year 7 at the beginning of that process. Thus almost 50 per cent of students stay on at school to do the higher school certificate in its various forms and more are undertaking tertiary orientation programs in technical and further education colleges. The combination of those figures is 54 per cent or slightly more. It means that the retention rate has increased dramatically over recent years.

The Minister is often fond of saying that Victoria is well on the way towards its target of 70 per cent, as set out in the report. The other way of examining that is to say that Victoria has only another 16 per cent to go. What is proposed in the report represents a dramatic upheaval to an education system which will be changed for over half the students, that being those already in the system, to provide for the further 16 per cent. The question has to be asked whether what is proposed will work.

I do not believe anybody can say now what will be the outcome of all these changes. Indeed, as I shall demonstrate later, nobody can say what will be the changes, let alone what will be the outcome.

People have questioned whether this dramatic change should take place both in terms of the new curricula that will be designed and the new processes for the final years of schooling, or whether, instead, we should continue to develop the present system, which is obviously attracting more and more students to remain in our schools and which is providing for a wider range of people than it has provided for in the past.

The Minister is hell-bent on achieving his timetable, regardless of any of these factors, and later I shall point out some of the problems relating to this matter.

The Government has accepted the main recommendations of the Blackburn report and is proceeding with this Bill. Even more significantly, it is proceeding with the development of the new curriculum.

Much of the attention of the educational communities is being placed on these changes and, therefore, much time and effort is also being devoted to them. One can question whether more attention ought not to be paid to the present system and whether there should be an attempt to accelerate, so to speak, the changes that have already been taking place and to improve the system, so that it becomes even more attractive to students and provides a curriculum that is more relevant and more in tune with the future needs of the community.

The fact is that there is a great drift of students from Government schools to non-Government schools. The stage has now been reached where more than 30 per cent of all students are in non-Government schools. Of course, that figure is higher in the secondary system and higher again when one considers the number of students in Years 11 and 12. The reasons for this drift of students from Government to non-Government schools ought to be addressed rather than seeking either to ignore it or to deny what is occurring.

Among the problems addressed by many people in the community is the fact that there is a lack of diversity and choice within the education system and that it is important for that diversity to exist to be able to cater for students, whatever talents or abilities they might have; that it ought to be able to provide appropriately for those who wish to pursue academic talents on the one hand, or the development of practical skills, or sports, music and so on, on the other hand.

The growth in the number of students extending their education to the tertiary orientation program in technical and further education colleges is perhaps an indication that offering a different type of education in the final years of schooling has proved to be very attractive to students who seek a different environment or a different type of curriculum to that which has been offered in our schools to date.

There are those who have argued that it would be better to encourage those developments and changes and to remove the concept that clearly exists within the community that children who do not continue on to tertiary education or students who do not go on to undertake the higher school certificate have in some way failed. That is detrimental to the students and ignores the different sorts of talents, abilities and interests that different people have.

It is certainly not the position of the Opposition that everybody should complete Group 1 higher school certificate courses and then go on to tertiary institutions. One of the reasons why there is so much demand for students to do that is a perception within the community that students who do not succeed in following that path have in some way demonstrated that they do not have the same abilities as other people, that they somehow have lesser abilities. The Opposition does not share that view, but it believes it is important to have a system that caters for all those people.

One of the problems with the recommendations of the Blackburn report, depending on how they are implemented, may be that they could remove some of the present diversity and choice and produce a system that will be more restricting and confining to our students. Therefore, the curriculum must meet a number of different objectives.

The introduction to the Government's curriculum framework document talks about what factors can influence curriculum planning and states:

> At senior levels, in Years 11 and 12, there will be a need to recognize that studies interface with the post-secondary area and the labour market. Studies required for entry to particular courses in higher education, and those which lead into vocational courses and the labour market, assume greater significance for young people and their parents. Certificates recording a student's achievement at Year 12 become significant, providing one of the bases for selection into post-secondary studies and employment. The senior secondary curriculum is therefore a matter for greater public concern and input.

The document makes the point that it is recognized that the certificate awarded at the end of Year 12 and the curriculum that leads to that certificate are of great importance within the community because of their relevance to entry into the post-secondary area and into employment.

That is not to say, of course, that the curriculum should be entirely devoted to entry into tertiary institutions. That is one of the complaints that has been made in the past, that the subjects in Group 1 higher school certificate courses have been basically devoted to obtaining the proper grounding for entry into post-secondary institutions.

Perhaps that complaint is demonstrated by the growth in the number of students undertaking Group 2 subjects at present, and, as I said before, the number of students undertaking tertiary orientation program courses. That is occurring because students are looking for a wider and different sort of curriculum and one that is not necessarily geared towards academic requirements for entry into post-secondary institutions.

The Blackburn report concludes that there ought to be a broader curriculum, that all students should undertake a broad range of subjects, not just humanities and sciences but also practical subjects. The Opposition agrees that that is desirable. However, we must

not lose sight of the objectives of post-compulsory education, as it is described in the curriculum framework document. We must ensure that the courses that are devised are academically viable, that they are educationally viable, that they fulfil the community's need for selection to post-secondary education and provide skills for the labour market. Therefore, there must be variety and there must be maintenance of a substantial standard.

In recent times there have been the beginnings of public discussions about the nature of the curriculum that will be devised under the new arrangements. I refer the House to an article that appeared in today's *Herald*, in which the Vice-Chancellor of the University of Melbourne, Professor Caro, is reported as accusing the Minister for Education of brainwashing the public over the proposed radical changes to the State's education system.

Professor Caro claims that some of the plans for the new Victorian certificate of education will lead to a lowering of educational standards.

Just in case anybody thinks that Professor Caro is totally opposed to what is going on, he is also quoted as saying:

> We all accept school reforms are needed, but we are not entirely happy with some of the proposals of the VCE.

That is the view of a responsible figure within the educational community who has expressed substantial concern about what might flow from changes that are taking place in our educational system.

The Hon. J. E. Kirner—They have nothing to do with restructure. They have been on the cards for a long time, even before you were a member of VISE.

The Hon. HADDON STOREY—I am not talking about restructure, I am talking about the outcomes of the Blackburn report, of which the Bill is an important part. It is essential that these outcomes should not lead to a lowering of standards. Depending upon the processes that are followed and the way in which they are carried out, they will lead to either a maintenance of or a reduction in standards.

The Hon. E. H. Walker—You are still having two bob each way!

The Hon. HADDON STOREY—The Minister implies that I am not giving a direct answer to the question of whether there will be a lowering of standards.

The Hon. E. H. Walker—Yes, that is my implication.

The Hon. HADDON STOREY—I am not giving a direct answer because I do not know. The Minister does not know and I do not think anyone knows what the answer will be because it depends entirely upon the way the processes are carried out. It depends upon the curriculum that is recommended.

I shall later speak about the processes currently taking place in the development of that curriculum and I shall be critical of the fact that it is not an open process and has not inspired confidence in the educational community. That is why people such as Professor Caro are making these sorts of comments. These comments would not have been made if the process were being undertaken in a different manner that might possibly help to dispel the concerns of the community.

It is not enough for the Leader of the Government in this House or anybody else to try to score political points on what people are saying about this because it is the future of Victorian children that is the only consideration. Everyone in this Chamber must share an equal concern that the outcome of all the processes is in the best interests of the children of Victoria.

The Hon. E. H. Walker—I was not casting aspersions anywhere. I am merely interested in what you think.

The Hon. HADDON STOREY—The Minister has made it perfectly clear that he does not understand the Bill. Either that, or he has not thought about the relevance of the Bill to curriculum and standards that will be developed for post-secondary education in the

future. If the Minister does think about it, he will no doubt share the concern that I have to ensure that the processes must provide the best possible education for our children. The main concern is that that may not be the outcome unless much care is taken. The Blackburn report emphasized that the standard must be maintained. The community has a strong feeling about this matter.

An interesting analysis of community perceptions is contained in a document produced by the Policy and Planning Unit of the then Education Department in August 1985 entitled, "Factors associated with the recent decline in technical school enrolments". The document highlights the marked decline in recent years in technical school enrolments as compared with no decline or a much lesser decline in high school enrolments. The research unit found that when children are approaching Year 7, their parents are electing to send them to high schools rather than to technical schools.

To discover the reason for this, the unit conducted research and sought the views of placement officers and principals and then scientifically worked out a sample of parents who had chosen to send their children to one or other system. All three groups studied showed the same basic answers. The summary was that parents are seeking traditional schooling for their children. What they considered traditional schooling was a more academic education because they believe that gives their children more opportunities for employment and achievement within the general community.

The summary of the views of placement officers, on page 22 of the report, is that placement officers felt there was a general trend towards a desire for more academic education. Sometimes this trend expressed a desire for education more focused on basic literacy and numeracy skills, sometimes it was expressed as a desire for a secondary education which would lead to tertiary study.

At page 31, the summary relating to parents was that high schools were almost universally perceived as having higher academic standards than technical schools. The study shows that the community perception is that academic standards should be maintained in the schools. It is not just a feeling, it is demonstrated by that study.

What does the Bill do about these issues? It makes a change but one must ask whether it is a real change or innovation without change. Is it change for change's sake? The previous body was the Victorian Institute of Secondary Education and the body to be established under the Bill is the Victorian Curriculum and Assessment Board. Both those bodies have had the same basic objectives set out for them, although VISE was confined to Year 12 and VCAB handles Years 11 and 12. I do not know that that is of much significance. If one considers the Bill, VCAB may not necessarily be confined to Years 11 and 12; it can refer to the whole of secondary schooling.

The Bill is designed to increase retention rates and broaden curriculum. Simply doing that will not guarantee any improvement in standards or quality of education, nor will it provide for a better future for students.

There is no guarantee that it will even maintain the present rate. Therefore, one has to ask: what is the real reason for having this new body known as the Victorian Curriculum and Assessment Board? Although it was a recommendation contained in the Blackburn report, the reasons contained in that report do not justify a new body. One could well have achieved the same aims by changing the structure of the current body, the Victorian Institute of Secondary Education. One therefore has to examine the Bill to understand the real change that will take place.

The Bill will mean a much greater centralization of power in terms of determining the future of post-compulsory schooling in Victoria. The board will have a full-time chairperson and three executive members. They will have a great deal of dominance in the council of the board simply by virtue of their full-time and part-time positions as against people who simply serve on the council.

The Bill provides for committees of the board but they have advisory powers only; whereas under the current Victorian Institute of Secondary Education, committees have executive powers that can be delegated to them and the majority of the work of the institute is done by committees.

Under the Bill there is power to delegate only to members of the council or officers and the committees are described as "advisory only". There is no reference anywhere in the Bill to consultation, although it is well known that the Victorian Institute of Secondary Education has operated through a range of committees extending into the education community which has involved literally thousands of people and it has had a broad input from the whole education community.

The Bill provides for the Minister to appoint all the members of the board and, although it talks about different categories of people, as the Bill stands, the Minister is virtually at liberty to appoint anybody he wishes to appoint. Therefore, the board has all the potential for strong Ministerial control and major dominance by those who are running that body.

The relationships between the chairperson, the executive members and the members of the board are not spelt out. I refer to a speech given by the present Chairman of the Victorian Institute of Secondary Education, Bernard Rechter, at a seminar on certification in higher education, held in November last year. He commented on the curriculum and assessment working party which was appointed by the Minister and which made recommendations that have been embodied in the Bill. He stated:

> There is every possibility of conflict between the chairman, the executive and the board of fifteen unless their relationship and the relationships of their terms of reference are explicitly defined.

They are not explicitly defined in the report of the curriculum and assessment working party and they are not defined in the Bill.

The most fundamental aspect of what the board will do is to determine the curriculum for post-compulsory education. That raises the question of who owns the curriculum.

The Minister acknowledged in the explanatory second-reading speech that the Victorian Curriculum and Assessment Board is crucial to the development of the school system for that last decade and a half of the century. The Minister said that, in order for the board to discharge its responsibilities, it will be necessary for it to develop and maintain public confidence in its procedures and decisions. I wholeheartedly agree with that comment.

The problem is that at present that confidence does not exist in the structures that are being created. The curriculum ought to be evolved by the education community as a whole. It should never be something which gives vent only to the particular social or political views of the Government or the Minister of the day.

One often hears talk about social engineering. By that people mean activities designed to ensure that there is a change in the community, which is brought about by those changes. If a determination of curriculum in the post-compulsory education was to be made by either the Minister alone or the Minister and his advisers alone, one would be entitled to be most critical because it would mean that the curriculum would simply reflect the views of the Minister of the day. Therefore, it is absolutely essential that it be a public and open process. However, nothing in the Bill ensures that that will take place.

The Bill provides for nineteen members of the board and they are to be associated with education under the terms of the Bill, although there is no requirement that any of them have any particular representation. The Minister, as was pointed out by somebody in a letter to me, could appoint nineteen childless people who had simply been connected with education and that could be the board. In other words, there is no requirement under the Bill to ensure that certain categories of people are represented, or to ensure that there is a broad cross-section of educational opinion represented on the board.

The Hon. B. P. Dunn—We could move an amendment on that.

The Hon. HADDON STOREY—Indeed, but then one would have difficulties in tying the hands of the Minister to nineteen specific types of people. The Minister in another place gave an undertaking that certain categories of persons will be represented. In giving that undertaking the Minister nominated the categories of persons whom one would expect to find on this board.

Of course, the present Minister for Education will not be the Minister for Education forever. There is no certainty that the undertaking given by the Minister on this occasion will be binding for ever after. The Bill leaves this aspect up in the air.

The curriculum ought not to be owned by the members of the board any more than it ought to be owned by the present Victorian Institute of Secondary Education. The curriculum ought to be owned by society as a whole and, in particular, by those most vitally affected by it. That involves the students, the parents and the providers of education.

There is insufficient public representation on the board. The Minister has undertaken that an employer will be represented on the board as well as parent groups and school councils, but otherwise there is no public representation.

A board as important as the Victorian Curriculum and Assessment Board, upon which the future of all our children depends, ought to include representatives from each of the major political parties so that they can provide an input from the community perspective and also have a window into the workings of the board. Those representatives will be able to learn from that process and report back to their parties on the board's progress. I shall say more about that aspect of the Bill during the Committee stage when I propose to move an amendment to provide for Parliamentary representatives on the board.

As I said, curriculum is most important. The Minister has set a time frame of 1990 for the full introduction of the new Victorian certificate of education. The certificate will be introduced next year but only for those who pursue the process that is already under way for the higher school certificate and other certificates.

A concern that has been raised in public debate about the new certificate is what steps have been taken to develop curriculum that ultimately will be adopted for the new certificate. That concern has been voiced publicly by Professor Caro, Mr Dyer, the Principal of the Camberwell Church of England Boys Grammar School, and also by those involved in the Government school system.

Although principals and others working in the Government school system do not feel as free as people in the independent school system to voice their concerns publicly, they can voice them privately. They do not speak publicly because they know that if they do they will be upbraided by the Minister. Many of them have spoken to members of the Opposition about their concerns and I would be surprised if they have not also expressed those views to members of the Government.

Because the Minister for Education has failed to appoint a chairperson to the Victorian Institute of Secondary Education, who will become the new chairperson of the Victorian Curriculum and Assessment Board, the development of curriculum is being carried out by a Ministerial unit with Mr Hannan as the executive officer. That work has been carried out for some time without the benefit of a broadly based review. Only within the past month or so has the Minister resurrected the Victorian Curriculum Assessment Working Party to act as an umbrella group to oversee the work that is being done by the unit.

That large body meets infrequently and is really not able to participate in the work being done. More recently people have been recruited from the independent school system to work part time to assist the work being done by the unit. This is being done separately from the structures that were developed by the Victorian Institute of Secondary Education over many years and without the full public consultation that has taken place in the past on development of VISE curriculum subjects.

The work has caused some people considerable concern, as much because they do not know what is happening as because of what they hear about it. If the work were made more public, perhaps that concern would turn out to be inappropriate, but that is not the case. A Ministerial unit is being supervised by a working party that is chaired by the Minister for Education. It shows one of the most undesirable signs in curriculum development: that is, the imprint of a particular political party is being used to develop curriculum that will apply to all students in Years 11 and 12 and in later years.

Although the Minister has said that all the work must be adopted by the Victorian Curriculum and Assessment Board when it is established, in reality once curriculum has been established in the time frame set by the Minister there will be no opportunity of reviewing this work. In many respects, the board will be handed an assessment about which it will be able to do nothing other than accept it.

Many concerns have been expressed about the field of study to be proposed. Some people are worried about the effect this will have on existing subjects. Mr Dyer wrote a letter to the *Age*, which I referred to and in which he questioned what would happen to subjects such as accounting and legal studies. Legal studies is the third most popular subject at present in the higher school certificate year, yet teachers of this subject have a genuine fear that under the field of studies being devised this subject will disappear altogether, as may accounting.

People should know what is happening. What will happen with subjects such as English? I have seen an English course that provides for no external assessment. In the context of the course it was said that it was so devised that it would be inappropriate to be assessed externally. So far as I am aware the public do not know whether that proposal is being considered by the Ministerial unit. If it is, the public would have considerable cause for concern. One of the criticisms made about the details of the Blackburn report when it was first introduced was the recommendation for only two units of English.

The debate was interrupted.

JOINT SITTING OF PARLIAMENT
Senate vacancy

The PRESIDENT—Order! The time has arrived for this House to meet the Legislative Assembly in the Assembly Chamber for the purpose of sitting and voting together to choose a person to hold the place in the Senate rendered vacant by the death of Senator Alan Joseph Missen.

The sitting was suspended at 5.59 *p.m. until* 8.4 *p.m.*

The PRESIDENT—Order! I have to report that this House met with the Legislative Assembly this day for the purpose of sitting and voting together to choose a person to hold the place in the Senate rendered vacant by the death of Senator Alan Joseph Missen, and that Richard Kenneth Robert Alston has been chosen to hold the vacant place.

VICTORIAN CURRICULUM AND ASSESSMENT BOARD BILL

The debate (interrupted earlier this day) on the motion of the Hon. E. H. Walker (Minister for Agriculture and Rural Affairs) for the second reading of this Bill was continued.

The Hon. HADDON STOREY (East Yarra Province)—Before the joint sitting I was talking about the concerns that people have about the curriculum development process and I mentioned such matters as the concern about the future of the subjects of accounting and legal studies, and the concern about the type of English course that might be devised.

Another area of concern is mathematics. We all know that there is a shortage of mathematics and science teachers in Victoria. There is a shortage of people qualified to teach mathematics in our higher institutions and this is an important area that needs to

be nurtured and encouraged in our schools. What type of mathematics will emerge? I mention this concern because it was recounted to me recently at a meeting of teachers that a member of the Ministerial unit made the statement that they had "fixed up" a mathematics course that everyone can take. The people who heard that wondered what on earth it meant.

Does it mean the course will have a lower standard than the standard of the current mathematics course at Year 12 so that everyone can take it? Does it mean that it will be the only mathematics course available or will a variety of courses be available?

People whose only concern is in the education system and the future of that system are questioning what is proposed, what work is being done and what the end result will be. I emphasize that it is important that there be a proper process put into place by the Minister for Education for the transition from the Victorian Institute of Secondary Education to the establishment of the Victorian Curriculum and Assessment Board. It is important that a curriculum is established that brings into the process the whole education community, that makes for sub-committees and people in the schools, that ensures that it is a fully accountable process, and ideally is done with the new assessment board in place.

If the board is not in place, the curriculum should be established by some sort of management system instituted by the Minister for Education. The Minister has obviously reacted to the sorts of comments made by the expansion of the Ministerial unit and by the placing of it in the same building as VISE, but none of these matters will be truly answered until such time as the processes are established in such a way that ensures that all people in the community can have an input.

The other question arising is who will run the Victorian Curriculum and Assessment Board? A chairman was supposed to be chosen last Christmas, but still the board has no chairman and we are unaware of when the board will have a chairman. The senior officers of the Victorian Institute of Secondary Education are apparently not under consideration for similar positions with the Victorian Curriculum and Assessment Board and are leaving VISE. That is the talk around the place, if I can put it that way, without mentioning any names.

It is important to know who will be put in place at this critical time when the transition takes place. The Victorian Institute of Secondary Education has established a fine track record of enlisting the support of the education community and in terms of its practical running of the higher school certificate. Who will replace the experience of those in charge of that body and ensure that the transition proceeds smoothly without dislocation to our students in the schools? After all, it is not just the students who will attempt the new Victorian certificate of education in 1990 when it is fully implemented, who will be affected, it is also the students who will go through the process over the next three years leading up to 1990.

A valid point is made by many educationalists that students who will be doing the Victorian certificate of education in 1990 will need to know, at least at the beginning of next year, what sort of courses they will be required to undertake so that they can take the subjects that are most appropriate in the years leading up to 1990.

At the present rate of appointments and of the development of the Victorian Curriculum and Assessment Board, it is not possible to have a real understanding of what these courses will be by the beginning of 1987, unless the board rubber stamps the work that is being done before it comes into existence.

That leads to considerable concern that the time lines are far too short. The process is already months behind in terms of being a properly accountable process, and the Minister should consider whether those time lines can be met.

The other matter is the method of assessment that will be used. There has been a long-running debate on the role of external examinations as against internal assessments by schools. With Group 1 subjects we have a form of external examinations and a form of

internal assessment that is moderated through a consensus process. Although that process has been adopted within the schools, no real thought has been given to the use of education resources in consensus moderation in recent times; and we currently have the ridiculous position where, because of lack of funding for emergency teachers or at least the utilization of the funds allocated in the Budget for emergency teachers, there is a real question about teachers being released from schools to attend consensus moderation meetings. If teachers do not attend those meetings, their students are at risk of being failed at the end of the year.

We currently have a real dilemma about the existing degree of consensus moderation that is required. If we were to move from the present system to all external moderation, considerable extra resources would be required and there is no suggestion of those resources being made available. In any event, it is not universally agreed that such a move should occur.

The Blackburn report spoke of continuing external examinations until at least 1990. The Minister, shortly after that report came out, said that no move away from external examinations would occur unless the community had agreed that there should be such a move. More recently the Minister has been talking about maintaining those exams until 1990.

That raises a similar question to the questions I asked earlier. Is the work that is currently going on in relation to curriculum work in terms of studies not suitable for external assessment? If so, the question of the form of assessment is being predetermined by the curriculum that is being devised; and that would be being done without proper consultation with the whole educational community.

It is another concern that people have, and it can be seen in the light of the fact that, as I mentioned before, the executive officer of the Ministerial unit has a record of opinion against external examinations. That may be true of others in the Ministerial unit, so that one must ask: what attitude is being taken into account in the work that is currently being done?

That leads to questions concerning the attitude of the vice-chancellors of our universities. It has been suggested publicly that the vice-chancellors have agreed with the recommendations in the Blackburn report and the processes that are currently occurring. Honourable members may recall that I mentioned Professor Caro who has said in the media that that is not the position at all. The real position is that the four vice-chancellors presented to the Minister for Education a memorandum dated 4 March 1986 dealing with assessment, but all it said was:

> The universities see their requirements as including assessment based on course content which will be adequate preparation for study undertaken at tertiary level, together with a substantial component of external assessment.

In their summary the vice-chancellors say:

> Assessment serves many purposes and can properly take many different forms, judicious mix of moderated, within the nature of the discipline, seems to us to be in the best interests, overall, of the education service.

That does not represent agreement with the abolition of all external examinations. It says nothing more than the plain words themselves: that a judicious mix of moderated, within school and external assessment, which may vary according to the discipline, is in the best interests of the education service. What that judicious mix may be and the forms it may take obviously must still be discussed and negotiated between all of the interested groups.

The post-secondary group has a special interest because of the desire that the Victorian certificate of education should be able to be used as a form of selection for admission to tertiary institutions. The universities and the colleges of advanced education have a real interest in these matters; and one concern the Opposition has is that the Bill does not contain any requirement that those institutions should be represented among the executives, that is, the chairman and the three executive members. Because of their very real interest—and the Opposition has received representations, as no doubt have the Government and

the National Party, from each of the vice-chancellors and from the Conference of Principals of the Colleges of Advanced Education, seeking to have written into the Bill an assurance of their representation— the Opposition believes that should be assured.

It is important that this be discussed fully. Not only does it affect so many people, but also it has caused so much debate and concern within the education community that the matter needs to be addressed publicly.

The community needs to have confidence in the system of assessment and credentialling that is adopted; and that brings me to the question of the system of credentialling, which will be the Victorian certificate of education. Unanswered questions about this remain; the Bill does not answer them. They are questions about the form that the certificate will take; about whether it will be awarded only upon successful completion of the requirements prescribed by VCAB, or whether it will be issued to anybody who completes any of the units in Years 11 and 12 as a record of the units that they have completed.

Whatever its form, it is important that it is informative to those who will receive it for the purposes for which they want to use it; and those purposes will include entry to tertiary institutions and the seeking of employment.

There are many other details with which I could deal, and I shall deal with a number of them in the Committee stage. The Opposition will move a number of amendments to try to meet some of the concerns I have expressed and to improve the Bill in the interests of making it the best possible measure for Victoria.

The Opposition acknowledges that a tremendous amount of work has been done, both leading up to the presentation of the report of the Blackburn committee and subsequently by people on the working party that led to this Bill, as well as the work that is currently being done in the curriculum development area.

The Opposition expresses appreciation for the contribution that has been made by many people in this exercise. That is indicative of the willingness of people with expertise and experience in this field to assist in the development of the best possible education system. That wide input will continue to be harnessed throughout the whole process, leading towards a new system.

The community wants an education system that provides excellence, the highest possible standards of education, the widest variety of subject-matter and an approach towards students which takes into account the different interests and talents of people; it does not want to reduce people to the lowest common denominator.

The system will strive to maintain success, in whatever form that success may be manifested for the individual. The opportunities for success may be academical or practical and apply in a variety of ways. Unless the education system provides what the community wants, honourable members will have failed the people of Victoria, particularly future generations. The system should have the highest possible standing, and the community should have confidence in it, which I hope will be the eventual outcome of the measure.

The Hon. B. P. DUNN (North Western Province)—As Mr Storey has said, the Bill is an important measure. I express the concern of the National Party as the impact of the Bill—in isolation— on the education scene will be slight because the current problems and difficulties in education are much more extensive than the problems addressed in the Blackburn report, from which the proposed legislation has resulted.

The Government shows no inclination to tackle some of the other unanswered questions about eduation. Only the other day when the House was debating the report of the Ministerial Task Force on the Reorganization of Schools I conveyed the concerns of parents and other people interested in education on the direction the Government is taking with respect to changing the education system.

The Government is clearly in the hands of the teacher unions, particularly the Technical Teachers Union of Victoria and the Victorian Secondary Teachers Association. Those

unions have been successful in moulding the direction and policies of the Government in education. They have been successful in achieving expenditure in the directions they wanted. The Government is in the hands of teacher unions and the education system is being led in a direction not necessarily in the best interests of the students, parents and users of the education system.

As a result there is a distinct lack of confidence in the Government system, with more and more people looking towards non-Government schools to educate their children. That is a sad day for education in this State. As I stated last week, honourable members should be building the confidence of people in the education system. The education system has many good points, but there are areas that require urgent attention. The Government is not addressing those areas. My colleagues who represent Victorian country areas will no doubt recognize those specific difficulties. I shall touch on a few major problems in the education system, particularly in secondary education, which has led to a lack of public confidence. I trace most of the reasons for that situation back to the doorstop, the teacher unions.

The Hon. M. J. Sandon—Can the unions!

The Hon. B. P. DUNN—I will can teacher unions. Mr Sandon is interjecting and referring to agriculture. The amount of money that has been spent by the Government on agriculture has been reduced.

The stage is being reached where there will be sufficient teachers in Victorian schools but the spread of teaching hours in front of class-rooms is being reduced. The problem is not a shortage of teachers but a shortage of class-room teaching hours. If every teacher spent another hour a week in front of a class, the teacher shortage would be solved. It is not enough for teachers to spend only 18 hours a week in face-to-face contact with students in the class-room. I do not care what other activities they undertake; they can do better than that.

The employer—the Ministry of Education under the Minister for Education—does not have the ability to direct his employees—the teachers—to fill vacancies in schools that are desperately in need of teachers. Students are still being disadvantaged two months after the commencement of the school year. Three or four vacancies at the senior level in most schools is a disgraceful affair.

The Minister is hogtied in the Ministry of Education because officers of the Ministry cannot tell teachers that they must go to places such as Ouyen or Warracknabeal to fill teacher vacancies. Teachers say that the Ministry does not have the right to tell them where to go or to direct them to fill those postitions.

It is a ludicrous state of affairs if teachers straight out of college can tell the Minister where they want to go. If the former Education Department had not exercised bonding arrangements some years ago, many schools would not have been staffed. Young teachers straight out of college performed an enormous service for many of those schools. In many cases they remained in those locations for only a couple of years, and although some did not enjoy it, others fitted well into the local community and provided an extremely valuable service. However, these days the Government is in the hands of the teacher unions. Teacher positions remain vacant and unfilled. It is disgraceful!

Frankly, it is no wonder that parents of students who are proposing to attend those schools are saying that provision must be made for their children to receive more and better education, and the teachers that they want.

The Hon. G. A. Sgro interjected.

The Hon. B. P. DUNN—I want to get it through the thick skull of the Government that it is time it did something about the education system in Victoria and took control instead of being told what to do by teacher unions! There are many aspects of the system.

The Hon. E. H. Walker—What about talking about the Bill?

The Hon. B. P. DUNN—I shall do so at some length. I was trying to point out the situation in which the Victorian Curriculum and Assessment Board is being established. The report of the Blackburn committee does not mean that the situation in schools in changing dramatically. It is at the school level that one must judge the education system; it is at that level where the judgment is made by parents and students on the success of what has been achieved.

There have been report after report, restructure changes, White Papers and Green Papers during Mr Hunt's term as Minister of Education. There is too much confusion. Most of the schools would like a period in which to settle down and reassess the direction in which they are heading in providing an education system. It has taken much time and enormous work by the communities just to respond to those reports.

The National Party realizes that school teachers—again because of agreement with the unions—cannot be assessed. No teacher assessment or accountability exists. Recently I had discussions with a senior staff member in a secondary school who told me that it took two years for a teacher who had been identified as being disastrous in the class-room to be removed from the school. Do honourable members know where that teacher went? He was sent to another school! The Government is unable to sack teachers and, if a poor teacher is discovered in one school, he is moved on to another school and another group of students obtain the benefit of that teacher's performance!

There is a need for a return to the days when teachers were accountable and the department had the right to hire and fire them. That is the difference between the Government schools and the non-Government schools. If a teacher in the non-Government school sector does not perform, he or she is sent out the door. That is the way things operate in the work force, and that is the way it should operate in the schools.

The Bill deals specifically with the upper levels of education, mainly the secondary and tertiary areas. Considerable effort and inquiry have been concentrated in that upper level and the primary system has been neglected as a result. The National Party realizes that the secondary and technical education fields have attracted more funds over the years. The unions involved in those areas have been more militant in their demands. This has led to lack of attention in the primary school system which lays the foundation for a student's lifelong educational needs.

The National Party agrees with the concept of the Blackburn report that more young people should remain at school to complete Year 12. I am a member of the Council of the Victorian Institute of Secondary Education and I can see considerable benefits in the proposal to extend and bring together the last two years of recognized secondary education to ensure that, once students embark on the final two years of study, they face less of a barrier at the end of Year 11 and can choose from an acceptable ongoing curriculum. A target of 70 per cent with respect to the number of students completing Year 12 is envisaged and the Bill will be of enormous benefit to students and young people.

The Bill does not really address the resources that will be required to fulfil its provisions. I shall deal with that aspect later when I speak about replacement teacher days and how they affect the schools. Considerable resources will be required to ensure that the recommendations of the Blackburn report, and specifically the target of a 70 per cent completion rate for Year 12 students, are achieved.

A number of controversial aspects of the report concern country people and, without going through the entire report, it would be fair to say that most of the concern surrounds the proposal to develop senior colleges to provide for Years 11 and 12 where smaller schools are unable to maintain a broad curriculum but will be required to work closely with neighbouring schools.

The Hon. M. J. Sandon—It is a rationalization of resources.

The Hon. B. P. DUNN—That is what Mr Sandon and the Labor trendies would call it.

The Hon. M. J. Sandon—You look after your own.

The Hon. B. P. DUNN—We have to because the Cain Labor Government surely does not do so. Country areas cannot obtain sufficient teachers for the existing secondary schools. Many school communities in country areas have commented on the proposal for junior high schools and senior colleges. This concept could be successful in some regional cities and there are a number of examples where it is working effectively.

The National Party has no objection to the concept where it works effectively with agreement between schools. However, difficulties arise when applying the concept to smaller high schools where students have to travel long distances to attend schools. For example, students attending Rainbow, Murrayville and Hopetoun high schools must travel 50 to 80 kilometres a day to and from their schools. If senior high schools or colleges were developed in Horsham or Warracknabeal, students would be required to travel an extra 30 or 50 kilometres a day to attend the colleges. Honourable members are aware that real problems are involved in the establishment and operation of boarding facilities in those areas.

The Murrayville High School has 77 students and the primary school has 115 students. Although honourable members may not consider that to be a large student population, the school provides amazing educational opportunities for the students. The Murrayville High School is the most remote high school in Victoria. It is located 109 kilometres from the nearest neighbouring high school at Ouyen, and the nearest large centre that fits in with the Blackburn recommendations is Mildura, which is 220 kilometres away.

Honourable members may say that that is an extreme example and I suppose it is—but the argument is the same. Schools such as those at Sea Lake, Manangatang, Hopetoun and Rainbow have similar problems with students having to travel long distances.

The Hon. B. W. Mier—How do they travel?

The Hon. B. P. DUNN—The students travel to school via an excellent bus service.

The Hon. B. W. Mier—Do they pay? The metropolitan kids have to pay.

The Hon. B. P. DUNN—Nothing is free; the taxpayers pay for it. A submission I received from the Murrayville High School stated:

> In practical terms, Murrayville students attending a senior college would have either to travel daily by bus or board near the college from Monday to Friday, travelling home for week-ends only. The accompanying map graphically illustrates the enormous distances involved in travelling to such a central college, be it Mildura or Ouyen. The prospect of an unnecessary daily round trip of 200 kilometres for any student seriously attempting to cope with meaningful senior study is appalling! At the very least this represents 3 hours in an unpleasant bus environment—3 hours which at present is zero hours for the same Murrayville student undertaking Year 11 or 12 at this school. Clearly then, the daily bus option is not feasible because of the time/distance factors alone, leaving aside any consideration at all of the mammoth extra costs involved.

The school then refers to the difficulties and supervision problems regarding students boarding at the senior colleges proposed by the Blackburn report.

The PRESIDENT—Order! I have been listening closely to the remarks of Mr Dunn, and I am having difficulty in relating them to the Bill. The Bill refers to the establishment of the Victorian Curriculum and Assessment Board, and does not allow a broad debate on education. I ask Mr Dunn to relate his remarks to the Bill.

The Hon. B. P. DUNN—With respect, Mr President, I am doing that because the Bill is entirely about implementing some of the major recommendations of the Blackburn report. The Bill will introduce a new system of integration of Years 11 and 12. It will also further develop the concept of the senior high school. I am pointing out the negative effects of some of those proposals.

The Hon. E. H. Walker—Are you opposing the Bill?

The Hon. B. P. DUNN—No; however, the National Party has some sound suggestions to make. The National Party was proposing to move a number of amendments, but the Opposition has them in hand.

If a school loses its senior level to a senior college, it may lose a degree of status because it will be very much a junior high school. Disadvantages may arise regarding the provision of library services and other facilities that would normally remain at the school if it offered a full curriculum through to Year 12.

The National Party would like the Government to come to grips with the problem I mentioned at the beginning of my remarks: I refer to staffing. If adequate staff were provided, there would be no need to establish senior colleges in far-flung country areas. Schools at Warracknabeal, Hopetoun and Rainbow currently share teachers and schools at Dimboola, Nhill and Kaniva share technical components. Those opportunities of broadening the curriculum have worked, and they are a more effective way of dealing with the needs of smaller schools without removing students to another centre. Despite that, schools in larger centres or schools that are close together may be able to co-operate at senior level.

Another area of concern is the degree of external assessment of students. I am concerned that Victoria may be moving quickly towards the stage where everyone will be a winner, as the Minister stated in his second-reading speech. The Government wishes to eliminate the degree of competition in schools and wants to teach students how to learn. The Government wants to teach students how to teach themselves, but students in many Victorian schools are doing that anyway; they are learning how to teach themselves due to lack of tuition.

In his second-reading speech, the Minister stated that the best preparation for life, including working life, is to learn how to learn. He went on to state that there is now less reason than ever for schooling to become a race turning out winners and losers. He claimed that if young people are excluded from schooling in the post-compulsory years, the whole society suffers.

The National Party does not disagree with the need for competition in Victoria's schools. The need for students to try to excel should not be reduced. Surely, to excel should be an objective in one's working life. However, under the Bill, the Minister for Education will make everyone a winner. I do not believe that will work.

Schools are currently trying to churn out main-stream students. A student who has difficulty in keeping up tends to fall behind, but the system pulls him or her up, to a certain extent. A student who has specific gifts is left to muddle along in the middle stream and is churned out at the other end. Opportunities for excelling are not available, and students do not have pressure placed on them to be winners.

It will be a sad day for education in Victoria if assessments are done totally by the schools, in other words, no external assessment. At present, there is a combination of both, and there are benefits in that. I have supported the development of that system through the Victorian Institute of Secondary Education. However, it is clear that the Government is quickly moving away from external assessment. In the not too distant future students in Victoria's schools will not be assessed externally. The National Party does not support that move and would prefer a combination of both assessments.

I shall now refer to the cost to individual schools in carrying out the provisions of the Bill and the measures thrust upon them by the Victorian Institute of Secondary Education. Honourable members know that teachers must take days away from schools to attend moderation programs of the Victorian Institute of Secondary Education. Schools are not offered adequate emergency teacher days to make up for the loss.

I shall give an example of the effects that requirement has on individual schools. I have a letter from Mildura High School which lists the compulsory Victorian Institute of Secondary Education moderation days in which teachers at the school will participate in

1986. These are the days: art, 2 days moderation plus 5 days assessment of practical work in third term; geography, 2 days; graphic communication, 3 days; human development and society, 4 days—2 teachers for 2 days; legal studies, 3 days; and physical education, 2 days. That is a total of 21 days that teachers at the school must be away from the classroom due to the compulsory requirements of the Victorian Institute of Secondary Education. However, the school receives only 3 teacher days in return. In that case, the teachers at the school must take up the slack or the students miss out. That is what I meant when I referred to resources to fill the requirements of the Victorian Institute of Secondary Education and this Bill.

It has been brought to my attention by the Loddon–Campaspe–Mallee Regional Board that it has an allocation of 83 emergency teacher days for moderation in that region but a survey of schools shows that they need 166 emergency teachers to meet the requirements of the Victorian Institute of Secondary Education. Again, the students face difficulties and those schools face problems.

We must come to grips with the effects of these decisions on the schools to ensure that if we are to have these goals, the schools are given the resources to meet them.

The other concern that was mentioned by Mr Storey was the new Victorian certificate of education. We do not know a great deal about it. We do not know to what extent it will be accepted by employers or to what extent it will be accepted by the post-secondary institutions, and there are some big question marks in that regard. We do not know how employers will view the changes proposed in the Bill if there is a move away from the external assessment and if there is no equivalent to the present higher school certificate.

Frankly, the National Party would like a further explanation of that, but I presume it will be a matter of development over a period of time. The National Party will support the amendment foreshadowed by the Opposition, which will give the three Parliamentary parties in this place the right to sit on the new board.

It appears that the objective of the board is very broad, as expressed in clause 5, which states:

> 5. The objective of the Board is to give everyone seeking to undertake studies leading to the award of the Victorian Certificate of Education access to education of the highest quality.

We could probably have knocked up that clause in 5 or 10 minutes over the dinner break; it does not mean much; it is wide open. Although the Bill goes on to determine the functions and the powers of the board, they are not tightly defined.

If one compares the Bill and the Victorian Institute of Secondary Education Act, which the Bill will replace, one finds the big difference is that the Act made a much greater play of the need for transitional education; it concentrated extensively on that point. It was the charter of the Victorian Institute of Secondary Education to endeavour to achieve that, and whether it did that effectively I do not know.

The Victorian Institute of Secondary Education Act clearly states in section 4 that the objectives of the institution shall be generally to provide assistance to persons who are in the process of transition from a secondary school to further studies or employment, or from employment to further secondary studies, on the basis of adequate information, consultation guidance, preparation and so forth.

I wonder whether the proposed legislation will pick up that requirement and that need. It appears that that is not a function of the Victorian Curriculum and Assessment Board, which will be directed specifically to developing the recommendations of the Blackburn report with specific reference to the Victorian certificate of education.

The National Party sees some difficulties in clause 7 and the open cheque that Parliament will give the Minister in regard to the appointment of people to the board. I hope sufficient people are appointed who can bring knowledge not just from the education scene but also from private enterprise and from the workplace itself.

In another place the National Party moved an amendment that listed the qualifications of the people to be members of the board. The amendment to clause 7, in part, provided:

(*c*) ten are persons who have the following qualifications—

(i) two are members of the Public Service of Victoria involved in education administration; and

(ii) four are persons who in the opinion of the Minister are experienced in the provision of post-secondary education; and

(iii) two are persons who in the opinion or the Minister are representative of employers; and

(iv) two are persons who in the opinion of the Minister are representative of the general community interest in secondary education; and

(*d*) five are persons who in the opinion of the Minister are experienced in the provision of secondary education and who have the following qualifications—

The amendment went on to list those qualifications. The National Party has decided not to proceed with the amendment that was moved in the Legislative Assembly. I do not know whether the Minister has given an undertaking but he is on record.

The Hon. E. H. Walker—It is on record in *Hansard.*

The Hon. B. P. DUNN—The National Party appreciates that, and it must rely on the Minister's judgment. The National Party hopes that the board will have wide representation and that it will represent people such as employers. The National Party will not be proceeding with the amendment, but it will support moves to include representatives of the political parties of this Parliament.

It has taken some time and there is considerably more that could be debated in regard to the Bill. The National Party is prepared to give it a go and it is prepared to support the Bill, which has advantages, but there are major factors that it will be watching, as it has outlined. It wants the Government to ensure that smaller schools around Victoria are not disadvantaged by any of the recommendations. The National Party hopes that the Government will not sit back in the belief that it has solved the problem in the education system because, frankly, this is just a band-aid measure when one considers the problems that must be grappled with.

The National Party will be fighting to ensure that external assessment is retained in our schools and certainly its representative on the board will pursue that and other matters that I have raised tonight.

The Hon. R. M. HALLAM (Western Province)—I support the comments made by my colleague, Mr Dunn, and I especially want to make some comments in relation to clause 5 which refers to establishment of the Victorian certificate of education.

Although some question marks have been raised about the acceptability and the standing of that certificate when it is introduced, I especially want to raise the problem of the interim period and of the circumstances that will prevail until the certificate is introduced.

The Principal of the Hamilton High School has raised the issue of the real and large problem looming especially because the high school and the technical school in Hamilton are strategically placed for early co-operation under the spirit of the Blackburn report. They face grave issues in the interim years until the introduction of the Victorian certificate of education.

Although the schools are prepared to embrace the concept of integration and they see a range of advantages in doing that—they talk about curriculum options that will become available; a dramatic saving in teaching time; and the strong stimulus to students who will be involved in the joint classes—they have conducted a survey of tertiary institutions to which those students would hope to go, and they have come up with some remarkable results.

Of the eight institutions they have canvassed, four have said that those who would go through the interim years with courses comprising subjects set up by the higher school

certificate and the tertiary orientation program will be distinctly disadvataged and another three have said that they may be disadvantaged.

Only one institution out of those eight tertiary institutions would embrace the concept of some form of integration of HSC and TOP. These are problems that must be sorted out in relation to the introduction of the Victorian certificate of education which will come into force in 1990.

I make it clear that there will be even further problems with what happens to students who are disadvantaged in the interim years. We are gambling with the future of students who will be disadvantaged under the present system and we run the risk of destroying the credibility of schools that are taking up the cudgel of the Blackburn report and seeking to co-operate in the best possible terms for their students. I would like the Government to address that problem urgently.

The motion was agreed to.

The Bill was read a second time and committed.

Clause 1 was agreed to.

Clause 2

The Hon. E. H. WALKER (Minister for Agriculture and Rural Affairs)—I have listened closely to contributions of honourable members in the debate on the Bill. Mr Storey spoke for over an hour and a half and he made it clear that, although he has significant concerns about the Bill, he is supportive of it. I appreciate that honourable members will make further contributions during the Committee stage and I shall respond to them at the relevant time. Mr Storey has not asked specific questions about clauses in the Bill so the debate on the clauses will answer the queries that he may have.

Mr Dunn gave his usual Cook's tour of Mallee school problems and I do not demean him in saying that, but he discussed the many and varied problems and major staffing problems in that area. However, his comments did not go directly to the heart of the Bill and I suspect that he will have more to say during the Committee stage. I noted nothing in the honourable member's second-reading speech that I should answer directly. Mr Hallam spoke particularly about clause 5 and the problem in Hamilton regarding the introduction of the new certificate and I shall respond to his queries at the appropriate time.

With those few comments I thank honourable members opposite for their general support of the Bill and shall deal with other matters when they arise.

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

Clause 5

The Hon. HADDON STOREY (East Yarra Province)—During the second-reading debate I said that one of the puzzles about the Bill was that it did not say that the Victorian Curriculum and Assessment Board would develop courses and would give credentials for Years 11 and 12. Clause 5 states:

> The objective of the Board is to give everyone seeking to undertake studies leading to the award of the Victorian Certificate of Education access to education of the highest quality

The Bill stipulates the award of the certificate in other clauses. I ask the Minister whether I have overlooked something or whether the Bill is totally open-ended in its requirement for the certificate and, therefore, what credentials will be established and what curriculum will be set by the Victorian Curriculum and Assessment Board?

The Hon. E. H. WALKER (Minister for Agriculture and Rural Affairs)—The proposed legislation establishes the heads of powers and general objectives. I have read some of the documentation of the Curriculum and Assessment Working Party, as I am sure Mr Storey has, and it is my opinion that the Bill establishes the board and sets out its objectives. The

publications of the working party are quite lucid regarding the questions the honourable member asks. I do not intend to read at length from the documentation, but I shall make the material available.

The intention of the proposed legislation, as Mr Storey picked up earlier, is to establish the board, to phase in the new certificate and to allow the board, properly constituted, to do a great deal on its own behalf. In other words, the Government has confidence in the board and that is written into the proposed legislation; I assume that is what the honourable member alluded to. The Bill does not codify every duty, power and intention of the board.

I was impressed by the detail contained in the working party report and the fact that all recommendations were unanimous. The working party, based on the Blackburn report, was impressive in what it did and in the conclusions that it drew.

The Hon. R. M. HALLAM (Western Province)—I have some misgivings about the Victorian certificate of education, but I query the timing of its introduction. The Minister indicated that the Victorian certificate of education will be introduced in 1990. What are the circumstances that will apply in the interim years? I raised the situation in Hamilton not because it is unique, but because it exemplifies the sorts of problems that the rural community faces where technical and high schools are geographically placed close together and are able to carry on the sort of co-operation that is envisaged under the Blackburn report.

I understand that the schools at Hamilton are not the only case, but although the schools want to continue the co-operation that is encompassed by the Blackburn report, the problems they face revolve around the interim period. For example, if a Year 12 student graduates with subjects comprising both higher school certificate and the tertiary orientation program, a mixture of these subjects will not be acceptable or recognized by tertiary institutions and that is an immediate problem that these students face.

The Hon. E. H. WALKER (Minister for Agriculture and Rural Affairs)—If my response is not entirely satisfactory to Mr Hallam I shall obtain further information for him. The second-reading speech on the Bill discussed the timing of the introduction of the certificate and said that it would be introduced between 1987 and 1990. The certificate will be introduced as a Year 12 certificate and will replace all certificates now available at that level.

In 1987, subjects currently offered within the higher school certificate, technical Year 12 tertiary orientation program and school-based Year 12 certificates will be accredited to form part of the certificate. That was the language in the second-reading speech.

In 1989 and 1990, a fully reorganized Victorian certificate of education will be introduced and thereafter progressive refinements will occur; so it is a sequence of years.

The Curriculum and Assessment Working Party is supervising the development of the Victorian certificate of education until it is established. The full range of educational communities will be represented on all activities associated with curriculum development. The education community is being kept informed of every stage of that development and every sector of education—Government schools, Catholic schools, independent schools and TAFE—have expressed satisfaction with the process of consultation that has been established.

Special care has been taken to involve the higher education sector in the consultative process. The Curriculum and Assessment Working Party has four members nominated by the Victorian Vice-Chancellors Committee and the Conference of Principals of Colleges of Advanced Education. Another consultative group with nominations from the VVCC and VCOP meets regularly and provides advice to the Minister. The process is both open and inclusive of all the major interest groups in education.

That does not answer the question raised by Mr Hallam but it gives a sense of the timing, procedures and consultative processes involved. If Mr Hallam requires a specific

response about the combination of subjects from HSC and TOP and how that might stand up as an entry qualification for other courses, I shall consider the matter and supply the information before the end of the debate.

The Hon. HADDON STOREY (East Yarra Province)—I must rise because of the reference of the Minister to all sectors of education being satisfied with the process that has been undertaken. That is not the view that has been communicated to the Opposition nor the view of people at meetings I have attended. As a result of the concerns of many people, the understanding of the process has become confused. I hope the Government will achieve its objectives and that everyone will be satisfied. However, to say that all sectors have expressed satisfaction about the process indicates either they are saying one thing to the Minister and another among themselves, or the Minister has not heard the truth about how the process is being conducted.

The Hon. E. H. WALKER (Minister for Agriculture and Rural Affairs)—I believe my comments were a correct reflection of the situation and if Mr Storey thinks otherwise, so be it.

I have further information to provide to Mr Hallam on what one might call the "Hamilton problem". Mr Hallam asked whether tertiary institutions would agree to a combination of HSC and TOP subjects as qualification for entrance. The Minister for Education fully supports the Hamilton initiatives but the proposition comes up against the endemic problem of tertiary institutions not having rationalized policies on selection. There is a difficulty with that, but I believe that applies to the problem raised by Mr Hallam.

The Hon. R. M. HALLAM (Western Province)—I do not want to be pedantic, but I place on record that today the Committee is considering the establishment of the Victorian certificate of education and next year it will be introduced into the two institutions to which I referred, or the courses leading up to them. At this stage there is no recognition of that interim accreditation. Hamilton has at least two classes of Year 12 students——

The Hon. E. H. Walker—It must be the case elsewhere too!

The Hon. R. M. HALLAM—I am sure there must be others in the same situation. I recognize the problems the Minister has outlined and the two tertiary institutions will have a problem in recognizing HSC and TOP subjects. However, we are now down the track of the recognition process and we must quickly come to grips with the problem.

The clause was agreed to.

Clause 6

The Hon. HADDON STOREY (East Yarra Province)—Mr Chairman, I wish to move amendment No. 1 and I apologize to the Committee because the amendment is not correctly set out on the list of amendments circulated. That is not the fault of those who transcribed the amendment but of my own making.

Amendment No. 1, listed, was an amendment moved by the Opposition in another place. The Minister for Education correctly pointed out that it did not fit happily in clause 6 where it was proposed to be inserted. After recent discussions with the Minister, I foreshadow a change to include the amendment on line 18 before the word "develop". If the amendment is placed in that position, it will achieve the objective of setting out one of the principles upon which the board should operate, which involves that co-operative exercise with other education interests. The Opposition believes it is important to spell that out in the Bill.

The Victorian Curriculum and Assessment Board must be a co-operative exercise. It is undesirable for the board not to be involved in a co-operative manner and the Minister

for Agriculture and Rural Affairs stated earlier that view was stated by the Government. For those reasons, I move:

1. Clause 6, line 18, before "develop" insert "in co-operation with schools, post-secondary education institutions and other bodies,".

The Hon. E. H. WALKER (Minister for Agriculture and Rural Affairs)—The amendment was moved and debated in another place. The Government does not oppose the amendment but sees no need for it; it is redundant or superfluous. It is clear from all events leading up to the introduction of the Bill, which have been carefully spelled out, and from the remarks of the Minister for Education, that the process of curriculum development and accreditation will be undertaken co-operatively by the new board. There is no doubt that that will occur.

The Hon. B. P. Dunn—You do not say that in the Bill.

The Hon. E. H. WALKER—The Government acknowledges that the board would not be effective if that did not occur. The Government does not oppose the amendment but believes it is unnecessary.

The Hon. HADDON STOREY (East Yarra Province)—I thank the Minister for his comments but the Opposition believes the amendment is necessary. One distinction between this Bill and the VISE legislation is that the Bill does not mention the co-operative nature of the exercise. The amendment will reassure people who have expressed concern that co-operation and consultation will occur, and that fact should be clearly stated in the Bill.

The Hon. B. P. DUNN (North Western Province)—The National Party agrees that the Minister has a legitimate argument because the board would and should consult, and that is one of its objectives. However, the amendment will clearly state that aim in the Bill and it will not cost the Government anything.

The Hon. E. H. Walker—We are not opposing it.

The Hon. B. P. DUNN—It will assist members of the National Party in having the functions of the board accepted by people involved in education in country electorates. Often decisions are taken about schools and parents have not been consulted. They have the right to be consulted and it should be clearly spelt out in the Bill.

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

Clause 7

The Hon. HADDON STOREY (East Yarra Province)—I move:

2. Clause 7, line 26, omit "nineteen" and insert "twenty-two".

The amendment is preparatory to a further proposed amendment and it would be helpful to the Committee if I now discuss the principle involved. The Opposition believes three members of Parliament should be appointed at a joint sitting of Parliament to the Victorian Curriculum and Assessment Board. I spelt out the reasons for that in the second-reading debate. The original Blackburn report discussed the need for a representative board and stated that it was necessary to have the public represented on that board. The report suggested that could well be done by having members of Parliament appointed to the board.

The board will be crucial for the future of education in Victoria and it should be involved in a full and open process. Honourable members have been assured that it will be a co-operative process involving all sectors of the education field.

The board should also involve employers and honourable members have been given an assurance by the Minister that that will be so. It should, too, involve representatives of the general public—namely, members of Parliament. Members of Parliament have a contribution to make. They can put forward the views of their constituents and express

the concerns of people with whom they mix and whom they represent. They can also inform their constituents of decisions made by the board.

Members of Parliament would also have an opportuntiy of observing the process and learning from that process. Many of the concerns that have been expressed about decisions in the past have been caused by people not understanding the processes that lead to those decisions and, therefore, not understanding the reasons for the decisions. Members of Parliament can gather that information if they are members of the board.

In another place, the Minister for Education rejected the proposal. Among other reasons, he said that the working party that made the recommendations upon which the Bill is based opted for a board that was not too large in preference to a large board or a small board. The Minister expressed the view that the addition of Parliamentarians would not be consistent with recommendations of the working party. The Opposition does not consider an increase from 19 members to 22 members would mean anything. It is still a large board and an extra three members would not make much difference.

The Minister said that the inclusion of Parliamentarians on the board was rejected by the working party. It is interesting to note that everyone who sat around the table of the working party actually gained a position on the board. Those who were not there were excluded, so I am not really impressed by that argument.

The Hon. E. H. Walker—Do you want politicians on every working party?

The Hon. HADDON STOREY—I am not suggesting that politicians should be on working parties but it is essential that they be on this board, which is the most important board in the field of education in Victoria.

The Hon. B. P. DUNN (North Western Province)—It would be a distinct advantage for the Government to ensure that political parties are represented on the board. It would overcome the lack of communication that currently exists within the community. Politicians who are representatives on university councils provide a definite service to people who are able to go to those politicians to seek information on the activities of those councils. It overcomes problems and criticisms that develop if people consider that boards are "doing their own thing" with no information being provided to the community.

Politicians on boards such as this can carry out a watchdog-type role. Admittedly, members of Parliament find it difficult to attend meetings of councils and boards because they often meet at unusual times, such as 9.30 a.m. on Friday mornings. I would recommend that the new board considers more reasonable meeting times. However, if politicians are on boards, regardless of whether they are able to attend every meeting, they receive full documentation and minutes of meetings and are informed of all decisions made. They can, therefore, observe at close hand the activities of the board.

The National Party supports the appointment of members of Parliament to the board and, therefore, supports the amendment.

The Hon. E. H. WALKER (Minister for Agriculture and Rural Affairs)—The Government opposes the amendment. Taken together with Mr Storey's amendments Nos 4, 6, 7, 9 and 11 to 15, this amendment was part of a scheme to increase the size of the board by 3 from 19 to 22. That is a significant increase, even though Mr Storey does not think so.

All of the arguments advanced have been canvassed in another place. However, I remind the Committee that both the size and the composition of the board were elaborated on in the Bill and by the Minister in another place. The Minister's comments as to the intent behind the composition of the board are included in *Hansard.* As a direct outcome of the most exhaustive, comprehensive and consultative process ever undertaken, the Curriculum Assessment Working Party recommended unanimously that the board have nineteen members. The members of the working party were drawn from the VISE Council and the TAFE Board and, because of the manner in which they were appointed, they were

able to represent the views of Government and non-Government schools, TAFE, employers, parents, school councils and higher education. It was a good working party and it unanimously recommended nineteen members on the board.

I shall not call a division on the matter but the Government opposes the amendment. I give credit to the working party because it worked closely and unanimously on almost every issue. One must take seriously that sort of work.

If politicians believe they should be included on this board, that is unfortunate. If politicians believe they should be included on boards here and there, I suppose that is their right. However, the Government does not believe it is necessary.

As I said, the Government opposes the amendment but I shall not ask for a division.

The Hon. HADDON STOREY (East Yarra Province)—I thank the Minister for his views. I meant no disrespect to the working party, which did a conscientious job. I have already made the point that there was no one on the working party to argue this point of view. It was recommended in the Blackburn report and I do not accept the Minister's comment that it is unfortunate for members of Parliament to want to be on this board.

The Hon. E. H. Walker—It would be nice if someone else had suggested it.

The Hon. HADDON STOREY—Someone else did; Jean Blackburn suggested it. I can point it out to the Minister in the report. The connotation of it being unfortunate suggests that members of Parliament would obtain some advantage by being on the board. The only thing they would achieve would be a lot more work and a lot more time sitting on committees. However, they would be willing to perform that work.

The amendment was agreed to.

The Hon. HADDON STOREY (East Yarra Province)—I move:

3. Clause 7, line 29, after "Board" insert "at least one of whom shall be a person experienced in the provision of post-secondary education if the Chairman does not have such experience".

The Minister in another place pointed out that the chairman and three other members of the executive should between them be representatives from the Government sector, the non-Government sector, the post-secondary sector and the Industrial Training Commission. I appreciate that that is the intention of the Minister and it is a wise suggestion on his part. None the less, in the past universities and colleges have had people on their boards who have not truly represented the universities or colleges.

The Minister would be aware that strong representation has been made by university and college principals that representatives from their sectors should be included in the four members of the executive and that that should be written into the Bill.

They are an important part of this whole exercise. The Opposition believes it is quite in accord with what the Government intends to do in any event and it is desirable to have this written into the Bill so that there will be no danger in the future that the tertiary sector will not have as a representative one of the executive members of the board.

The Hon. E. H. WALKER (Minister for Agriculture and Rural Affairs)—The Government rejects the amendment. Its purpose is to enshrine in the proposed legislation representation of the higher education sector on the executive of the board. Mr Storey did not use good terminology. The amendment should refer to "higher education" because "post-secondary education ", by definition, includes technical and further education, and I do not believe Mr Storey is talking about representatives of technical and further education.

Mr Storey used the words, "universities and colleges of advanced education", so the terminology used in the amendment is not very good.

The Minister for Education in another place has already given an assurance, which I reiterate on behalf of the Government: one of the four members of the executive will be drawn from higher education, with its particular definition.

Mr Storey is correct; the Minister in another place pointed out that the chairperson and the three other members, who together make the four members of the executive, will include one from higher education; one from Government schools; one from non-Government schools and one from the employment sector and, depending upon who the chairperson is when selected, the others will fill the other positions. Therefore, the commitment has been made and it is enshrined in *Hansard* of another place. It has been said strongly that the matter raised by Mr Storey has been met.

The Hon. B. P. Dunn—How many Ministers will adhere to that view expressed by this Minister?

The Hon. E. H. WALKER—The Government cannot commit a future Govenment, as I heard the previous Government say often enough when asked such a question. The Government is committed for its term in office. Statements by Ministers are statements by the Government.

There is no logical basis upon which it can be argued that the higher education sector should be especially mentioned in the Bill; it makes no sense and I am sure Mr Storey would be the first, because he knows legislation very well, to say that it does not make any sense to isolate one category when the Government is offering commitments in regard to several categories.

If Mr Storey were to be consistent, he would have referred to all categories or accepted the assurances given. However, it is not like Mr Storey to isolate one category in an endeavour to enshrine it in the proposed legislation. That is not the way Mr Storey does things and it is not the way it ought to be done.

The Government has no option but to oppose the amendment strenuously. The Government intends to divide on the matter.

The Committee divided on Mr Storey's amendment (the Hon. G. A. Sgro in the chair).

Ayes	22
Noes	20
Majority for the amendment	2

AYES	NOES
Mr Baxter	Mr Arnold
Mr Birrell	Mrs Coxsedge
Mr Chamberlain	Mrs Dixon
Mr Connard	Mr Henshaw
Mr de Fegely	Mrs Hogg
Mr Dunn	Mr Kennan
Mr Evans	Mrs Kirner
Mr Granter	Mr Landeryou
Mr Guest	Mrs Lyster
Mr Hallam	Mr McArthur
Mr Hunt	Mrs McLean
Mr Knowles	Mr Mier
Mr Lawson	Mr Murphy
Mr Long	Mr Pullen
Mr Macey	Mr Sandon
Mr Miles	Mr Van Buren
Mr Reid	Mr Walker
Mr Storey	Mr White
Mr Ward	*Tellers*
Mr Wright	Mr Crawford
Tellers	Mr Kennedy
Mr Grimwade	
Mrs Varty	

The Hon. HADDON STOREY (East Yarra Province)—I move:

4. Clause 7, line 43, after this line insert—';

and

( ) three are Members of the Parliament of Victoria (hereinafter called "elected members") recommended for appointment by a joint sitting of the Members of the Legislative Council and the Legislative Assembly conducted in accordance with rules adopted for the purpose by the Members present at the sitting.'.

The amendment is consequential upon amendment No. 2.

The amendment was agreed to.

The Hon. HADDON STOREY (East Yarra Province)—I move:

5. Clause 7, page 4, line 1, omit "Minister" and insert "Governor in Council".

Concern has been expressed that according to the Bill the Minister will appoint all members to the board. It is common for major statutory bodies to have appointments made to them by the Governor in Council. There is more consultation involved when that happens.

Normally Governor in Council appointees are discussed in Cabinet and the process is more public. Because of the significance of the board the Opposition believes the appointment should be made by the Governor in Council and not just left to the Minister.

The Hon. E. H. WALKER (Minister for Agriculture and Rural Affairs)—The Government will not oppose the amendment, which, together with a number of others, is aimed at having remunerations and allowances of members of the board set by the Governor in Council rather than the Minister.

Firstly, it was a recommendation of the working party that members of the board be appointed by the Minister. The Bill is consistent with that recommendation. Secondly, it is not clear that in this case there is any substantial difference between an appointment made by the Minister and an appointment made by the Governor in Council other than the creating of an additional process.

As I said, the Government does not oppose the amendment but believes it is unnecessary. It would prefer to hold with the recommendation of the working party.

The amendment was agreed to.

The Hon. HADDON STOREY (East Yarra Province)—I move:

6. Clause 7, page 4, line 1, after "Board" insert "other than the elected members".

7. Clause 7, page 4, line 4, after "chairperson" insert "and the elected members".

8. Clause 7, page 4, line 7, omit "Minister" and insert "Governor in Council".

9. Clause 7, page 4, line 8, after "member" insert "other than an elected member".

10. Clause 7, page 4, line 9, omit "Minister" and insert "Governor in Council".

11. Clause 7, page 4, line 9, after "member" insert "other than an elected member".

12. Clause 7, page 4, line 11, after this line insert—

"( ) An elected member is entitled to hold office for a term of four years but ceases to hold office if the member ceases to be a Member of the Parliament and is not re-elected as a Member of that Parliament at the next election.".

They are all consequential upon amendments already agreed to by the Committee.

The amendments were agreed to, and the clause, as amended, was adopted, as was clause 8.

Clauses 9 and 10 were consequentially amended, and, as amended, were adopted, as were clauses 11 and 12.

Clause 13

The Hon. HADDON STOREY (East Yarra Province)—This clause deals with the appointment of committees. During the second-reading debate I pointed out that the only power of the board is to establish committees to advise the board on the carrying out of its functions.

Clause 14 provides the board with the power to delegate its powers but only to a member or an officer of the board. At present many functions of the Victorian Insitute of Secondary Education are carried out by committees. It could not operate without the committees being given certain powers that are carried out in practice.

The Minister has said that the Victorian Curriculum and Assessment Board should do more work than the previous board and that it should make all the decisions but the expenditure of the Victorian Institute of Secondary Education suggests that the board will not be able to make all the decisions. Many will have to be made by committees appointed by the board.

Under clauses 13 and 14, I do not understand how it is possible to delegate powers to the committees unless they consist only of board members and officers; it is not possible to delegate powers if the committees consist of people other than board members or officers. That will be unworkable.

I know the matter was raised in another place and that the Minister seems to be satisfied with the position as it is, but I place on record my failure to understand the way in which the board will operate when one considers that it will have to carry out similar functions to those carried out by the Victorian Institute of Secondary Education but will have to do so for two years rather than only one.

The Hon. E. H. WALKER (Minister for Agriculture and Rural Affairs)—Mr Storey has read the clauses correctly; it is intended that the board, severally or individually, will take responsibility. Clause 13 allows for the setting up of committees to advise the board. That is what is meant. Clause 14 deals with delegation only within the board. That is the absolute intention of it. The Minister for Education made that clear in another place. The board should be responsible and should not delegate responsibility to committees.

The Hon. HADDON STOREY (East Yarra Province)—I thank the Minister for making that perfectly clear. That was my understanding of the clauses. The only other comment I make is that the working party, about which the Minister has said so much this evening and upon which he rightly lavished praise, recommended that the board have the power to delegate functions to committees.

The Hon. E. H. Walker—They weren't perfect.

The Hon. HADDON STOREY—On this occasion the Bill was not perfect and I am sure the Minister will appreciate that certain other recommendations have also not been perfect.

Those on the working party are very experienced in operating on these bodies, as the Victorian Institute of Secondary Education has been and as the Victorian Curriculum and Assessment Board will be. I am confident that they understand the processes well and that the recommendation that the board have power to delegate to the committees is a well-founded recommendation. I suspect the board will face difficulties because of the form the Bill takes.

The clause was agreed to, as were clauses 14 to 19.

Clause 20

The Hon. HADDON STOREY (East Yarra Province)—I move:

17. Clause 20, line 39, before "completion" insert "successful".

Clause 6 (1) (*e*) deals with the issuing and awarding of certificates. Clause 20, as explained by the Ministers both here and in another place, has been inserted to protect the name "Victorian Certificate of Education".

It is the view of the Opposition that the Victorian certificate of education should be awarded after successful completion of whatever is prescribed to be done to obtain the certificate. The Opposition understands the desire of the Minister that the certificate should be able to be given to students who complete any part of the requirements for the certificate so that they can have a certificate to show to whomever they want for whatever purposes. However, the certificate, like the higher school certificate, should be given only to someone who has completed all the requirements.

I understand the argument that this is semantic and that if one has completed secondary education, one must have successfully completed the requirements.

The Hon. E. H. Walker—You have noticed there is a tautology; why are you proceeding with the amendment?

The Hon. HADDON STOREY—I indicated I have noticed the argument, but I do not necessarily accept it. Some people are extremely concerned about this matter and they would be reassured if the Bill referred to "successful completion" of the certificate.

The Hon. E. H. WALKER (Minister for Agriculture and Rural Affairs)—It is an interesting amendment because it looks extremely simple. The notion of adding the word "successful" in front of the words "completion" appears simple enough. However, if it were debated in any other forum, the debate could go on for a long time.

The intent of the Bill, and the Blackburn report generally, is to try, where possible, to withdraw from the sense of competition as the first priority in secondary education. That is not to say that competition does not normally exist in human life. However, the Victorian Curriculum and Assessment Board is empowered to do a job on behalf of the community and it has not yet done that job. It is presuming too much to suggest that value judgments must be put on a piece of work like what the Victorian certificate of education is and what completion is.

Mr Hallam wants to know the sequence of events and the combination of how things will happen over the next few years, whereas the Liberal Party cannot get rid of the idea that there are winners and losers in education. I am not suggesting there is no competition in a natural sense in any human endeavour; of course there is. However, if the Opposition wants to include the word "successful" in the Bill, it has missed the whole point of the lead up to it. This is an extremely important issue. It may be that VCAB can somehow untangle many built-in preconceptions about success and failure. It would be a damn shame if the word "successful" were put in the Bill and it ruined that capacity of VCAB so that it had to deal with the business of success and failure.

During the second-reading debate, Mr Storey stated that, for too long, we have overstated certain capacities at the end of the school system and understated others. He indicated that there should be a system that provides a good and productive future for everyone involved in it.

If the word "successful" is included in the Bill, the nice castle that is now being built of equitable education reflecting the different capacities of different people will be lost. It is an interesting philosophical debate, and it is a pity to ruin the Bill with that type of word.

Completion of the Victorian certificate of education could mean many things. Currently, completion of HSC is simply completion of HSC; if one has completed it, one has filled some type of requirement. However, if the word "successful" is included, the intent of the

word "completion" meaning a number of things is ruined as it draws forward the notion of failure. That is a shame, and I hope the Opposition withdraws the amendment.

The Hon. B. P. DUNN (North Western Province)—The inclusion of the word "successful" would take away from what is envisaged for the Victorian certificate of education. However, the Blackburn report uses the word "successful". Recommendation 20 states:

> That the Victorian Certificate of Education be awarded to students who successfully complete twenty-four units within prescribed patterns which include sequential units, common studies and other studies.

The Bill is based on that report. I ask the Minister how he can explain that if the Government is attempting to implement the report. Originally, I thought Mr Storey's amendment was unnecessary, but as the word "successful" is included in the Blackburn report, I am not sure whether it is unnecessary.

The Hon. E. H. WALKER (Minister for Agriculture and Rural Affairs)—The heart of the Blackburn report is contained in the Bill. However, honourable members should not deny the prospect that the working party considered the Blackburn report and picked up certain issues. It decided that the word "successful" has many meanings to it and should not be included in the Bill. It decided that the use of the word in the Blackburn report meant the completion of the certificate. If the word "successful" is included in the Bill, it will unnecessarily refer to success and failure.

The Hon. B. P. Dunn—That is life.

The Hon. E. H. WALKER—I agree that competition exists in all parts of human endeavour. Nevertheless, completion is such that, in different ways, it can be success. The concept of winning and losing has been included in the education field for too long. If one is willing to accept that there are different ways of completing the certificate for different people, it is best that the word "successful" is not included.

The Hon. HADDON STOREY (East Yarra Province)—The Minister indicated that this is a philosophical issue and could be debated for a long time. The amendment does not involve the question of winners and losers; it involves the fact that, regardless of whether one likes it, there is a process of assessment to determine whether a person has completed what is required by the regulations that will be laid down by the Victorian Curriculum and Assessment Board to satisfactorily complete the course in Years 11 and 12.

The Hon. E. H. Walker—Are you changing the word?

The Hon. HADDON STOREY—I am coming to that. It will still be necessary to do more than go along to a specific institution, sit in a class-room and, at the end, be deemed to have satisfied the requirements. The notion of successful completion was simply to indicate that a student had completed the certificate as required by the rules.

Mr Dunn referred to the Blackburn report. I shall refer again to the working party, which spent much time in dealing with these matters. The working party even produced a mock certificate of the type that may be issued. The mock-up is headed, "Victorian certificate of education" and it states that:

> This is to certify that Jane Jones has successfully completed the Year 12 course of studies——

The Hon. E. H. Walker—It is not uncommon terminology—I realize that.

The Hon. HADDON STOREY—I have not finished yet.

The Hon. E. H. Walker—Are you going to offer some sort of alternative?

The Hon. HADDON STOREY—I was intending to continue and make the Minister an offer because at the end of the certificate it says:

> This student has satisfactorily completed the Year 12 course of study registered by the Victorian Curriculum and Assessment Board.

It appears the solution is that if instead of the word "successful" the word "satisfactory" were to be put in——

The Hon. E. H. Walker—Done.

The Hon. HADDON STOREY—I believe that would still convey the notion that I wish to be conveyed, and I thank the Minister for accepting that suggestion.

The Hon. E. H. Walker—Happily.

The Hon. HADDON STOREY—I seek leave of the Committee to amend my amendment by omitting the word "successful" and inserting in lieu thereof the word "satisfactory".

The Hon. E. H. WALKER (Minister for Agriculture and Rural Affairs)—Leave is granted.

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

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

NATIONAL PARKS (AMENDMENT) BILL

This Bill was received from the Assembly and, on the motion of the Hon. J. H. Kennan (Attorney-General), for the Hon. J. E. KIRNER (Minister for Conservation, Forests and Lands), was read a first time.

STATE ELECTRICITY COMMISSION (AMENDMENT) BILL (No. 2)

This Bill was received from the Assembly and, on the motion of the Hon. J. H. Kennan (Attorney-General), for the Hon. D. R. WHITE (Minister for Health), was read a first time.

RETIREMENT VILLAGES BILL

The Hon. J. H. KENNAN (Attorney-General)—I move:

That this Bill be now read a second time.

The Bill seeks to:

(1) ensure prospective residents are made aware in advance of the implications of entering a retirement village;

(2) ensure that the rights of residents are unambiguous and enforceable;

(3) ensure the actions of management do not infringe the rights of residents; and

(4) avoid undesirable marketing practices by the promoters of retirement villages.

The Bill seeks to achieve these objects by setting out the basic rights of residents, the standards which are to apply to all dealings in relation to retirement villages caught by the Bill and to the ongoing relationship between the owner, the manager and the residents of a village.

There has been considerable growth in the demand for specialist housing for the elderly in the last decade. Resident-funded retirement villages have developed to satisfy that demand.

The type of organization promoting each village and the size and operation of each village vary immensely. A retirement village may be a small simple cluster of units

designed by a church or local charitable group to meet a local need or it may be a large commercial village which actively promotes its activities and offers a variety of features and specialist facilities.

The diversity of villages and the manner in which they operate has led to uncertainty about the rights of promoters and residents. That uncertainty has prompted the Government to introduce the Bill.

Resident-funded retirement villages are currently regulated under the prescribed interest provisions of the Companies (Victoria) Code. As these provisions have been regarded as an inappropriate means of regulating the types of activities conducted by retirement villages, an amendment to the Companies Code to operate from 1 July 1987 will completely exclude these villages from the operation of that legislation from that date. It is anticipated that during the next twelve months most States will introduce legislation to regulate their retirement village industry.

The Bill is a result of considerable consultation with community groups. It has been pleasing to see the level of interest and relative uniformity in the goals pursued by representatives of promoters, managers and residents.

DEFINITIONS

The Bill applies to retirement villages:

(1) in which a majority of residents are persons either over the age of 55 years or who have retired from full-time employment, and their spouses;

(2) which provide residential accommodation and services to such persons; and

(3) in which residents are required to make a payment whether by lump sum or by instalments, in consideration of becoming a resident.

Certain types of accommodation are specifically excluded from the operation of the Bill.

Existing and new villages are given the opportunity to seek exemption from the Corporate Affairs Commission from any of the provisions of the Bill. This has been done to ensure that the Act will apply flexibly through the range of retirement villages and to enable interstate promoters to advertise their villages in this State under appropriate circumstances.

RETIREMENT VILLAGE NOTICES

Part 2 of the Bill requires the owners of retirement villages to lodge a notice with the Registrar of Titles or, where appropriate, the Registrar-General in respect of land used for a retirement village before entering into contracts which create residence rights. Once entered on the relevant certificate of title the notice will indicate to prospective owners, residents and financiers that the land described in the title is used as a retirement village and is subject to the provisions of the Act and to the rights of residents under residence contracts.

Failure to lodge such a notice is an offence which attracts a penalty of 200 penalty units and entitles each resident to rescind its residence contract within six months of becoming aware of the failure to lodge the notice.

A retirement village notice may only be cancelled where the Commissioner for Corporate Affairs is satisfied that the land is no longer used as a retirement village and the owner has served a notice of its intentions on all residents, former residents and their legal personal representatives.

PROTECTION OF OCCUPANCY

Part 3 of the Bill introduces the notion of a "residence right" in the land on which the village is located. A residence right is a right to use accommodation and services provided for a retirement village, and is created by contract entered into between the resident and every owner of the land.

The residence right binds all subsequent purchasers and mortgagees of the land until the contract which gives rise to the right is terminated. This may occur in certain circumstances—for example, where a resident is in breach of such a contract or where a medical practitioner certifies that a resident's needs are not adequately provided for by the village.

DEALINGS

Part 4 of the Bill regulates the practices of promoters, owners and managers in dealings in relation to a village. The provisions of the Fair Trading Act which have recently been proclaimed are expressed by clause 18 to apply to dealings in relation to a village.

Considerable community concern has been expressed that people entering retirement villages are not fully aware of their rights. To overcome this, clause 19 requires an owner to provide a prospective resident with certain documents 21 days before signing a contract to enter the village. The documents include a statement which sets out particulars of the name, location and ownership of the village as well as interests taking priority over a resident's interest.

The other documents to be provided include the by-laws of the village, residence and management contracts and a check list of important questions a prospective resident is asked to consider before entering a village. The provisions of this clause ensure a prospective resident has the opportunity of carefully considering all aspects of the decision to enter a village.

In recognition of the importance of this clause, it is an offence for an owner not to supply these documents. The offence attracts a penalty of 200 penalty units and entitles a resident to rescind a residence contract within six months of becoming aware of the contravention giving rise to the offence.

To further protect residents clause 24 ensures that a three-day cooling-off period is available after entering into a residence contract.

A resident is also protected from the unscrupulous promoter by being permitted to recover an ingoing contribution on leaving a village; if an incorrect representation has been made before a residence contract is entered into, the contribution is recoverable.

CHARGES

Part 5 provides that ingoing contributions to be refunded to a resident are in certain circumstances a charge on land used by a retirement village.

A charge will be created over land only where the ingoing contribution made by any resident is $10 000 or more. The threshold was set so that the charge would not apply to those genuine charitable villages for which resident funding is not a significant source of funds.

The charge will apply to all the land which is used by the village. The charge is expressed to protect the right to repayment of residents in occupation at the commencement of the Act and all subsequent residents and ex-residents and their estates, until such time as the repayment obligation is discharged.

The charge is to be a first on the land in the case of new villages. In the case of new villages, an owner is required either to discharge existing encumbrances on the land or to enter priority agreements in relation to those encumbrances.

An owner of land who becomes subject to a charge must notify either the Registrar of Titles or, where appropriate, the Registrar-General of that fact within fourteen days of the land becoming encumbered.

Enforcing a charge is viewed as a last resort. The Bill requires a resident to exhaust debt recovery procedures to recover any refundable ingoing contribution before taking steps to enforce the charge.

Proceedings to enforce the charge must be taken in the Supreme Court. The Corporate Affairs Commission is entitled to intervene in those proceedings. An order for enforcement of the charge will be made if the Supreme Court is satisfied that it is in the interests of the residents to make the order. In balancing the rights and interests of the unpaid former resident against the interests of the continuing resident, it is envisaged that the court will consider the views of the Corporate Affairs Commission.

Although an order for enforcement means the village may be sold, it is nevertheless possible that the village be sold as a going concern.

The charge may be extinguished either by agreement between all parties, by enforcement or with the consent of the Corporate Affairs Commission.

RESIDENT PARTICIPATION

Part 6 ensures that once a village is operational, its residents will be fully informed of developments in the village, will have some say in its operation and will be protected against unreasonable increases in maintenance charges.

A manager is required to call an annual meeting at which a statement in relation to maintenance charges must be made. At the meeting the owner is also required to advise residents of the financial viability of the village.

Part 6 also provides that disputes between the residents and the manager of a village, which cannot be resolved internally, may be determined by arbitration.

RESIDENTS COMMITTEE

Each village may establish a Residents Committee. It is envisaged that the main purpose of the committee will be to act as a focal point of communication between residents and the owner and manager of the village. The committee has power to summon a meeting of residents, to settle disputes between residents and to approve increases in the maintenance fees in excess of increases in the consumer price index.

BY-LAWS

By-laws relating to a retirement village can be made, revoked or altered only if agreed to by at least 75 per cent of all residents living at the retirement village and voting at any meeting. This requirement ensures that by-laws, which effect the day-to-day running of a village, will be varied only if there is substantial agreement by residents.

MAINTENANCE CHARGES

Clause 38 protects residents by restricting the manager's ability to increase maintenance charges to residents. Residents whose only source of income is a pension have expressed concern that difficulty is experienced in meeting substantial increases in these fees.

Clause 38 provides that maintenance charges are not to increase by more than the movement in the consumer price index unless residents agree otherwise.

However, where a manager cannot reasonably provide goods and services without such an increase, and the residents do not approve the increase, clause 38 ensures that the manager will not be civilly liable for failing to provide those goods and services.

CONCLUSION

The Bill will add to the industry by clarifying the rights of residents, owners and managers, and by providing minimum standards to apply to dealings between the parties in the village.

By imposing obligations on the owner and manager of the village and by providing substantial criminal and civil sanctions, the Bill ensures that the rights of residents will be protected.

The Government believes the Bill will generate a climate conducive to the establishment of retirement villages in Victoria while providing clear and unambiguous protection for the citizens of this State who wish to retire to such villages.

I indicate the Government's gratitude to the honourable member for Chelsea Province, Mrs Maureen Lyster, and the honourable member for Frankston North, Mrs Jane Hill, for their earnest interest concerning a particular difficulty relating to a retirement village and their assistance in the preparation of the proposals that have given rise to this much welcomed Bill. I commend the Bill to the House.

For the **Hon. B. A. CHAMBERLAIN** (Western Province), the Hon. H. R. Ward (South Eastern Province)—I move:

That the debate be now adjourned.

This is a substantial Bill and I ask the Minister to give some indication whether the Bill will be debated immediately or whether it will be held over until the next sessional period.

The Hon. J. H. KENNAN (Attorney-General)—It is the wish of the Government that the Bill be introduced in this place and lay over until the next sessional period, at which time it is hoped to pass the Bill.

The Hon. H. R. WARD (South Eastern Province) (*By leave*)—I suggest that the debate be adjourned for 28 days.

The motion for the adjournment of the debate was agreed to, and it was ordered that the debate be adjourned until Wednesday, June 4.

MINISTERIAL STATEMENT

Intercountry adoption

The Hon. C. J. HOGG (Minister for Community Services)—I wish to make a Ministerial statement with respect to intercountry adoption. This topic has been a contentious and difficult one throughout Australia, particularly in the past six months.

I shall begin by acknowledging the assistance I have had from Parliamentary colleagues in talking through some of the principles in this statement and for the discussions held at the Minister's conference some two or three weeks ago.

I have had particular assistance from Mrs Lyster and the two spokespeople for community services in the House, Mr Robert Knowles and Mr Roger Hallam, and also from the honourable member for Swan Hill in another place, who has a particular interest in this topic.

One of the reasons for making a Ministerial statement at this time in the sessional period is to make perfectly clear the Government's attitude to intercountry adoption, as it is a vexed and vexing question; also because arrangements in the field of intercountry adoption have been somewhat haphazard. A number of loopholes have been found leading to circumstances such as those experienced by a couple who live outside of metropolitan Melbourne and who have had their natural children in the care of the State while being able to bring into Victoria children from overseas as their adopted children.

Quite obviously this is a difficult and most undesirable situation. Thus, I wish to inform Parliament of recent developments in Victoria in relation to the adoption of children from overseas countries.

The area of intercountry adoption is very complex and difficult. There has been much media attention focused recently on the unfortunate plight of couples who have gone outside of established procedures in an attempt to arrange their own adoptions.

I have been very concerned about loopholes in the system, because this can lead to tragic consequences. Without safeguards in the intercountry adoption service, children

and families in overseas countries could be disadvantaged or open to exploitation. Families may give up their children not because they want to but because they have few alternatives. Without proper assessment and supervision, couples may take on children they are not ready for. Adoption arrangements then can break down, leaving children isolated and without cultural support.

For example, a child may present behavioural difficulties of which an adoptive family is only partly aware and unable to deal with. For a family which went to extraordinary lengths to adopt a child, the failure can lead to marriage breakdown and severe emotional difficulty. Such children can then become the responsibilty of the State. Furthermore, without correct information, couples may attempt to make their own arrangements overseas and suffer great distress when these plans are unsuccessful.

As Parliament will be aware, the adoption of overseas children by Australians is a fairly recent phenomenon.

Based upon experience since intercountry adoption began in Australia approximately ten years ago, the States and Territories agreed in 1983 upon a set of principles to be followed in intercountry adoption. Nevertheless, differences in legislation, requirements and practices between States and Territories have remained. This has led to some problems in administering intercountry adoption services.

As a consequence, in 1985 the Council of Social Welfare Ministers set up an all-States Joint Working Party on Intercountry Adoption to consider and make recommendations on national policies and procedures. The committee was convened by the Federal Minister for Immigration and Ethnic Affairs.

The report of the working party was tabled at the annual conference of Social Welfare Ministers in Adelaide last week. As a result, wide-ranging principles have been adopted by State and Commonwealth Ministers, which will safeguard the best interests of children being adopted into Australia from overseas.

I should like to outline to Parliament these important principles, which will come into force in Victoria, as in the rest of Australia, immediately. The principles are that:

intercountry adoption is a service for children where the rights, welfare and interests of each child shall be paramount;

the adoption of an overseas child by Australian citizens should be countenanced only when—

(*a*) the couple has been assessed and approved by a department or accredited agency as suitable to adopt the child and has demonstrated an understanding of the responsibilities and obligations involved, including an understanding of the culture from which the child comes;

(*b*) the laws and regulations of the overseas country have been complied with and the child has been approved to leave that country for adoption overseas or in the custody of his or her newly adoptive parents;

(*c*) the rights and wishes of the relinquishing parent or parents are protected;

(*d*) the couple has been deemed by the placing Government or agency as the best parents for that particular child;

(*e*) the proposed placement is supported by the relevant State or Territory welfare department in Australia; and

(*f*) the child meets the health requirements for entry to Australia.

that Australian States and Territories deal only with overseas adoption agencies that have been recognized or registered by the Government or appointed adoption authority of that country; and

that arrangements and agreements be signed and individual placement decisions made only when Australian authorities are satisfied that children are not being procured for the program by force, duress or financial incentive.

At the conference, the Federal Minister for Immigration and Ethnic Affairs, the Honourable Chris Hurford, stated that he will issue visas for children seeking entry to Australia for adoption only where the placement meets the agreed principles. Mr Hurford has assumed primary responsibility and accountability for determining arrangments with other countries that meet our requirements.

The report of the National Working Party on Intercountry Adoption has provided the basis for an integrated approach to intercountry adoption throughout Australia. I shall be considering more closely any adjustments to Victorian legislation standards and practices that may be necesary to strengthen this national approach.

In addition, a Standing Sub-committee on Intercountry Adoption will be convened comprising representatives of the Federal Department of Immigration and Ethnic Affairs, the Federal Department of Foreign Affairs and each State and Territory department of community services to advise the Commonwealth regarding the establishment and review of approved working relationships between Australia and overseas countries, in accordance with the principles stated above.

I should now like to inform the Parliament about the current arrangements for intercountry adoption in Victoria. As honourable members are aware, my department has responsibility for adoption policy and standards as well as providing an adoption service. I have recently approved as a private adoption agency, International Social Service, a well-established non-Government organization.

My department will retain responsibility for policy and standards in intercountry adoption while sharing with International Social Service responsibility for service provision: that is, assessment of couples and supervision of adoption placements. I should like to assure Parliament that we will be monitoring the new arrangements closely.

Fees for service have been introduced to enable an efficient system in intercountry adoption. This will mean that assessments of applicants can take place more rapidly. These fees are very moderate and cover only the actual cost of the service. They can be waived in exceptional circumstances.

My department also has an established relationship with the adoptive parent group, Australian Society for International Aid (Children)—ASIAC—which provides education seminars for all prospective adoptive parents as part of the assessment procedure.

With the co-operation of these key organizations, we are working towards a well co-ordinated intercountry adoption service in Victoria. So that couples may be readily informed about intercountry adoption procedures, information on guidelines for intercountry adoption is available from my department or International Social Service. The guidelines have been established to protect all parties, most particularly the children from overseas countries.

There are eligibility criteria in relation to age, marital status and health of adoptive applicants. Applicants are assessed by social workers and approved by an assessment committee. Successful applicants are approved for particular circumstances. These relate to the number of children, the age and sex of children and—I cannot emphasize too much—the specific overseas country involved.

I feel confident that we now have in Victoria an extremely fair and efficient intercountry adoption service that protects the rights of children. I am committed to monitoring and adjusting the service, as necessary, in a co-ordinated way to ensure continued high quality.

Finally, let me acknowledge the tremendous contribution of the numerous organizations in Victoria actively working towards an intercountry adoption program that supports this Government's commitment to the principles of social justice in this very sensitive area.

On the motion of the Hon. N. B. REID (Bendigo Province), it was ordered that the Ministerial statement be taken into consideration later this day.

ALPINE RESORTS (AMENDMENT) BILL

The Hon. D. R. WHITE (Minister for Health)—I move:

That this Bill be now read a second time.

Its purpose is to give effect to three unrelated amendments to the Alpine Resorts Act 1983: firstly, to remedy an unintended effect of an amendment to the Town and Country Planning Act 1961, which effectively reduced the role of the Alpine Resorts Commission as a responsible authority in the administration of alpine resort management plans; secondly, to clarify rights of appeal for lessees of Crown land who are affected by proposals for improvement of alpine resorts; and, finally, to add 200 hectares to the Falls Creek alpine resort as recommended by the Land Conservation Council and approved by the Governor in Council.

MODIFICATION OF TOWN AND COUNTRY PLANNING ACT

As honourable members may recall, an object of the Alpine Resorts Act is to make the Alpine Resorts Commission the planning authority for those alpine resorts under its management and control. To this end, the Act imports, with appropriate modifications, the provisions of the Town and Country Planning Act and the Planning Appeals Board Act 1980 to apply to alpine resort management plans and interim alpine resort management plans. In December 1983 an amendment to the Town and Country Planning Act had the unintended effect of reducing the role of the commission as a planning authority.

The amendment provides that the Minister for Planning and Environment should be the permit issuing authority instead of the commission in relation to applications from developers to use or develop land. This effectively creates two planning authorities: the commission as the authority responsible for preparing management plans and the Minister as the authority responsible for administering such plans.

The present Bill corrects the position by modifying the provisions of the Town and Country Planning Act to bring the commission into line with the position of a "responsible authority" in accordance with the requirements of that Act.

CLARIFICATION OF APPEAL RIGHTS

The Act provides that, in circumstances where land is required by the commission for the improvement of an alpine resort in accordance with a condition of the lease that the lease may be cancelled, appeals lie to the Minister against both the cancellation of the lease as well as the requirement to remove buildings and improvements from the land; that is, separate rights of appeal arise from what is basically the same set of circumstances. This is likely to be cumbersome and expensive to administer; moreover, inconsistent appeal decisions may result.

The purpose of the present Bill is to provide for a single right of appeal to the Minister in circumstances where leased land is reasonably required by the commission for the improvement of an alpine resort. The Minister will at the appeal determine both or either matter.

ADDITION OF LAND TO FALLS CREEK ALPINE RESORT

Finally, as honourable members are aware, under the provisions of the Land Conservation Act 1970, the Land Conservation Council has the duty of carrying out investigations and making recommendations to the Minister with respect to the use of public lands. Where such a recommendation is made, the Governor in Council may give notice of that recommendation to the relevant public authority, who must give effect to the recommendation.

During January 1985 the Governor in Council gave notice to my colleague, the Honourable Ian Cathie, MP, the then Minister for Industry, Commerce and Technology, recommending that land located to the south and east of the Falls Creek alpine resort totalling 200 hectares be added to the Falls Creek alpine resort.

The Bill honours the assurances given by my colleague in another place during the debate on the Alpine Resorts Bill when he stated that the Government would add land to resorts or create new resorts only by amendment to an Act or Parliament.

The Alpine Resorts Commission has made great strides in carrying out its charter since its inception in March 1984 and in achieving the direction of the Government's economic strategy. These amendments will further contribute to this progress and secure the commission's central role in the planning, management, administration and control of Victoria's alpine resorts. I commend the Bill to the House.

On the motion of the Hon. G. P. CONNARD (Higinbotham Province), the debate was adjourned.

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

CONTRACT CLEANING INDUSTRY (LONG SERVICE LEAVE) BILL

The Hon. D. R. WHITE (Minister for Health)—I move:

That this Bill be now read a second time.

The principle of portability of long service leave has now been established for some considerable time. It was first introduced in 1975 for the building industry through the Building Industry Long Service Leave Act 1975. The Act was then extended to include persons covered by the Construction and Maintenance Award in 1978, the shop fitting industry in 1982 and then again in 1983 when the metal trades industry and the electrical contracting industry were included within the construction industry long service leave scheme provided under the Construction Industry Long Service Leave Act 1983.

A further extension was made last year to include the lift installation industry under the construction industry scheme through the amendments made by the Construction Industry Long Service Leave (Amendment) Act 1985.

Mr Ken Williams, who conducted an inquiry into long service leave problems, handed down an interim report in December 1984, recommending that portability of long service leave be provided to the contract cleaning industry. This industry largely operates on a short-term contract basis and employers tend to move through the industry fairly rapidly, but the majority of employees stay within the industry. Quite often those employees complete extensive periods of employment in the same premises, notwithstanding a change in employers as contracts change.

It is obvious that this factor alone precludes people in many cases from qualifying for long service leave, even though the required period of employment has been served.

The purpose of the Bill is to establish a scheme for long service leave for employees in the contract cleaning industry. The Bill, as drafted, largely follows the scheme and format set down in the Construction Industry Long Service Leave Act, which has proved to be a successful piece of legislation in the administration of a portable long service leave scheme.

Working sub-contractors will be provided with the option of joining the scheme. That again is in line with the construction industry.

The scheme, when established, will cover approximately 11 000 workers. It is also proposed that the long service leave charge which the employer will be required to pay on behalf of workers will be 2·5 per cent of wages. That figure is in line with the Williams

report. However, as set out in the Bill, that contribution rate will be reviewed at least every three years under Government actuarial investigation.

In summary, the major provisions of the Bill deal with:

the establishment of the Contract Cleaning Industry Long Service Leave Board which will have direct employer and employee representation;

the establishment of the Contract Cleaning Industry Long Service Leave Fund and the board's investment powers;

the registration of workers, employers and working sub-contractors;

the long service leave contributions required to be paid by employers as well as working sub-contractors who have elected to contribute to the scheme; and

the long service leave entitlements. In this respect I refer honourable members to Schedule Two to the Bill which sets out these entitlements.

The remainder of the Bill deals with enforcement, legal proceedings and matters of general administration.

Finally, this measure has the support of the employers, through the Association of Contract Cleaners of Australia, and the employees, through the Federated Miscellaneous Workers Union; and I trust that it will receive the endorsement of Parliament. I commend the Bill to the House.

The Hon. D. M. EVANS (North Eastern Province)—The National Party has a number of very real concerns about the Bill. It introduces several principles with which the National Party finds considerable cause for disagreement.

Members of the National Party are aware of real concern in the industry. I direct attention especially to the concern of the Australian Chamber of Manufactures, which strongly opposes the principles of the Bill. In addition, it is clear that a number of other organizations are opposed to the measure. They include the Melbourne Chamber of Commerce; the Australian Small Businessmen's Association; the Victorian Employers Federation, which has on its books one-third of the employers of labour in Victoria; the Victorian Road Transport Association; the Retail Traders Association; the Printing and Allied Trades Employers Federation; and the Metal Trades Industry Association. About the only group that is in favour of the Bill appears to be the mixed industry sector.

Clearly the Bill embodies major new principles that will be very costly to Australian and Victorian industry. There is a limit to the improvement, escalation, betterment—call it what you will—of wages and conditions in Australian industry. We are in an extremely competitive situation both within Australia and on a worldwide basis. We must be able to compete on our own home markets if we are to bring our balance of payments and our huge deficit into line. We are running up enormous bills and paying only some of them. In addition, we have to be able to compete on overseas markets if we are to redress some of that huge adverse balance of trade, and we cannot do so if the oncosts with which industry is saddled become increasingly savage.

Australia already has enormously good industrial conditions. It enjoys industrial conditions that are far better than those almost anywhere else in the world—far better than those enjoyed by our competitors in Japan, the United States of America, West Germany, the United Kingdom or anywhere else. Australia provides an enormous amount of protection for the worker, the person of limited means who must work each week and depend on his salary to meet the normal accounts and living expenses; but there has to be a time when the piper is paid.

We cannot continue indefinitely to give ourselves the sorts of additional benefits and increments of which the Bill is the forerunner. If this Bill is passed, it will be only the beginning. Many other industries will come forward with claims. That is why the Australian

Chamber of Manufactures opposes the Bill. In a letter to the Deputy Leader of the National Party, Mr Hann, the chamber says:

> . . . the Australian Chamber of Manufactures opposes the Contract Cleaning Industry (Long Service Leave) Bill which is currently before the Victorian Parliament.
>
> ACM has expressed its views opposing the very concept of portable long service leave in some detail in its submissions to the Williams Inquiry.
>
> ACM continues to oppose any extension of the concept of portable long service leave.
>
> The fundamental qualification for long service leave under the Industrial Relations Act is continuous extended service with the one employer.

In other words, long service leave is intended to be a reward for a worker who is loyal to his employer and to the firm for which he has worked over a long period. Portability destroys that concept, in the view of the chamber. It means that one can move from one employer to another. It is simply a wage rise in another form—an additional cost, an additional burden that the Australian employer bears while attempting to meet competition from overseas. Our oncosts are far and away above those of our competitors.

The Victorian Government recognized that, and it recognized it in one fundamental matter: that was the argument that it put forward, flawed and susceptible to interpretation though that argument might have been, in favour of WorkCare.

Clearly, the cost of workers compensation insurance under the old system was an increasingly heavy burden on employers, making them less and less cost competitive. The Government introduced the new WorkCare scheme to overcome the problem. The Government recognized that a problem existed but whether the method it introduced to deal with the problem is effective is another matter.

The Bill is moving in the opposite direction from that in which the WorkCare scheme purports to move. It will be a cost to employers and place inhibitions on additional employment opportunities. I cannot think of any better or more cogent reason for the National Party to oppose the Bill. The National Party will not vote for it because of the reasons I advanced earlier.

Some three years ago I took part in a Commonwealth Parliamentary Association journey overseas, an opportunity which honourable members have from time to time. As the House will be aware, I have considerable and continuing interest in the timber industry and the use of natural resources.

I had the opportunity during my overseas visit of inspecting a timber milling organization on the west coast of the United States of America with a banker from the City of Portland in Oregon. I met the works manager of that major installation, which I was informed was one of the most efficient timber mills on the west coast. Therefore, with the possible exception of some timber mills in Scandinavia, it was one of the most efficient timber mills in the world and a highly productive unit.

I compared some of the costs, wages and working conditions applying to the workers in that mill with those in Australia. The American timber industry is in direct competition with the Australian timber industry. At that time the Australian workers compensation premium costs alone were approximately equal to the total oncosts of the American company, including holiday pay, long service leave—if the workers had been working for the company for a long period—and other benefits to which American workers were entitled.

Therefore, the oncosts in the American mill were equal to only one oncost in the Australian industry. The Australian timber industry must also pay for four weeks' annual leave—the American workers receive only two weeks' annual leave—and the 17·5 per cent holiday pay loading about which the Americans had no knowledge. How can Australian companies compete with American companies?

The Bill will provide a further oncost burden to the contract cleaning industry. It will limit employment opportunities and cost people their jobs. It will benefit some people and reward employees who are not prepared to stay with one firm for a long time and receive the rewards that loyal and good service to firms should deserve.

It is clearly a piece of bad legislation; it is a bad concept and it is bad for Victoria. It will ride against the long-term interests of the working people of Victoria and it is a landmark, precedent-setting Bill that, if the House is prepared to pass it, will be followed up quickly with similar claims from other industries.

Is it any wonder that the Victorian Chamber of Manufactures, the Australian Chamber of Manufactures and the many other employer organizations I listed earlier are concerned about the Bill? Is it any wonder that the National Party has made the decision to vote against the Bill?

The Hon. E. H. WALKER (Minister for Agriculture and Rural Affairs)—I move:

That the debate be now adjourned.

Further negotiations of an industrial kind are occurring and the House will be better informed tomorrow. I give an assurance that the Bill will be dealt with again tomorrow.

The motion for the adjournment of the debate was agreed to, and it was ordered that the debate be adjourned until the next day of meeting.

STATE ELECTRICITY COMMISSION (AMENDMENT) BILL (No.2)

The Hon. D. R. WHITE (Minister for Health)—I move:

That this Bill be now read a second time.

The Bill to amend the State Electricity Commission Act and the Electric Light and Power Act consists of various matters intended to clarify and extend the powers and duties of the commission and of the municipal undertakers who operate in accordance with the Electric Light and Power Act.

Matters which are considered to be primarily of a machinery nature are, for example:

the introduction of penalty units into both Acts;

provision of specific power to the commission and its chief executive officer to delegate their authority;

deletion of section 11, which is now redundant;

the increase of the quorum of commissioners from three to four;

the grant to lenders to the commission in accordance with sections 95 and 95A of the same rights in the event of default as are enjoyed by those who lend under section 89;

the right of the commission to recommend changes in legislation;

the extension of methods of valid service of process on the commission; and

clarification that prosecuting officers may validly prosecute in their own names.

Apart from these examples, there are a range of other matters that are fully covered in the clause notes attached to the Bill. I do not believe it is necessary to direct those matters to the attention of the House at this stage.

On the motion of the Hon. A. J. Hunt, for the Hon. ROSEMARY VARTY (Nunawading Province), the debate was adjourned.

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

SMALL BUSINESS DEVELOPMENT CORPORATION (AMENDMENT) BILL

The Hon. D. R. WHITE (Minister for Health)—I move:

That this Bill be now read a second time.

Its purpose is to make a number of amendments to the Small Business Development Corporation Act 1976, including the establishment of a clear statement of the objectives and functions of the corporation, and to make provision for the appointment of the Auditor-General as auditor of the corporation.

In December 1983 the Public Bodies Review Committee report on the corporation, tabled in this House in February 1984, recommended that fundamental objectives should be established and included in the Act. When the corporation was established in 1976 its functions were only loosely described to allow a flexible approach to its tasks during the establishment of the corporation. The board of the corporation has reviewed its policies regularly and agreed with the Public Bodies Review Committee that the full statement of objectives and functions should be incorporated in the Act.

As explanatory notes outlining these objectives and functions are attached to the Bill, I do not intend to go through them all in detail.

The majority of them relate specifically to the five functions of the Small Business Advisory Agency as listed in the 1976 Act and the provision of additional powers to assist small business. These additional powers will allow the corporation to become more actively involved in assisting small business people to establish businesses and to survive in existing businesses.

Section 13 (1) of the principal Act is to be repealed and substituted by a section outlining the objectives of the corporation. The original section related to the establishment of the Small Business Advisory Agency. Although the agency was established, all of its functions were carried out under the name of the Small Business Development Corporation and it is therefore unnecessary for this section to be retained.

The objectives listed demonstrated the corporation's intention to develop and support small business in Victoria and to ensure that major difficulties can be identified and remedied where possible.

Further reference to the agency is to be deleted from section 13 (2) of the principal Act wherein the existing functions are listed and the new ones will be added.

The existing functions have been expanded to increase the ability of the corporation to become actively involved in assisting small businesses to become established. These powers will provide the flexibility for the corporation to meet the changing needs of the small business owner and operator.

As the services of the corporation become more well known and utilized, it is recognized that there is a need for information to be available in a number of different languages and this has already been initiated and is listed as one of the new functions.

The corporation has requested the Auditor-General to appoint an auditor and the amendment contained in clause 6 will formalize that request.

These amendments will provide for an Act which more clearly states the objectives of the corporation and one which reflects its current operations.

Small businesses form more than 97 per cent of the number of enterprises in Victoria and employ more than 30 per cent of the State's work force. It is important that the corporation is able to provide an effective service to this sector.

The Government fully supports a vigorous and healthy small business sector in the economy and is determined to promote its growth. I am sure that this is an objective

which is shared by all members on both sides of the House. I commend the Bill to the House.

The Hon. R. S. de FEGELY (Ballarat Province)—The Bill introduced to this House is slightly different from the Bill introduced in the other place. The second-reading speech of the Minister for Health states that the purpose of the Bill is to make a clear statement of the objectives and functions of the Small Business Development Corporation and to make provision for the appointment of the Auditor-General as auditor of the corporation. The Bill also broadens the provisions of the Act, and the Liberal Party is concerned about some of them.

The Opposition is not as concerned about this Bill as it was about the original drafting, and I commend the Minister for Industry, Technology and Resources for having seen fit to amend provisions about which the Opposition was greatly concerned. I refer specifically to the provisions regarding co-operatives.

The Bill has had deleted from it clause 4. The Opposition is pleased about that because there is no role within the Small Business Development Corporation for the inclusion of co-operatives. Co-operatives were intended to lead to worker co-operatives, which were part of the Government's democratization of small business.

The Opposition is concerned about the provisions that broaden the operations of the corporation into the private sector. They create the opportunity for the corporation to become a bigger bureaucracy. The Liberal Party believes in small government, and the Opposition will oppose several clauses of the Bill during the Committee stage.

The Liberal Party is certainly not opposed to the Small Business Development Corporation. In fact, the corporation was established in 1976 by the then Liberal Government. Honourable members who have read the ninth annual report of the corporation will know of the excellent work of Mr Falk and Mr Nelson. The report refers to the increase in the number of inquiries made to the corporation. During its ten years of operation, the number of new starter inquiries made to the corporation in a year has increased from 825 to 11 000. The corporation has given excellent service to the business people of Victoria.

The Opposition believes the corporation has the opportunity of serving business through its present charter and a broadening of its functions is not necessary, especially when they tend to overlap into the private enterprise field.

During the past few months, the Opposition has been upgrading its small business policy and has spoken to many people involved with small business. Through those discussions it became obvious that many people involved in small business do not believe the corporation needs to expand its operations. The Opposition had discussions with the Australian Chamber of Manufactures, the Metal Trades Industry Association, the Victorian Employers Federation, the Australian Small Business Association, the Housing Industry Association and the Royal Melbourne Institute of Technology. The Opposition has also had discussions with the Victorian Economic Development Corporation and the Small Business Development Corporation itself.

Many of those organizations stressed that they do not wish to see the role of the corporation broadened. They view it as an advisory body that can steer business in the direction where it can obtain the best advice. That is the charter laid down in the Act.

Following its discussions, the Opposition has a good understanding of the needs of small business. It certainly has a better understanding than has the Government. Over recent times the Government has inflicted a never-ending list of taxes and charges, regulations and restraints on small business and has bombarded small business with a continuous mountain of paperwork.

I often wonder whether the Government understands business, especially small business, which contributes greatly to the economy and employment of the State. Small business employs approximately 60 per cent of the people in the private enterprise sector.

I wonder whether the Government understands how small business is staggering under the enormous burdens placed on it by the Government. I shall instance a few: the phasing out of pay-roll tax rebates; abolition of decentralization incentives; failure to equalize fuel prices for country Victoria; increases in the price of fuel; and problems with the transportation of goods. Many country Victorians are not prepared to use V/Line for the transport of their goods because of the problems with damage, theft or the loss of goods, all of which add considerably to the cost to the consumer.

The blame cannot be attributed solely to the State Government; the Federal Government must share the blame. In September last year, the Federal Government dealt the last straw to small business when it introduced a tax package which included capital gains tax, pay-roll tax on sub-contractors and the removal of tax benefits on vehicles, which will have disastrous effects on Victorian industry.

The Liberal Party has no difficulty with the Bill now that renumbered clause 4 replaces section 13 of the principal Act. The Opposition does not have many objections to the objects and the functions of the corporation, which are almost a facsimile of those in the principal Act.

New section 13 (1) (*a*) reads:

To do all things possible . . .

That is an interesting phrase—

. . . to develop increase and assist small business, in particular new businesses;

That is fine but what are "all things possible"? How widely will that be interpreted? However, the Opposition will not oppose that paragraph in any way. Paragraph (*b*) reads:

To promote Victoria as a place for viable small businesses to be established;

This seems to be eminently sensible. Paragraph (*c*) reads:

To increase the viability of small businesses;

This is also reasonable. Paragraph (*d*) reads:

To assist in the expansion of existing small businesses.

This also is a role that certainly should be played by the Small Business Development Corporation.

Sub-clause (2) gives the functions of the corporation. The Opposition does not have problems with that sub-clause in paragraphs (*a*) to (*f*). However paragraph (*g*) reads:

To promote and market small businesses and provide access throughout the State to the Corporation's services;

That paragraph appears to be setting up the Small Business Development Corporation as an organization that could buy and sell as a business broker. It has been pointed out to me that perhaps that is not the intent of the paragraph but there is no doubt in my mind, in the way the paragraph is worded, that it in fact says that, and, therefore, that is a paragraph about which the Opposition is not happy. In the Committee stage, it will move to delete that paragraph. Paragraph (*h*) provides:

To act as an agent in receiving or paying fees;

Here again the Opposition does not believe that should be the role of the corporation. There are plenty of areas in the private sector that are able to service this area of small business, an area into which the corporation should not intrude. Paragraph (*i*) provides:

To research and investigate matters of importance to small businesses;

This is an eminently sensible paragraph and most certainly it should be maintained. Research is a vital and necessary part of the role of the corporation in assisting business. Paragraph (*j*) provides:

To arrange finance to government bodies or private enterprises to assist in the provision of facilities or services to small businesses;

Government bodies should not be handling money in this area. This again should be left to the private enterprise system. That paragraph should also be deleted, as should paragraph (*k*), which provides for the buying and selling of land. This provision will intrude over the area of real estate which is adequately catered for in the private enterprise sector. Paragraph (*l*) is too vague and airy-fairy. It does not in any way specify what is meant by that paragraph and one wonders how far the corporation can go to operate facilities for the use of small businesses with the approval of the Minister. This provision should be more clearly defined and, unless that can be done, the Opposition would prefer that that paragraph be deleted.

Clause 5 refers to the audit situation and the Opposition has no reason to object to that clause; it appears to be sensible and reasonable.

It is easy to be critical of a Bill but I do not believe it is reasonable to be critical without making some suggestions about what the Opposition considers would serve the State better. The role of the Small Business Development Corporation should be to encourage business to use trade associations and not to endeavour to enter into the field itself. There are many good trade associations which can give expert assistance to small business in this State.

The role of the corporation should be to direct businesses to those associations which provide the necessary skills that small business requires. The Opposition would like to see the Government set up one-stop licensing shops which the Liberal Party will set up when it is in government in order that small businesses do not have to go through the enormous hassles of many regulations and many licences. Small businesses should be able to go to one shop and get everything they need to set up in business.

The corporation should continue to assist new businesses. Its role should be to establish with the Government a creative business and economic climate; to assist business when that help is not available elsewhere, without duplicating services; to research business needs and problems; and to continue to provide the excellent written material on relevant subjects.

The corporation should be allowed to carry on the work that is already in its charter, which is to investigate the effect of government on small business. Unfortunately this has not been happening in recent times and the corporation has not been allowed to enter into that field. The Government has rather referred those matters to its Regulation Review Committee, which, of course, it can control.

It is not allowing the Small Business Development Corporation to oversee the effects of government action on small business. Finally, it is easy to be critical about a Bill of this nature, but the Opposition supports the comments of the Melbourne Chamber of Commerce, which suggested that the Bill should be withdrawn and redrafted.

Because of the time constraints, the Opposition is prepared to allow the Bill to proceed, but it will seek to make a number of amendments during the Committee stage.

The Hon. R. M. HALLAM (Western Province)—The original Bill had three primary purposes: firstly, to expand and define the objectives of the Small Business Development Corporation; secondly, to include co-operatives in the definition of small business; and, thirdly, to require the affairs of the corporation to be audited by the Auditor-General.

The amended Bill has omitted the second objective, which is to include co-operatives within the definition of small business. The National Party acknowledges that the

Government has given ground on that issue. It was concerned at the possible ramifications of that objective.

I shall deal with the third objective of the Bill first because it is relatively simple. The requirement for the Auditor-General to audit the affairs of the corporation appears to be reasonable. The ninth annual report of the Small Business Development Corporation on page 27 contains the Auditor-General's report dated 27 September 1985 and included in the Auditor-General's statement is the note that the audit was carried out at the request of the Treasurer. I assume that is the technicality that will be ovecome by the Bill.

In referring to the elementary purpose of the Bill, the expansion of the defined objectives of the corporation, I note that the small business sector is well known to honourable members and to all involved in any form of economic activity in the private sector. The definition of small business is widely debated in the community, but the corporation has attempted to define small business on page 8 of its report. It states that there is general agreement in the manufacturing sector that firms employing fewer than 100 people, and in the non-manufacturing sector firms employing fewer than 20 people, will be defined as small business. The report further states:

> It is also generally agreed that a small business is one wholly owned and operated by an individual person or persons who are active in their business and have a relatively small share of the market.

During the period covered by the ninth annual report the corporation commissioned a study into enterprises within the Victorian economy which disclosed that there were 204 319 small businessses representing 97 per cent of all enterprises. Those businesses currently employ nearly 590 000 people, almost one-third of the entire work force of Victoria. So small business is an important component in our economy. It is because of that that the National Party regards the small role of the corporation, whose primary objective is to enhance the efficiency of small business, to be so vital.

On page 3 of the report the corporation sets out the areas in which it has become involved. During the year approximately 10 000 starter kits, which relate to the fundamentals of commencing a business, were distributed; 500 new small businesses were provided with incentive grants totalling $280 000. The program subsidized the cost of professional advice to produce a business plan and 75 per cent of the cost was subsidized by the corporation.

During the past twelve months, loans amounting to $35 million were provided in conjunction with the Victorian Economic Development Corporation and during the same period more than 32 000 inquiries were handled by the corporation.

The National Party takes the approach that, if the corporation's role is to be enhanced by the proposed legislation, the Bill is worthy of support. The expansion of the definition was supported by the Public Bodies Review Committee and the corporation itself.

The ninth annual report, on page 6, sets out that the aims and objectives of the corporation should be as follows:

> The corporation has recommended to the Minister for Industry, Technology and Resources that the Act be amended to spell out in fuller detail the components of the primary objective, which will assist small and medium size business as follows:
>
> to do all things possible to develop, increase and assist business in Victoria;
>
> to promote Victoria as a base for viable businesses;
>
> to increase the number of businesses;
>
> to increase the level of viability of businesses;
>
> to increase the rate of expansion of existing businesses;

The National Party believes that is extremely important.

> To improve and develop business services and facilities;
>
> to identify and remedy difficulties facing businesses;

to arrange financial assistance through loans, guarantees or other forms of assistance to businesses;

to provide financial guidance and information to businesses;

to improve the level of competence of business through training and education programs;

to establish a unit to assist business co-operatives activities.

The establishing of a unit to assist business co-operatives was an activity that the National Party supported. Although those objectives have been incorporated in the Bill, a further objective has been included which was not taken from the recommended aims and objectives of the corporation. I refer to proposed new section 13 (2) (*b*) which introduces a small role for the corporation, one that it has not had before, and one that the National Party believes is the most important component in the Bill.

Clause 13 (2) (*b*) provides:

The functions of the Corporation are . . .

to investigate the effect upon small businesses of the policies of Governments, of Acts of Parliament (whether of the States or of the Commonwealth) and of rules, regulations, by-laws and other laws made under them.

Small business has been saying consistently that it does not require special handouts and is not looking for Government assistance. It desires room to get on with what it does best: to efficiently administer its business.

While I was considering the proposed legislation, I jotted down a few of the components relating to a business in which I was involved before becoming a member of this House. I shall refer honourable members to the many licence fees and charges imposed on small business.

The business in which I was involved would not fall within the definition of small business contained in the principal Act, but in terms of capital investment it was a small business employing 65 to 70 people. That business at various times held licences to sell liquor, tobacco products, second-hand goods, poisons, milk, stamps, explosives, ammunition and firearms and even a licence to play and install music. The business paid pay-roll tax, sales tax, income tax and stamp duty on loans and hire. It submitted returns in respect of WorkCare and to the Building Industry Long Service Leave Board and filled in statistical returns each month, each quarter and each year.

The business had individual inspections from all taxation departments. It had inspections by the Weights and Measures Division, Health Department Victoria, the Liquor Control Commission, the Victorian Egg Marketing Board, and the shops and factories division. The company was registered; its trading name was registered; the shop was registered; company vehicles were registered, and weighing machines were registered.

That is a list of the various charges and obligations I can recall, but I am sure there were others. However, one tax which really broke my heart was the Commonwealth income tax. I shall not bore the House with a dissertation on Commonwealth income tax law, but I shall spend a few moments discussing the definition of profit under Commonwealth income tax law.

One matter I hope the Small Business Development Corporation will examine under its new brief is the definition of profit, as applicable today, which includes a component for stock. Profit that should be declared in the eyes of the Commissioner of Taxation includes the variation in the value of stock from the beginning to the close of the trading period. That must also include a component relating to inflation.

The best way to illustrate this problem is to take a specific example from the experience I had over those years. When inflation was at its peak of approximately 10 per cent, it was not uncommon in the electrical and whitegoods area for the replacement cost of a specific unit to be equivalent to the retail cost of the original. In other words, if I sold an appliance to a customer it would not be uncommon for me to take the sale price from that customer and give it all to a wholesaler to purchase a replacement.

Anyone who stood at arm's length from that transaction would recognize that no profit was involved. I would still have a similar unit before and after the transaction. However, the Commissioner of Taxation then says, "Hang on, what about the $15 profit you made on the sale? I shall have 46 cents in the $1 from that". I still have not been able to sell the replacement unit so I do not have the $15 profit from the sale. It becomes even worse because after I pay the 46 cents in the $1 as primary tax, the commissioner then says, "In my view you are a private company and, therefore, subject to division 7 tax. Unless you contribute a percentage of 54 cents in the $1 that you have in your hand, I shall charge you a further 54 cents in the $1 on any shortfall".

If I were able to retain a small component of that profit and distribute it to the shareholders—the people who put in the capital to make that venture possible—it would again be taxable in their hands. At that time we were carrying approximately $800 000 worth of retail stock. With inflation running at 10 per cent, we had to find $80 000 a year to retain the same numerical stock strength from year to year. If that were done, a profit would be involved.

If that were to be achieved from the profit, we would have had to earn $150 000, which was approximately equivalent to our previous record. I am not talking about expansion of the business but about standing still. No contribution had been made to our shareholders. We were simply containing the costs that would be milched off to the Federal Commissioner of Taxation. That definition of profit is doing more to destroy private enterprise today than any other individual component in the taxation law.

The National Party has some misgivings about the terminology employed in the Bill. Some of the drafting is ambiguous. I take the point Mr de Fegely made about some of the terminology used in the definitions. The National Party believes the Small Business Development Corporation has played a valuable role in private enterprise, and I speak from personal experience. The proposed legislation will enhance that role, and the National Party is delighted to be able to support it.

The motion was agreed to.

The Bill was read a second time and committed.

Clauses 1 to 3 were agreed to.

Clause 4

The Hon. R. S. de FEGELY (Ballarat Province)—I should have preferred to deal with paragraphs (*g*), (*h*), (*j*), (*k*) and (*l*) together because they all relate to the objectives and functions of the corporation, but I understand that the Committee wants to deal with them separately. Therefore, I move:

1. Clause 4, lines 33 to 35, omit all words and expressions on these lines.

The reason why the Opposition opposes paragraphs (*g*) to (*l*), but not paragraph (*i*), is that they intrude into areas of the private sector which could be better dealt with by the private sector rather than by the Small Business Development Corporation.

The Victorian Chambers of Commerce and Industry stated in a letter last December to the Minister for Industry, Technology and Resources:

> It is the general opinion of this organization, that Government bodies and/or agencies, should not duplicate or perform tasks which the private sector can perform
>
> . . . . .
>
> In the area of the provision of business services, Victoria is adequately served by an enormous number and variety of trade and professional associations, chambers of commerce and industry, etcetera, and such services should not be duplicated by Government agencies or statutory bodies.
>
> . . . . .

The promotion and marketing of small businesses should be a private sector function. The Small Business Development Corporation should help private enterprise bodies such as trade associations, chambers of commerce and industry, etcetera, perform this function, as per clause (*k*). The SBDC should not be directly involved in the promotion and/or marketing of small businesses. Many small firms already perform these functions.

The chamber also states that it does not believe the corporation should act as an agent to receive or pay fees as is referred to in proposed new section 13 (2) (*h*). This function is also performed by other Government agencies and should not be duplicated. That generally explains our objection to those paragraphs.

The amendment was negatived.

The Hon. R. S. de FEGELY (Ballarat Province)—I move:

3. Clause 4, page 2, lines 38 to 42, and page 3, lines 1 and 2, omit all words and expressions on these lines.

A correction must be made to the amendment in that "page 3" should be substituted for "page 4", which appeared in the amendments circulated in my name.

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

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

The Hon. D. R. WHITE (Minister for Health)—I move:

That this Bill be now read a third time.

I thank Mr Hallam and the National Party for their support of the measure.

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

FIRE AUTHORITIES (AMENDMENT) BILL (No. 2)

The Hon. J. E. KIRNER (Minister for Conservation, Forests and Lands)—I move:

That this Bill be now read a second time.

It makes several amendments to the Country Fire Authority Act and the Metropolitan Fire Brigades Act relating to the powers of the authority and the Metropolitan Fire Brigades Board and the reduction of fire risks in the country area of Victoria.

The Metropolitan Fire Brigades Board has developed a strategy plan aimed at rationalizing the board's services in the metropolitan fire district. In particular, land is being sought to enable the relocation of existing fire stations to more strategic sites. Because of difficulties in obtaining sites for prices determined by the Valuer-General, available powers of compulsory acquisition have been examined.

Although a general power exists under the Land Act, it does not enable the compulsory acquisition of land for the purposes of the board. Accordingly, the Bill grants the board such a power and provides that compensation for land so acquired must be paid in accordance with the Lands Compensation Act.

To maintain uniformity between the two fire brigade Acts, a similar power is granted to the Country Fire Authority. Both the authority and the board have the power to raise loans by the issue of debentures. The authority has sought to conduct its borrowing program through the Victorian Public Authorities Finance Agency in order to attract a better interest rate. The Bill provides a Government guarantee for authority borrowings, which is a prerequisite to the agency acting on behalf of the authority. Again, in the interest of uniformity, a similar guarantee is provided for the borrowings of the Metropolitan Fire Brigades Board.

To reduce the amount of detail required to be dealt with at authority and board level, the authority is to be empowered to delegate any of its powers to its officers. As the

President of the Metropolitan Fire Brigades Board may already exercise all of the powers of the board, the power of delegation is also to be granted to the president.

All honourable members will be aware of the dangers of fire in the country area. Ignition of long grass is high on the list of the primary causes of larger fires. The Bill will effect two measures relating to the minimization of this risk.

Firstly, from 1 November 1986 all tractors and self-propelled vehicles and certain construction vehicles must not be sold unless the vehicle is fitted with a spark arrester that complies with the Australian standard for spark arresters, AS 1019—1985. Also from that date any spark arrester fitted to any of these vehicles must comply with that standard. As is the situation now, the operators of these vehicles will continue to be required to ensure that the spark arresters are maintained in proper working order to minimize the risk of fire.

Secondly, a significant weapon against fire is the power of municipal fire prevention officers to issue notices to landowners directing that fire hazards be removed from the owners' land. Many such notices are issued each year in the country area and, although effective, the issue of these notices represents a significant cost to the municipalities concerned.

The Government is always willing to encourage municipalities to reduce the risk of fire. The Bill contributes in a small way by permitting the service of the fire hazard clearance notices by ordinary post rather than the more costly registered or certified service as at present.

The final provision in the Bill empowers the Victorian Public Service Association to nominate a representative to assist the Country Fire Authority Appeals Tribunal. Nominees of the United Firefighters Union and the Country Fire Authority Employees Association already assist the tribunal and the addition of a Victorian Public Service Association nominee is in recognition of the increased association membership of the authority. I commend the Bill to the House.

On the motion of the Hon. N. B. Reid, for the Hon. F. J. GRANTER (Central Highlands Province), the debate was adjourned.

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

TRAVEL AGENTS BILL

This Bill was received from the Assembly and, on the motion of the Hon. J. E. KIRNER (Minister for Conservation, Forests and Lands), was read a first time.

ADJOURNMENT

"Agnotes"—Children's reception centre for Geelong—George Higinbotham statue—Forest management—Scallop fishing—Maroondah Cycle Training Club—Doctors Creek Reserve, Kevington—Kaniva District Nursing Home and Day Centre—Use of eductor dredges—Fundraising Appeals Act—Traffic congestion in inner suburbs

The Hon. E. H. WALKER (Minister for Agriculture and Rural Affairs)—I move:

That the House do now adjourn.

The Hon. B. P. DUNN (North Western Province)—The matter I raise for the attention of the Minister for Agriculture and Rural Affairs concerns the department's new information system which is to replace a journal that is commonly called *Agnotes* issued by the Department of Agriculture and Rural Affairs. The journal has been a fairly successful means of communicating with the farming community. It has also been informative for other people, including gardeners, and provides a continual update of information for farmers.

I am happy with that system, and subscribe to the journal, although I find it difficult to catalogue and file in folders. I understand that departmental officers throughout Victoria were advised to destroy the existing supplies of *Agnotes* last Monday and that many thousands of dollars worth of publications were destroyed; I estimate that the value could have totalled many thousands of dollars. When a former Minister of Agriculture, who is now the honourable member for Polwarth in another place, Mr Ian Smith, introduced *Agnotes* some years ago it was accompanied by widespread media announcements. I ask the Minister what he knows about the new system. Is there a significant change? If so, were old copies of *Agnotes* destroyed and in what way was the withdrawal of the publication advertised through *Agnotes* in Victoria?

The Hon. D. E. HENSHAW (Geelong Province)—The matter I direct to the attention of the Minister for Community Services relates to the need to establish a children's reception centre in Geelong. Community groups in Geelong have been working towards the establishment of a children's reception centre for fifteen years. Although local agencies have carried out a remarkably good job in providing for foster care children and temporary emergency accommodation for children, the fact remains that significant numbers of children are removed from supporting, family and peer group networks in the Geelong region to Melbourne. That is a matter of concern.

Last Monday I attended the major part of a seminar in the Geelong area organized by the Country Women's Association of Victoria. Five speakers presented views on the matter and discussed the need for a reception centre in the Geelong area. The five speakers and one person who contributed from the audience developed two major reasons why it was generally perceived that a reception centre had not been established in Geelong.

The first reason was an assumption that seemed to be present at the seminar; that a reception centre for Geelong is No. 3 in the priorities of the Government after the establishment of two reception centres for children in the Melbourne metropolitan area. The second assumption suggested a degree of inhibition on the part of public servants currently employed in Melbourne to be redeployed and transfered to the Geelong area to man a reception centre. I should appreciate the Minister commenting on those two assumptions and the over-all outlook for the establishment of a children's reception centre in the Geelong area.

The Hon. G. P. CONNARD (Higinbotham Province)—I address my remarks to the Minister for Agriculture and Rural Affairs, as the representative of the Minister for Public Works in this House. The matter concerns the inertia, inefficiency and incompetence of the Government in not attending to matters that honourable members have raised.

The Minister may recall that in my maiden speech in September 1982, I directed his attention to the disgraceful condition of the George Higinbotham statue located at the corner of Macarthur Street and Spring Street. I have spoken about this matter at every sitting for the past three years. Last Christmas, I was surprised to discover that eventually the Minister must have taken note of my remarks as work was started on cleaning the statue on 15 December. It is now five months later and the small statue, which is 6 feet high on a small stand, has been attended to: about once a fortnight a man appears and rubs it with steel wool, or whatever he uses, for 5 minutes and then disappears. This is an absolute disgrace and is an example of the inefficiency of the Government.

I ask the Minister to inquire when the George Higinbotham statue is likely to be cleaned. I also ask how much it will cost. This matter highlights the incompetence of the Government in failing to maintain the statue in good condition.

The Hon. D. M. EVANS (North Eastern Province)—I raise a matter for the attention of the Minister for Conservation, Forests and Lands. I express my concern about articles that have appeared in the *Age* newspaper over the past few days regarding forest management and the area of forest within the State of Victoria. I challenge statements made in the articles and ask the Minister to investigate the allegation that forests in

Victoria are continuing to decline in size, that there are fewer forests and that those that exist are not well maintained.

I ask the Minister whether her department has indicated that it will be preparing a response on whether there is any truth in the *Age* articles. The matter must be addressed by the department so that immediate action can be taken. It is worth noting that the *Age* has also been critical of the amount of timber being used. It is interesting to note that, according to my calculations, 250 to 300 tonnes of newsprint is required to print each Saturday's *Age*, which is 13 000 tonnes of newsprint, or thereabouts, each year.

Based on current yields of three different types of timber: softwood, mixed hardwood species and ash species, a substantial area of timber is tied up just to provide Saturday's *Age*. On the calculations I have made, if softwood were used it would require 1750 hectares; if ash were used it would required 4000 hectares; and if one happened to be silly enough to use woodchip from mixed species it would tie up 12 500 hectares. Is the Minister aware of those matters and, if so, does she intend to take action to determine whether the criticisms in those articles can be addressed?

The Hon. B. A. MURPHY (Gippsland Province)—I direct a matter of concern to the attention of the Minister for Conservation, Forests and Lands concerning scallop fishermen at Lakes Entrance. I appreciate some of the steps the Minister has taken to assist fishermen who have experienced problems in the past three or four years due to the shortage of scallops.

One of the steps the Government has taken has been to undertake a survey of the scallop season. I should like the Minister to indicate what are the results of the survey and to further indicate when the offshore constitutional settlement is likely to be declared. I am aware that the discussions are occurring between the two States of Tasmania and Victoria, as well as the Commonwealth. Fishermen are concerned as they are keen to catch scallops.

As I have said before, the bay fishermen had good catches last season. However, they are not experiencing a good season this year and Lakes Entrance fishermen want to know what date the off-shore constitutional settlement will be declared.

The Hon. ROSEMARY VARTY (Nunawading Province)—I direct to the Attorney-General, representing the Minister for Transport, a matter relating to the Maroondah Cycle Training Club's future occupancy of a site in Colchester Road, Kilsyth.

The site is owned by the Road Construction Authority, which has advised both the City of Croydon and the Maroondah Cycle Training Club of its intention to charge market value rental for the site. I refer to a letter dated 24 March 1986 from the Road Construction Authority. It states:

> The RCA is not prepared to vary the requirement that rental for council's new lease be at market rates. Considerable road funds were expended in the purchase of the land and a return on those funds is required. It is not considered that the RCA is the appropriate organization to subsidize the operation of the Cycle Training Club.

In its previous approach to the authority, the City of Croydon stated that council supported the concept and operation of the Maroondah Cycle Training Club over a number of years and was firmly of the opinion that the facility provided education for those wishing to learn and become more proficient in the practice of riding various types of motor cycles. The council was not aware of any other similar type of educational facility available within the immediate neighbourhood or indeed the State of Victoria.

Council views this facility in the same context as the adjacent Maroondah Driver Training Centre and the Shepparton Driver Training Complex. The Maroondah Driver Training Centre, which is located on the same site as the Maroondah Cycle Training Club, is supported by an annual grant equal to rental fees charged by the Victorian Government, and council wishes to request that the Maroondah Cycle Training Club be funded on the same basis.

The report in last Monday's *Sun News-Pictorial* on road deaths highlighted the fact that nine people were killed last week-end on Victorian roads and four of those killed were motor cyclists. The article highlights how important it is that some sort of motor cycle training facility be provided.

The City of Croydon is concerned at the possible closure of the motor cycle training club because it cannot pay market rental. The club says that such an action would be a catastrophe and the effect on the community through lost lives would be disastrous.

The Hon. E. H. Walker—What is the actual question?

The Hon. ROSEMARY VARTY—The Maroondah Cycle Training Club should be provided with the same peppercorn rental that is charged for the Maroondah Driver Training Centre. I ask the Minister to ascertain whether this can be done.

The Hon. F. S. GRIMWADE (Central Highlands Province)—I should like to thank the Minister for Conservation, Forests and Lands for her prompt attention to a problem I have raised with her previously concerning privately owned land adjacent to the Doctors Creek Reserve at Kevington, near Mansfield. The land is owned by Mr and Mrs Malcolm Nicholls and is adjacent to a reserve that is being used as a camping ground. I am pleased to say that action has been taken to establish an easement between that camping ground and the private land.

Mr and Mrs Nicholls are concerned that no contact has been made with regard to the establishment of a plan of management for the camping ground. Furthermore, it has been brought to their attention that an adjacent area of land, which is covered by a mining lease, may also be developed as a camping ground.

I should like the Minister to indicate who will decide whether an area is to be registered as a camping ground and, if so, whether an opportunity is provided for public comment before that decision is made. If a plan of management for one camping ground is to be established, could it be wide enough to cover any other proposed camping ground in the same area? I should like the Minister to further investigate that matter and advise me accordingly.

The Hon. R. M. HALLAM (Western Province)—I address a matter for the attention of the Minister for Conservation, Forests and Lands on behalf of the Kaniva District Nursing Home and Day Centre which, together with the Shire of Kaniva, has sought approval to close a laneway within the township of Kaniva.

A land officer from the Department of Conservation, Forests and Lands in Horsham wrote to the committee of management on 16 August last year stating that the department was prepared to seek consent of the Governor in Council to the sale of the laneway.

The cost of acquiring the laneway was estimated to be $973.84, of which $740 was for a survey fee. A cheque for $740 was forwarded to the Department of Conservation, Forests and Lands on 9 September last year.

The committee of management has been advised, following recent representations, that that survey may not take place for a further six months to two years. In a letter to me dated 28 April the committee has expressed concern that the department has held a cheque for eight months. I ask the Minister to investigate the circumstances of that case and to expedite the matter.

The Hon. ROBERT LAWSON (Higinbotham Province)—Although both the Minister for Conservation, Forests and Lands and the Minister for Planning and Environment are responsible for the administration of the Crown Lands Act, I direct my question to the Minister for Conservation, Forests and Lands because I wish to raise a matter concerning conservation.

The Minister will recall that, on at least two occasions, I have referred to the use of eductor dredges. Under recent changes to the Mines Act, permission was given for eductor dredges to be used on streams that flow through reserved lands.

According to a report I read in the newspapers, eductor dredges are doing considerable damage to both the stream beds and banks. The amount of gold recovered by the eductor dredges does not equate with the value of the streams because gold is sold and streams remain.

It is important that the streams should not be destroyed in the search for gold. I ask the Minister to be sparing in issuing licences to people who use eductor dredges on streams that flow through reserved lands.

The Hon. REG MACEY (Monash Province)—I should like the Attorney-General to indicate what percentage of funds raised through fundraising appeals should be devoted to administration costs.

In examining the annual report of the Law Department, I have found that there are no reports on the returns of approved organizations under the Fundraising Appeals Act 1984. Can the Minister indicate what is considered a reasonable percentage to be diverted to administration expenditure from gross funds raised in fundraising appeal activities.

The Hon. J. V. C. GUEST (Monash Province)—The matter I raise with the Minister for Planning and Environment also comes under his responsibility as the representative in this place of the Minister for Transport and is a result of his predecessor's enthusiasm for commercial development, high-rise development, and generally more intensive development in the inner suburbs of Melbourne that might be described as being south of where we are now. The Minister might consider the complusory acquisition of the undistinguished buildings along Flinders Street near the Jolimont railway yards and close to the Herald and Weekly Times building.

I suggest there is scope for extending the improvement of the bank of the Yarra River near the Jolimont railway yards further north by the appropriate use of financial gains from the transfer of land that runs north of Flinders Street. That is only a sub-section of the matter about which I am concerned.

Is the Minister for Planning and Environment proud of achieving the substantial heading in last Friday's *Age*, "Prahran tenants lose battle to block ring road near flats"? The evictor was the Minister who decided that 624 units in the Ministry of Housing estate known as the Horace Petty estate should have a ring road traffic diversion bulldozed alongside it to relieve the traffic congestion that is being occasioned by the intense developments to which I have previously referred. I shall not mention the removal of the toll gates on the West Gate Bridge but I hope the Minister recognizes that it is part of the problem.

The general problem of intensive residential development and other developments in the inner suburbs has now reached the stage where they are contributing to the traffic problem. On any week day during peak hour it can take up to 30 minutes to travel along Toorak Road from Orrong Road to St Kilda Road. The appalling problem has been described in these terms in the *Age* article:

> Bulldozers are already tearing up the road outside the 624-unit Horace Petty Estate, despite the angry protests of tenants, who fought alongside the ministry for two years to have the ring road built along an alternative path.
>
> The road is designed to ease heavily congested Chapel Street diverting drivers along a route from Garden Street to High Street, past three housing estates, two of which cater specifically for the elderly and families.

I am also concerned about the children who live in the Ministry of Housing units.

What is the Minister proposing to do to relieve the appalling situation faced by families who live in those 624 units? What responsibility will he take for the traffic problems that have arisen in the inner suburbs of Melbourne?

The Hon. E. H. WALKER (Minister for Agriculture and Rural Affairs)—Mr Dunn raised the matter of *Agnotes,* which has been an important source of information for rural industries. I assure him that *Agnotes* is not going out of business. The notes that were destroyed this week were out of date and the system will continue.

The Hon. B. P. Dunn—Ten thousand dollars worth!

The Hon. E. H. WALKER—I am not sure of the amount of money involved, but I shall follow that up. The system is now being integrated and will be more efficient, but it is certainly not discontinuing. Even if some of the notes are five or six years' old, they will be kept if they are the most recent and relevant. The only notes that have been destroyed are those that are outdated or superseded by new notes. As I said, I am not sure how many were destroyed because they were out of date and no longer useful. I shall try to ascertain more information tomorrow, if I can, as to exactly what took place.

Mr Connard raised a matter somewhat tongue in cheek. I should have thought he would have applauded the project because both he and Mr Lawson have shown an interest in the statue of Higinbotham for some years. The statue stands near the corner of Collins and Spring streets. I passed the statue yesterday and I thought how magnificent it looked. It is ready to be uncovered and has been beautifully managed. My knowledge of the matter is incomplete but I am sure the statue was not cleaned in any other than the best manner. Much work was done on how best to clean the statue and the Public Works Department is to be complimented.

Perhaps the fact that the work has been done so beautifully means that the uncovering of the statue should be the cause for compliment rather than complaint. I would not mind suggesting to the Minister for Public Works in another place that a small ceremony—much like the ceremony the President has when a new portrait is unveiled in Parliament—should be held for its unveiling. I am sure the Minister would be delighted to arrange a ceremony for the statue now that it has been brightly cleaned.

The Hon. J. H. KENNAN (Attorney-General)—Mr Guest raised a traffic matter. He would be aware that all planning matters involve consideration of traffic matters. I am sorry that he disagrees with my decisions. If he wishes to take the matter further he can make representations to me about any particular problem that he has, and I shall be happy to address it.

I am grateful for his suggestion of compulsory acquisition of every building between here and the Yarra River. It is certainly a bold plan. I thought there was a bid for some of the corporations housed in those buildings along Flinders Street but I did not realize there was a suggestion that we compulsorily acquire these buildings.

The Hon. J. V. C. Guest—Just those on the other side of Flinders Lane.

The Hon. J. H. KENNAN—Just that lot! I very much appreciate the kind remarks Mr Guest has made about my predecessor and me. The project will certainly be the greatest revitalization of the city since its inception. The public will be reminded in the next few months of the developments from the proposed National Tennis Centre to the Southgate development. This will be really spectacular and will open up the Yarra riverside for the public in a way that has not previously been done and will be an enormous boon to the economy and to the beauty and aesthetic aspects of the city. I welcome Mr Guest's enthusiastic support and appreciation of the extent of the project and congratulate him for his keen interest in it.

Mr Macey also raised a matter with me. I was relieved to hear that he could not find figures relating to the amount of administration taken up in charitable fundraising activities in the annual report of the Law Department because I was certainly not aware that any such figures had been mentioned or had been assessed. It is too early to tell at this stage but I shall make inquiries to ascertain whether assessments have been provided for in the operation of the new Fundraising Appeals Act.

Mrs Varty raised with me in my capacity as the representative of the Minister for Transport in this place the matter of a motor cycle track in Nunawading Province. I shall be happy to take up the matter with the Minister for Transport.

The Hon. C. J. HOGG (Minister for Community Services)—I thank Mr Henshaw for yet again raising his concerns about the need for more foster care and reception centres in the Barwon region. There is a need to extend foster care and reception facilities in every region of the State. I do not suggest for one moment that Victoria is as well resourced as I should like it to be.

Foster care facilities are provided in the region through Mercy Family Care, which provides a reception facility. I acknowledge that some children still have to travel to Melbourne, which is an unsatisfactory solution. I am pleased to inform Mr Henshaw that funding is now available for a youth accommodation supervision scheme that will do for teenagers what reception and foster care can do for younger children.

I assure him that I am well aware of the needs of his region, just as I believe he is aware of the difficulties and constraints involved in funding such facilities and staff redeployment. The wider question he raised about the difficulty of attracting public servants to non-metropolitan areas should also be noted, but it is not only the western region that has difficulty in attracting and retaining qualified staff as many non-metropolitan regions also experience problems.

I was in the City of Hamilton the other day and a number of people drew to my attention the difficulty of retaining therapists in early intervention programs in country areas. I believe a real problem exists in Community Services Victoria and, I suspect, in other Government departments in attracting and retaining qualified staff in those areas.

The question of public servant staffing for reception and foster care is an industrial one, as Mr Henshaw will appreciate, but I take the points he has made and, with the department, I will be seeking assistance from the heads of social work areas to examine imaginative ways in which we can work towards student placement, for example, in the area of public welfare which might first attract young people in their final year of study to work in rural areas and return there once they graduate. I thank Mr Henshaw for directing my attention to the needs of the Barwon region and I shall let him know as soon as there is news on that.

The Hon. J. E. KIRNER (Minister for Conservation, Forests and Lands)—I thank all honourable members for their questions. In response to the question asked by Mr Evans on the various points raised in Simon Balderstone's article in the *Age* on the forest industry, I found the article itself a great disappointment for two reasons. Firstly, the article was mostly based on the views of interest groups and, secondly, there was absolutely no attempt made to contact my department and gain any facts on the basis of the royalty system or the department's future intentions on the timber industry strategy.

One would have thought a journalist of the calibre of Simon Balderstone would have known that a strategy was being developed and that the department had done considerable work on it. He might have at least checked his facts.

If he had checked his facts he would have been able to write the story differently because he would not have been able to write that the forests of Victoria are dwindling as a result of sawmilling activity. It is true that many forests in Victoria have been lost but it is largely due to clearing for agricultural land, and I make no judgment on that. Certainly it is not true that it is caused mainly by the cutting down of forests for timber.

Indeed, if there has been one success of the previous Forests Commission, now the State Forests and Lands Division, it has been in ensuring that when a tree is cut down it is replaced by another tree, although I still believe Victoria can do better in reforestation than it is doing now.

There are several glaring mistakes in the article and I shall not go through them now. The most glaring is the statement that the Otways are being logged out, which is simply not true. The Otways are being logged on a sustainable yield basis, which is the theory that Mr Balderstone has running throughout the article.

He also suggests some support for value-added wood products, and I support that. It is not the Holy Grail for the timber industry but it is an important direction in which to go, particularly in the use of Victoria's best wood, like mountain ash and shining gum.

I assure Mr Evans, and I know I do not have to take him through and educate him on the finer points of the issue of forestry, that the Government's timber strategy will be based on a much better analysis of the facts than Mr Balderstone's article.

Mr Murphy has an ever-vigilant interest in the causes of the people of east Gippsland and he asked me about the future of the scallop industry and particularly about a survey conducted recently to discover how many scallops there are in the area.

I am afraid that I have to report to the House that the survey was not very encouraging on the potential catch for this season and it would appear to me to vindicate the decision to hold off the opening until the offshore constitutional settlement which at least will protect that area for Lakes Entrance licence holders only and for this season alone.

I was as concerned as Mr Murphy to read in the *Sunshine Post*, a local newpaper, an article saying that the Federal Minister for Primary Industry, Mr Kerin, had said that the offshore constitutional settlement might be delayed. I spoke to John Kerin this morning and he said he had obtained approval for the offshore constitutional settlement last night and he has given instructions for implementation by regulation.

I hope Victoria can sign those papers shortly with the Tasmanian Government and the Commonwealth Government will do likewise. We might still be able to meet our target date of mid-May or at least by the end of May. The settlement will be good news for people at Lakes Entrance.

Mr Grimwade asked a question about the concern of Mr and Mrs Nicholls of the fact that their property is near Doctors Creek Reserve. I have already asked the department to make personal contact with the Nicholls family on the issue of the management plan and I am disappointed that this contact has not been made. I shall ensure that it is made in the near future. Such a management plan will be put on public display and a call made for public comment. That response will be regional, as will any plan for a new camping ground.

I thank Mr Hallam for bringing to my attention the matter of the Kaniva and District Nursing Home and Day Centre. I have inquired into the case of delayed payment of a survey fee dating back to September. That survey of land will commence next week, and I give Mr Hallam credit for bringing it to my attention.

The question of eductor dredges was raised by Mr Lawson and I share his concerns although I do believe the article in the *Herald* was a little sensational. Nevertheless, some of the comments and concerns expressed on the environmental effects are legitimate.

I do not have power over licences issued for eductor dredges. That power resides with the Minister for Industry, Technology and Resources. However, I am represented on the interdepartmental committee that advises the Minister on the issuing of those permits.

Like all those issues of mining and dredging it is one of scale and balance, and I believe it is legitimate for the public to extract mineral resources from rivers—but it is also legitimate for the public to expect that if that resource is to be removed it is done in a way that shows concern for the environment. Such concern is a very difficult thing to achieve with eductor dredges.

In past years there has not been much research, evidence or long-term biological studies to indicate what impact they have on the habitat requirements of fish, but there are first-hand reports of many anglers that the destruction of habitat near banks finishes up with the destruction of fish, particularly native fish.

Again, there is an interdepartmental committee which was set up with the Ministry of Industry, Technology and Resources to examine the dredging permits, and that committee is taking a longer-term approach to the issue now that we are aware of the effects of eductor dredging. It has scheduled in the next eight months or so to consider what it will recommend for the coming season. In fact, instead of examining whether it is a one-off program, every licensing committee will look at the total situation for particular streams with on-site inspections of contentious areas by regional staff of all relevant departments, and I hope that comes up with a better-balanced package that takes more notice of protection.

The motion was agreed to.

The House adjourned at 12.20 *a.m. (Thursday).*

Joint Sitting of the Legislative Council and the Legislative Assembly

Wednesday, 7 May 1986

SENATE VACANCY

Pursuant to resolutions of the Legislative Council and the Legislative Assembly of Victoria, a joint sitting of the two Houses was held in the Legislative Assembly Chamber to choose a person to hold the vacant place in the Senate of the Commonwealth of Australia.

Honourable members of both Houses assembled at 6.3 p.m.

Mr CAIN (Premier)—I move:

That the Honourable Cyril Thomas Edmunds, Speaker of the Legislative Assembly, be appointed President of the joint sitting.

Mr KENNETT (Leader of the Opposition)—I second the motion.

The motion was agreed to.

The PRESIDENT (the Hon. C. T. Edmunds)—I call on the Premier.

Mr CAIN (Premier)—I desire to submit rules of procedure, which are in the hands of honourable members, and I accordingly move:

That these rules be the rules of procedure for this joint sitting to fill the Senate vacancy.

The PRESIDENT (the Hon. C. T. Edmunds)—Who seconds the motion?

Mr KENNETT (Leader of the Opposition)—I second the motion.

The motion was agreed to.

The PRESIDENT (the Hon. C. T. Edmunds)—The rules having been adopted, I am now prepared to receive proposals from honourable members for the appointment of a person to hold the place in the Senate rendered vacant by the death of Senator Alan Joseph Missen.

Mr KENNETT (Leader of the Opposition)—Mr President, I propose that Richard Kenneth Robert Alston hold the place in the Senate rendered vacant by the death of Senator Alan Joseph Missen. Mr Alston is willing to hold the vacant place if chosen.

In order to satisfy the joint sitting that the provisions of section 15 of the Commonwealth Constitution are being complied with, I also declare that the nominee is a member of the Liberal Party, the party represented in the Senate by Senator Missen.

Mr CAIN (Premier)—I second the proposal.

Mr KENNETT (Leader of the Opposition)—In proposing Mr Alston to hold the vacant place, I thank the Premier for abiding by the convention that has been set in filling a Senate vacancy. Obviously I expected no other form to take place, and I assure the Premier that, after the next election, my Government will also honour the precedent.

Before speaking of the qualities that Mr Alston will bring to the Senate, I shall make a few remarks on the passing of Senator Missen, the Senator who Mr Alston is being nominated to replace.

Senator Missen was born on 22 July 1925; he was the son of a factory moulder. He was educated at Box Hill High School and Melbourne High School and received a Master of Laws degree at the University of Melbourne. Debating was Senator Missen's special interest. He was the National President of the Australian Debating Federation from 1964 to 1968. He was a past President and life member of the Debaters Association of Victoria.

Senator Missen was a barrister and solicitor for 21 years before his entry to the Senate. He was a founding member of the Liberal Party, joining the Kew branch of the Liberal Party in 1946. He was a member of the State executive of the Liberal Party for thirteen years from 1955.

There is no doubt that Alan Missen played a major role in the development of the constitution and platforms of the Liberal Party. He was well understood by the community and was able to communicate easily with all age groups, as was borne out when he was granted honorary life membership of the Victorian Young Liberals.

Mr Howard, Leader of the Federal Opposition, stated that Senator Missen's death was the severing of an historical link between the current Parliament and the genesis of the Liberal Party more than 40 years ago.

The work of Senator Missen was recognized by all sides of Parliament in all Parliaments around Australia and by communities around the world. Senator Button remembered Senator Missen in 1951 as Vice-President of the Young Liberals, when he subsequently was suspended for opposing the Menzies Government's moves to ban the Communist Party. He wrote of the referendum change which Menzies sought by stating that:

> This is in essence a totalitarian power.

However, Senator Button particularly recalls debating with Alan Missen when they were both members of the Victorian Debating Society. Senator Button reminded the Senate of what a formidable pair Senator Missen and his wife, Mollie, were when they were in debate together.

Many tags have been attached to Senator Missen's career. He was described by political commentators as an "eccentric maverick", a "determined truth seeker", a "civil liberties champion" and the "Liberal Party's conscience". He was also described as a member of "the civil libertarian fringe of the Liberal Party".

In 1979, Senator Missen was quoted in *The Australian* as describing himself as "a reformer". He stated:

> In practice I saw things which greatly dissatisfied me. The law is not equally available to people...

From 1950, Alan Missen tried to get into Parliament. He contested a number of preselection ballots, missing out on the seat vacated by Sir Robert Menzies—the seat of Kooyong—which went to another Victorian lawyer, Andrew Peacock. Alan Missen gained preselection for the Senate in 1973 and became a Senator in 1974.

Throughout his political career, he was a noted defender of civil liberties, a conservationist and constitutional reformer.

At the time of his death, Senator Missen was Deputy Chairman of the Parliamentary Joint Committee monitoring the National Crime Authority. Senator Missen supported the recommendations of the Costigan report because he feared the potential damage of a growing underground crime world. He stated:

> the Costigan commission has been criticized for believing that organized crime figures should be exposed and that exposure would stop a lot of conspiracies.

I stress that Senator Missen agreed with that.

Mr Howard stated that Senator Missen was in advance of the attitudes held by his colleagues in the Liberal and National parties and that, in time, almost all the recommendations that Alan Missen had stood for in relation to the National Crime Authority were adopted as Opposition policy.

For almost seven years, Senator Missen served as Chairman of the Senate Standing Committee on Constitutional and Legal Affairs. He played a major role as a member of the Parliamentary group of Amnesty International.

Alan Missen's visit to the Soviet Union in 1976 and his successful efforts in making contact with members of the Moscow branch of Amnesty International and the Nobel Prize winning scientist, Dr Andrei Sakharov, made him, in the eyes of the Soviet Union, very much *persona non grata.* Amnesty International wrote to the President of the Federal Senate, Senator McClelland, marking the death of Senator Missen and emphasizing his success in drawing together members of all parties in Federal Parliament to join the group.

Senator Missen addressed the eighteenth world conference of the Society for International Development in Rome on the work of the Australian Federal Parliamentary group, urging the establishment of similar groups in other Parliaments around the world.

Senator Chaney said that Alan Missen fought vigorously for what he believed in. Senator Missen was a Liberal who doggedly adhered to the values on which his party was formed. Senator Gareth Evans described him as a fine-spirited, independent voice within the Liberal Party.

Senator Missen was very much a defender of the institution of Parliament and the freedoms which Parliament is designed to protect. Throughout his career he vigorously promoted the primacy of Parliament over the Executive arm of Government. He drew attention to the need for Parliament to be constantly vigilant in protecting individual liberties.

He was described by Russel Schneider of the *Australian* in 1979 as unlikely ever to be considered a great politician but as one who would be happy to be described as a great Parliamentarian. Throughout his life he worked constantly towards limiting Ministerial power.

The Victorian and Australian communities and the Federal Parliament have been exceptionally well served by Alan Missen. I am sure all honourable members will regret his passing and will highly value his work and life and the standards he uncompromisingly followed. To his wife, Molly, who was without a doubt his constant companion and friend, the Liberal Party extends its heartfelt sympathy.

To replace a person in the Senate is at any time not an easy task; to replace a person of Senator Missen's stature is particularly difficult, but the Liberal Party believes that in Richard Alston it has an individual who will be able to fill Senator Missen's shoes, for he

is a young family man who has taken much interest in politics within the community, as he has in many community organizations in which Alan Missen was involved.

Like Senator Missen, Richard Alston is a member of the legal fraternity. He is a self-employed barrister with a specialist practice involving professional negligence actions, bush-fire cases, disciplinary tribunals such as the Medical Board, the Estate Agents Board and the Pharmacy Board, as well as general experience in industrial and local government law. At one stage of his career he was even briefed regularly by the Premier of the day.

Together with his community activities, these qualities and his understanding of the law and politics generally, equip Richard Alston particularly well to fill the shoes of Alan Missen. He is currently Chairman of Directors of the Victorian Branch of the Australian Institute of Political Science, an executive member of the Graduate Union Council of the University of Melbourne, and a fellow of the Institute of Directors.

From 1978 to 1983 he was National Chairman of the Australian Council for Overseas Aid; from 1978 to 1980 he was National Chairman of the International Disasters Emergencies Committee; in 1980 he was appointed specialist adviser to the Australian delegation to the United Nations General Assembly. From 1979 to 1980 he was a member of the Federal Government Aid Missions to Africa and Asia; from 1977 to 1979 he was Federal President of the United Nations Association of Australia; and he is a member of several institutes involving matters concerning the economy and public affairs.

Mr President, as I indicated, the person who takes on the responsibility of being a Senator, regardless of political persuasion, takes on a great responsibility. The first responsibility under the Constitution of this country is to the State which one is elected to represent or, in this case, nominated to serve, and, certainly, as time has gone on party politics have played a big role in the Australian Senate, but one would hope that Richard Alston would recognize that he has been proposed not simply because he is a member of the Liberal Party and replacing a Liberal Party Senator, but also because he will be a vigorous supporter of the causes and rights of this State and its people.

The Liberal Party has no doubt that Richard Alston will go a long way very quickly in providing this State with vigorous representation and in filling the shoes left sadly vacant by the passing of Senator Alan Missen. Members of the Liberal Party wish Richard Alston a long and healthy career in the Australian Senate. To his family, who at this stage have no idea what it is like to have a politician as a member of the family, we recommend patience and offer them a great deal of the type of support that will have to be given by them and by those of us who are part of the political family at large.

Mr CAIN (Premier)—I am pleased to support the motion moved by the Leader of the Opposition, and I join him in expressing regret that it should be necessary to replace a man of the calibre, standing and integrity of Alan Missen. It is not easy, and all honourable members regret Alan's passing. I knew him well for a long period. I used to see him around the courts we frequented and we used to express common commiserations about the attitudes of our respective political parties to certain matters.

He was a great civil libertarian, and I had the highest admiration for him when he stood firm—as firm as anyone could—when the avalanche was upon him in 1975. If it had been left to Alan Missen, it would not have happened; but it was not, and I will always recall his attitude on that matter. He deserves the strongest commendation for the strong line he took on that issue.

This is only the second time that a Victorian Senator has been appointed under the change to the Constitution in 1977. The first was in March 1980 when the Victorian Parliament appointed Senator Neal of the National Party, and I suppose it ought to be recognized that under those amendments a Senate vacancy must now be filled by a person who is a member of the same political party as the original Senator, and so be it. It is as it ought to be. The amendment formalized what many had believed to be the convention, one to which my party always subscribed, but it was not seen to be universal and I believe

it was one to which the late Senator Missen subscribed. Again, he must have felt lonely on occasions when he did so.

Now is not the time to document the notorious and, if I may say so, absurd examples of abuse of the convention that occurred in years that have now passed. It is enough to say that Richard Alston is a member of the Liberal Party, as was the late Senator Alan Missen. Members of the Labor Party are very happy to support his nomination for that reason.

It is not just for that reason. I happen to agree with the Leader of the Opposition that a good choice has been made. He is a man of considerable ability and, as the Leader of the Opposition said, he is a lawyer, and, indeed, I did brief him on several occasions. He did a good job—I would not have gone on briefing him if he had not. The Labor Party believes he has the right attitude to and sentiments on a whole range of important issues like freedom, democracy, and the welfare of all Australians, and those attributes match those of the late Senator Missen. I am sure Mr Alston will make a very considerable contribution to the Senate.

I should say, and I hope it is not a discordant note, that it has been the view of a number of informal spectators for some time that Richard Alston was too progressive for today's Liberal Party. I hope that is not so, but he certainly has dedicated his energies to a number of progressive causes, many of which the Leader of the Opposition mentioned, such as the United Nations General Assembly missions to Africa and Asia and as National Chairman of the International Disaster Emergencies Committee and so on.

The Government welcomes the opportunity of supporting the election of a progressive into the Federal Parliamentary Liberal Party and I hope he is not too lonely, but the Government is delighted that course has been taken.

Mrs Ritchie, the State President of the Liberal Party, had the courtesy to ring me last Saturday night after the preselection and I told her then that I thought the party had made a great choice and I commend it for its choice.

I make one further comment: the Labor Party believes that the role of the Upper House is to make a contribution and provide a forum for debate and improve legislation, where possible, in a way that ensures the legislative intent of the Lower House is transmitted into law.

I shall not go into the myth about the Senate being a State House and what that really means in today's politics, but I believe Upper Houses are not there to "chuck-out" Governments and reject laws about which the electorate has expressed its clear view and has given a mandate, expressed or general. I am sure that Richard Alston, a lawyer, one who has the qualities that have been amply expressed by both the Leader of the Opposition and myself, will form his views about those issues. He is well qualified to do it. The Labor Party looks forward to Richard Alston making a positive contribution as a Victorian Senator in the national Parliament.

The PRESIDENT (the Hon. C. T. Edmunds)—Order! Are there any further proposals? As there are no further proposals I therefore declare that Richard Kenneth Robert Alston has been chosen to hold the place in the Senate rendered vacant by the death of Senator Alan Joseph Missen.

Mr CAIN (Premier)—I move:

That the President of the joint sitting inform His Excellency the Governor that Richard Kenneth Robert Alston has been chosen to hold the place in the Senate rendered vacant by the death of Senator Alan Joseph Missen.

The PRESIDENT (the Hon. C. T. Edmunds)—Who seconds the motion?

Mr KENNETT (Leader of the Opposition)—I second the motion.

The motion was agreed to.

The PRESIDENT (the Hon. C. T. Edmunds)—Order! I now declare the joint sitting closed.

The proceedings terminated at 6.26 *p.m.*

Thursday, 8 May 1986

The PRESIDENT (the Hon. R. A. Mackenzie) took the chair at 11.4 a.m. and read the prayer.

DISTINGUISHED VISITOR

The PRESIDENT—Order! I inform the House that the Parliament has a visitor today, the High Commissioner for Sri Lanka, His Excellency Dr Wickrema Weerasooriya. I am sure all honourable members will make him welcome, and I hope he has an enjoyable stay in Victoria.

ROAD CONSTRUCTION AUTHORITY (LANDS) BILL

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

QUESTIONS WITHOUT NOTICE

INDUSTRIAL DISPUTE AT SEYMOUR ABATTOIRS

The Hon. F. S. GRIMWADE (Central Highlands Province)—I direct to the Minister for Agriculture and Rural Affairs a question concerning the Seymour abattoirs where pickets are picketing the pickets and meat inspectors are refusing to cross the line, a situation somewhat similar to that which occurred at Mudginberri.

Has the Minister received a telex from the management of the abattoirs asking him to use his powers under sections 17 and 19 of the Act to enable veterinary surgeons to inspect the meat and thus allow those men who want to work to continue to do so? What action has the Minister taken in this matter and, if he has not exercised his powers under the Act, will he do so to prevent a stand down of employees and to ensure that this important industry will be able to continue operating?

The Hon. E. H. WALKER (Minister for Agriculture and Rural Affairs)—I have grave concern about the industrial problems at the Seymour abattoirs. I shall give the honourable member some background on the situation and inform him of what action I have taken so far. On 30 April and subsequently, the Department of Agriculture and Rural Affairs directed a meat inspector to undertake his duties at Seymour. The inspector failed to do so. The Victorian Public Service Association has advised its members not to cross the picket line at the abattoirs.

On 2 May the dispute between the operator of the abattoirs and the Australasian Meat Industry Employees Union was heard by the Australian Conciliation and Arbitration Commission and I understand those proceedings failed to resolve the dispute and no further involvement is proposed by the commission at this stage.

On 5 May my department met with the Victorian Public Service Association to negotiate for provision of meat inspectors. The association indicated it would continue to support members who refused to cross the picket line and would take Statewide industrial action to support its position if that became necessary. The department is continuing to discuss the dispute with the operator and other parties and I am being kept up to date on a daily basis.

I have this morning had contact with the Industrial Relations Task Force, which is now taking further initiatives.

I do not know that I can answer directly about the telex mentioned by the honourable member. I have received numerous messages and no doubt that is one of them. The department is following the matter closely and treating it seriously. However, it is proper that it be left in the hands of the Department of Labour, through its task force, and it may be possible to inform the honourable member of further action in a day or so.

RURAL ECONOMIC STUDY COMMITTEE

The Hon. B. P. DUNN (North Western Province)—I refer the Minister for Agriculture and Rural Affairs to the long-awaited rural study by Professor Lloyd. When does the Minister expect to receive the final report and recommendations of that study? Will the Government make decisions on those recommendations and when will the report be made public to Victorians?

The Hon. E. H. WALKER (Minister for Agriculture and Rural Affairs)—I expect Professor Lloyd to transfer to me the complete volume 1 of his study in the near future. I shall then make it known publicly that the transfer has occurred. However, I make it clear to honourable members that I shall be studying that report closely and, when it becomes a public report—which will be about the middle of June—I shall respond on behalf of the Government to statements that will accompany the report.

MEAT IDENTIFICATION

The Hon. L. A. McARTHUR (Nunawading Province)—The Minister for Agriculture and Rural Affairs would be aware that there are meat identification problems in both species and types. This is of concern not only to the meat industry but also to consumers. I understand that work is being done on the identification of meat and I ask the Minister to advise the House what progress has been made?

The Hon. E. H. WALKER (Minister for Agriculture and Rural Affairs)—I am delighted to respond to that question because the Department of Agriculture and Rural Affairs has developed a meat testing system related to species. It is an excellent piece of work that has been done by scientific officers. It has been used nationally and its sale has export potential.

It is known as "Check Meat" and comprises an easy diagnostic testing kit that is portable. The department has been contracted to supply the system to the Federal Department of Primary Industry for its export inspection service.

It was developed through the regional laboratory of the Department of Agriculture and Rural Affairs at Benalla, where some excellent work has been done by officers of the department.

It will overcome many of the problems highlighted in the 1981 beef substitution scandal. It will be a major piece of equipment that will ensure that that sort of circumstance does not occur again.

The kit can detect fourteen meat species, even where there is as little as 1 per cent substitution or contamination in a sample. Hence, the kit is very sensitive.

The first 125 kits, valued at a total of $11 250, will be dispatched later this month. The income derived from the sale of those kits will be reinvested in further development and production. Potential applications in cooked meat products and forensic medicine also exist.

Private industry is interested in the equipment and negotiations are under way to market the system worldwide.

It is a major development and I compliment those officers involved, especially the senior scientific officer at Benalla, Dr Terry Spencer, and the director, Dr Terry Nicholls.

FREEDOM OF INFORMATION CASE

The Hon. M. A. BIRRELL (East Yarra Province)—I refer the Minister for Health to his answer to a question without notice yesterday on Health Department Victoria's handling of my freedom of information request and his statement that:

> The Health Department Victoria has made it clear that, before releasing any personal information about any individual, that individual should have the opportunity of being contacted and those people are being contacted——

Is it not a fact that Health Department Victoria has adopted the exact opposite view to that outlined by the Minister yesterday, in that the department has consistently used the "personal information" exemption without first contacting the individual public servants involved? Will the Minister, therefore, apologize for his inaccurate and misleading statement yesterday?

The Hon. D. R. WHITE (Minister for Health)—I should like to put this matter in perspective. There has been one preliminary conference before the Administrative Appeals Tribunal. The matter has not yet got to a full hearing, as Mr Birrell tried to indicate yesterday. In fact another preliminary conference is scheduled for 2.15 p.m. on Friday.

Preliminary conferences are not hearings, but allow each party to sort out the points in dispute that then go on to a full hearing. A full hearing of the matter would probably take place within a month.

None of the successful applicants for the Senior Executive Service positions has agreed to the release of personal documents.

In view of the above points, Health Department Victoria should maintain its current position on the release of the applications.

Prior to the second preliminary conference, Health Department Victoria will present Mr Birrell with a further "statement of reason" setting out its case for exemption on two, possibly three grounds in the Freedom of Information Act.

It is clear that none of the successful applicants for the Senior Executive Service positions has agreed to the release of the documents and the matter will be pursued before the Administrative Appeals Tribunal. It is well known that Mr Birrell is trying to model himself on little Senator McCarthy but he does not even make that grade.

When requests are made involving matters of personal and private detail about individuals, it is the right of those individuals to indicate whether they want those personal details revealed. So far they have not indicated that, and the Government is protecting their privacy. Little Senator McCarthy can draw his own conclusions.

WEED CONTROL RESEARCH

The Hon. D. M. EVANS (North Eastern Province)—I ask the Minister for Conservation, Forests and Lands whether there has been a substantial reduction in expenditure on weed control research for category 1, 2 and 3 noxious weeds and whether the need to reduce that expenditure was due to the fact that the scarce resources available within the department have had to be diverted towards the fire-fighting effort.

The Hon. J. E. KIRNER (Minister for Conservation, Forests and Lands)—I, firstly, wish to correct a small interjection made by Mr Baxter—which as usual showed his interest in social justice in the community—who objected to child minding being arranged for workers. The workers are in fact paying for their own child minding.

The Hon. W. R. Baxter—I am glad to hear that.

The Hon. J. E. KIRNER—Does Mr Baxter by any chance support child minding?

The Hon. W. R. Baxter—I don't.

The Hon. J. E. KIRNER—That is an interesting statement of the attitude of the National Party to child minding.

I shall now answer Mr Evans's question about funding for control of vermin and noxious weeds by the department. There has been no diminution of funds for the control of vermin and noxious weeds; there has been a rearrangement of priorities.

TALLY HO YOUTH CENTRE

The Hon. C. F. VAN BUREN (Eumemmerring Province)—Before I ask my question, I thank you, Mr President, for acknowledging that I am not the only person in the House today who was born in Sri Lanka.

It has come to my attention that the Tally Ho Youth Centre in Highbury Road, East Burwood is closing. Can the Minister for Community Services inform the House whether this closure means a reduction in youth services currently available?

The Hon. C. J. HOGG (Minister for Community Services)—I know community concern has been expressed following the announcement of the closure of the Tally Ho Youth Centre in East Burwood. I am happy to say there has been some lengthy negotiation with the Uniting Church, under whose auspices the centre operates, and it will provide smaller units to service slightly different areas.

In the outer eastern suburbs, Tally Ho will use its reallocated resources to provide two adolescent units to house between four and five youths in each unit. One will service the municipalities of Knox and Sherbrooke, and the other will service the cities of Nunawading, Ringwood and Croydon. Tally Ho is to provide a community supervision program in the Knox–Sherbrooke sub-region. As further funding becomes available, the program will be extended to other parts of the region.

In the Western Port region, Tally Ho will use its reallocated resources to establish an adolescent unit similar to those in the outer eastern suburbs region. I am pleased to say that the Uniting Church will continue to operate two adolescent units in the inner suburban regions. Thus the Tally Ho central mission or the Uniting Church will continue its connection in this difficult and, as was acknowledged yesterday, often unrewarding area of support for young people. I should also like to acknowledge the work done by the Uniting Church, as all honourable members would, I am sure.

CHILD CARE CENTRES

The Hon. R. I. KNOWLES (Ballarat Province)—I refer the Minister for Community Services to an answer to a previous question about the future of 36 State subsidized child care centres. Is the Minister now in a position to give a categoric assurance to the centres that the present level of Government assistance will continue to be available after 30 June this year?

The Hon. C. J. HOGG (Minister for Community Services)—I realize there is considerable concern in local government circles as well as among child care providers and users about the future of State day nurseries. This morning I made further representations to the Treasurer about the matter, as it appears unlikely that the Commonwealth Government will be immediately responsive to the idea of taking over responsibility for State day nurseries, which is the goal that the State Government is pursuing.

It seems only reasonable and equitable, if the State Government is to take responsibility for pre-school care, that the Commonwealth Government should acknowledge total responsibility for child care. I hope I can give a categoric assurance on this matter later in the day.

ABORIGINAL COMMUNITY

The Hon. G. A. SGRO (Melbourne North Province)—Will the Minister for Conservation, Forests and Lands inform the House of what action her department has taken to support better liaison between the department and the Aboriginal community?

The Hon J. E. KIRNER (Minister for Conservation, Forests and Lands)—The Department of Conservation, Forests and Lands has the responsibility of handling land claims from the Aboriginal community and ensuring affirmative action in the employment of Aboriginal people. The department employs an increasing number of Aboriginal persons in ranger and technical assistant type jobs. There is a need to appoint some people to the central unit of the department to ensure that there is appropriate liaison between Aboriginal groups.

I am pleased to announce that the Government has appointed three people to the department; the first being John Evans, who was previously with the New South Wales National Parks and Wildlife Service. He has been appointed as the Aboriginal liaison officer. He will work with Aboriginal groups and other departments, especially the Ministry for Planning and Environment regarding matters of Aboriginal culture and heritage. As part of the equal opportunity unit of the department, he will assist in the recruitment, training and support of Aboriginal employees in the department.

The second person who has been appointed is Dennis Rose. He has been appointed as the Aboriginal Liaison Officer with the new Aboriginal Cultural Centre to be built at the Grampians National Park as part of the bicentennial celebrations. The appointment of Mr Rose will strengthen the links between Aboriginal people in that area and the department. Strong links already exist with the Lake Condah community. The centre at the Grampians National Park will be a major attraction for people in the area.

The Government has also appointed Jim Goff from the Ministry for Planning and Environment to act in the area of land claims. His appointment is welcomed.

IMPLEMENTATION OF FOOD ACT

The Hon H. R. WARD (South Eastern Province)—I refer the Minister for Health to the fact that the Food Act 1984 stipulates that a Food Standards Committee shall be established. I am advised that that has not been done. I ask the Minister why such a long delay has occurred in establishing the committee and what action he is taking in that regard.

The Hon D. R. WHITE (Minister for Health)—The Food Act forms part of a uniform piece of legislation throughout the country. The Government has been a party to passing and implementing the Food Act. I assure the House that steps are being taken to implement the legislation.

TRADING HOURS FOR RED MEAT SALES

The Hon R. M. HALLAM (Western Province)—Is the Minister for Agriculture and Rural Affairs aware of the recent extension to red meat trading hours in New South Wales? In light of the recommendations of the Miller report, I ask the Minister when the Government intends to extend trading hours for red meat in this State.

The Hon E. H. WALKER (Minister for Agriculture and Rural Affairs)—The matter raised by Mr Hallam is in the hands of my colleague, the Minister for Industry, Technology and Resources. I shall be happy to pass on those comments to my colleague.

CRITICAL CARE SERVICES

The Hon M. A. LYSTER (Chelsea Province)—I direct a question to the Minister for Health regarding the provision of critical care services in Victoria. It is my understanding that some aspects of Victorian critical care services were reviewed by expert committees

during the latter part of 1984 and throughout 1985. I ask the Minister to inform the House what the Government has done to improve services as a result of those reviews?

The Hon D. R. WHITE (Minister for Health)—There has been a shortage of critical care services in Victoria. I am pleased that an additional $7 million has been provided to 27 Victorian hospitals for care purposes. That has provided approximately 200 additional nursing, medical and allied health staffing positions, new biomedical engineering services for a number of hospitals, almost $1·5 million for new equipment and works and more than 20 additional intensive care, coronary care, high dependency and coronary care step-down beds in the metropolitan area.

In the past, the major obstacle to a rapid improvement in staffing levels has been the lack of suitably trained nursing staff. I am pleased that 28 additional nurses have graduated from a special course at the Alfred Hospital, and that course will be repeated in 1986. More than $100 000 has been provided to enhance critical care training for country-based nurses.

As honourable members will be aware, a new body has been established to oversee all aspects of emergency and critical care services. I pay tribute to the work being done in that regard to date by Bernard Clark.

SHIRE OF LILLYDALE

The Hon. F. J. GRANTER (Central Highlands Province)—In view of the concerns expressed by the Shire of Lillydale on the proposed restructure of the shire because Mr Stuart Morris is sitting as Chairman of the Local Government Commission when he has formerly been a shire councillor and President of the Shire of Sherbrooke, I ask the Minister for Community Services, who is the representative in this place of the Minister for Local Government, to respond to the Lillydale shire's request that Mr Morris stand down as Chairman of the Local Government Commission when the subject of restructure and amalgamation of the Shire of Lillydale and the Shire of Sherbrooke is being considered?

The Hon. C. J. HOGG (Minister for Community Services)—I shall certainly seek a response to Mr Granter's question from the Minister for Local Government. It was my understanding that Mr Morris's appointment was not criticized on the grounds that Mr Granter mentioned when it was announced. In fact, it was believed that Mr Morris, because of his background in local government, would have considerable understanding of the duties and functions of local government and a great deal of empathy for it.

CHILD CARE CENTRES

The Hon. J. L. DIXON (Boronia Province)—The Minister for Community Services will be aware of community concern about the Commonwealth Government's new guidelines for establishing priorities for access to child care centres. What action does the Minister intend to take on this issue?

The Hon. C. J. HOGG (Minister for Community Services)—The priority of access guidelines were announced by Senator Grimes before 1 April and caused some ripples of concern in child care centres. I have been trying to establish from parent groups and from users of and workers in the services how the priority of access guidelines are affecting services and entry of children at the ground level.

Five weeks of operation means that it is probably a bit too early to tell. However, some committees of management are concerned about having to apply what they regard as fairly tough guidelines. These concerns are being referred to the consultative committee that has been set up to investigate a variety of questions thrown up by the new guidelines on funding priorities. The committee is due to meet for most of the year.

I imagine I shall also have an opportunity of specifically raising child care matters with Senator Grimes later this year. The substantial answer to the question is that it is a bit early to tell, but the Government is monitoring the situation closely.

PROPOSED NATIONAL TENNIS CENTRE

The Hon. K. I. M. WRIGHT (North Western Province)—I direct to the Minister for Planning and Environment a question which also concerns the Minister for Conservation, Forests and Lands. I refer to the proposed National Tennis Centre. All honourable members will be concerned about the escalation of costs. One of the real problems is that there are two tennis bodies in Victoria which are at loggerheads. It appears it would be most advantageous to bring those groups together to resolve their differences. Will the Minister advise whether the Government has been taking steps in this direction?

The Hon. J. H. KENNAN (Minister for Planning and Environment)—I have been playing more tennis myself lately, and recently the Lawn Tennis Association of Victoria wrote to me saying that the association had noticed my form at the net on television recently, that it was clear we had an interest in common and that it is important to keep the head of the racquet above the wrist when one holds a tennis racquet.

Mr Wright would know, because he is a good tennis player himself, that a firm wrist is important and that the head of the racquet must be kept above the wrist. The modern racquets are loosely strung and therefore the capacity for error is lessened and the Lawn Tennis Association of Australia appreciated that I had grasped this point.

Unfortunately, I have some trouble executing the theory, but at least I am in command of the theory; I just have some difficulty moving the bulk around the court.

It is important that the factions are brought together in the tennis arena. The proposed National Tennis Centre is a great development and with the Jolimont development and the developments along the river, it will continue to be an extraordinary revitalization of an area, for which my predecessor, Mr Walker, must take credit.

I thank Mr Wright for highlighting the importance of the proposed National Tennis Centre and these extraordinary developments and it is good to see the support that is emanating from the National Party when the Liberal Party ran out of questions without notice entirely. That must be some sort of world record, even for dopey Upper Houses.

I shall certainly take the opportunity of speaking to the Lawn Tennis Association of Australia. I understand the chagrin of the Lawn Tennis Association of Victoria and those who would prefer to have the grass centres retained, but they need to understand that the pressures of modern tennis require the sort of all-weather facilities that will be provided and I welcome the interest of Mr Wright in the issue.

I recognize the importance of ensuring that this development is subject to as much harmony among the bodies as possible.

NEW SUNBURY SHOPPING COMPLEX

The Hon. W. A. LANDERYOU (Doutta Galla Province)—I refer the Minister for Planning and Environment to the delightful town of Sunbury which this morning awoke to a press report which has filled local residents with great consternation and concern following the application for a development of a 28 000 square metre shopping complex in the township, a considerable distance from the existing shopping centre.

I ask the Minister whether he would outline to the House the Government's policy with respect to the development of such shopping complexes and, in particular, would he accept an invitation to visit Sunbury and explain to the vigorous local retailers the Government's policy and attitude to such a development.

The Hon. J. H. KENNAN (Minister for Planning and Environment)—I thank Mr Landeryou for the question and I recognize his interest in the development at Sunbury. Certainly the Government's policy in respect of retailing is that it supports retailing systems that offer a range of centre types to service current and future community needs in all regions. However, the Government is generally opposed to the creation of additional centres. There are exceptions in developing residential areas where facilities are inadequate. It may be that Sunbury falls into such a category. In assessing proposals for the provision of new retailing in the area, it must be considered whether the net community benefit will change patterns of access to a range of centre types.

In recent times, as Mr Landeryou is aware through his keen interest in the issue at Sunbury, consideration has been given to permit a further commercial development at Sunbury on railway land adjacent to the existing centre and not far from where Mr Landeryou lives. The council needs to carefully consider the proposal in the context of not only where Mr Landeryou lives but also in the interests of Sunbury as a whole.

Mr Landeryou is quite right in issuing an invitation to me to visit Sunbury and I look forward to doing so to further examine the proposal.

PETITIONS

Otway State forests

The Hon. D. E. HENSHAW (Geelong Province) presented a petition from certain citizens of Victoria praying that the Otway State forests be managed primarily for water supplies and tourism. He stated that the petition was respectfully worded, in order, and bore 575 signatures.

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

Woodchipping, Otway Ranges

The Hon. D. E. HENSHAW (Geelong Province) presented a petition from certain citizens of Victoria praying for the preservation of forests and the banning of woodchipping and clearfelling in the Otway Ranges. He stated that the petition was respectfully worded, in order, and bore 131 signatures.

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

ADMINISTRATIVE ARRANGEMENTS

The Hon. E. H. WALKER (Minister for Agriculture and Rural Affairs)—By leave, I move:

That there be laid before this House a copy of Administrative Arrangements Order No. 44 made pursuant to the Administrative Arrangements Act 1983.

The motion was agreed to.

The Hon. E. H. WALKER (Minister for Agriculture and Rural Affairs) presented the order in compliance with the foregoing order.

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

On the motion of the Hon. HADDON STOREY (East Yarra Province), it was ordered that the order be taken into consideration on the next day of meeting.

LEGAL AND CONSTITUTIONAL COMMITTEE

Subordinate legislation

The Hon. HADDON STOREY (East Yarra Province) presented the third report from the Legal and Constitutional Committee on subordinate legislation (Statutory Rule No. 35 of 1986).

The Hon. HADDON STOREY (East Yarra Province)—I move:

That the report do lie on the table and be printed.

In so moving, I indicate that this is yet another report from the committee examining subordinate legislation and drawing attention to certain failures to comply with the requirements of the Subordinate Legislation Act. This report deals with matters of a different nature from those that have been dealt with in earlier reports, and therefore it is a valuable report for members of the House and members of the public.

The motion was agreed to.

PUBLIC BODIES REVIEW COMMITTEE

Stock Medicines Board

The Hon. D. M. EVANS (North Eastern Province) presented a report from the Public Bodies Review Committee on the Stock Medicines Board, together with minutes of evidence.

The Hon. D. M. EVANS (North Eastern Province)—I move:

That these papers do lie on the table, and that the report be printed.

In so doing I point out to the House that this is the second report on seventeen references of bodies within the Department of Agriculture and Rural Affairs that have been referred to the Public Bodies Review Committee and I commend the members of that committee for the constructive and helpful way in which they have attacked the difficult and diverse tasks represented by those seventeen inquiries, and the very strong desire among members of the committee to make a positive contribution to the report and to bring down, so far as possible, unanimous recommendations on the matters before the committee.

The motion was agreed to.

MORTUARY INDUSTRY AND CEMETERIES ADMINISTRATION COMMITTEE

Eltham Cemetery

The Hon. J. G. MILES (Templestowe Province) presented the fifth report of the Mortuary Industry and Cemeteries Administration Committee upon land reserves at Eltham Cemetery, together with appendices and minutes of evidence.

The Hon. J. G. MILES (Templestowe Province)—I move:

That these papers do lie on the table, and that the report and appendices be printed.

I should like to thank the other members of the committee, the honourable members of the other House, Mr Culpin, Mr Cunningham, Mr B. J. Evans and Mr Reynolds and I compliment the chairman of the committee, Mr Carl Kirkwood, on the diligent work that he has done.

I give my vote of appreciation to the Government, particularly to the Minister for Health for co-operating with the committee, and to the former Minister for Planning and Environment, the Minister for Agriculture and Rural Affairs, for his co-operation and for giving evidence to the committee.

In summary, the committee recommended that the land in dispute should be retained by the Eltham Cemetery Trust and members of the committee asked the Government to reconsider the matter.

The motion was agreed to.

On the motion of the Hon. HADDON STOREY (East Yarra Province), it was ordered that the report be taken into consideration on the next day of meeting.

PAPERS

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

Friendly Societies and Benefit Associations—Report of the Government Statist, together with Report of the Registrar of Friendly Societies, for the year 1984–85.

Institute of Secondary Education—Report for the year 1984.

Metropolitan Fire Brigades Board—Report for the year 1984–85.

Metropolitan Fire Brigades Superannuation Board—Report for the year 1984–85.

Parliamentary Committees Act 1968—Minister's response to recommendations in Economic and Budget Review Committee's report on the Wine Industry in Victoria.

Town and Country Planning Act—

Croydon—City of Croydon Planning Scheme 1961—Amendment No. 137.

Melbourne and Metropolitan Planning Scheme—Amendments No. 166, Part I (with map); and No. 289, Part B (with map).

West Moorabool Water Board—Report and statement of accounts for the year 1984–85.

On the motion of the Hon. HADDON STOREY (East Yarra Province), it was ordered that the papers tabled by the Clerk, with the exception of planning schemes, be taken into consideration on the next day of meeting.

BUSINESS OF THE HOUSE

The Hon. E. H. WALKER (Minister for Agriculture and Rural Affairs) (*By leave*)—I wish to make a few comments about what is intended for the completion of the sessional period. The House cannot deal with the second readings of the Bills, as I indicated yesterday, until they arrive from the other place. Discussions are still occurring on the Transport (Victorian Ports Authority) Bill, so the House should commence debating the Youth Affairs Bill and then move through the Notice Paper.

I have been asked when the Minister for Health will comment on the St Albans Community Health and Resources Centre and he has indicated that he will make a statement at 2 p.m. today.

The House faces a considerable amount of business and it is inevitable that it will need to sit tomorrow. However, I shall endeavour to ensure that honourable members get a good night's sleep, and I give that indication in view of what has been occurring in the other place. Today the Supply (1986–87, No. 1) Bill and the Works and Services (Ancillary Provisions) Bill will be debated cognately. Honourable members will have completed their tasks by tomorrow afternoon and will then be free of this House.

YOUTH AFFAIRS BILL

The debate (adjourned from the previous day) on the motion of the Hon. D. R. White (Minister for Health) for the second reading of this Bill was resumed.

The Hon. J. G. MILES (Templestowe Province)—The Opposition does not oppose the Bill. It has been fully debated in another place and no amendments will be proposed in this House.

The main purpose of the Bill is administrative. It is a mechanism to tidy up something that is already in place and hinges on the transfer of the Youth Policy Development Council from the Department of Sport and Recreation to the Department of Labour. All youth affairs will now be under the control of the Department of Labour.

My colleague, Mr Hallam, may suggest that there should be a widening of the categories under the Youth Policy Development Council; otherwise the opposition parties do not wish to amend the Bill.

The Federal and State Labor Governments have repeatedly made much of their efforts to improve the lot of youth in Victoria and Australia, but the Opposition does not see any evidence of that. The Opposition commends the Government for legislation for the Youth Policy Development Council to be placed under the Department of Labour so that youth affairs will receive wider publicity and the terrible unemployment rate among young people will be reduced.

The Youth Guarantee Scheme of the Victorian Government and the Federal Traineeship Scheme have not improved the position of youth in Victoria or Australia. A guarantee was made by the Cain Government that sixteen to eighteen-year-olds would be given either training or a job, but that has not come to fruition. No evidence has been presented that a significant number of Victoria's youth have been put into job training or school courses, and the same situation applies in the Federal arena.

The Opposition is concerned about the high percentage of Victorian and Australian young people suffering from unemployment and it commends the Government for making an effort to improve the lot of youth. However, those efforts have not been successful. Last year the Youth Guarantee Scheme was announced with an enormous fanfare of trumpets as being the answer to the problem of the unemployment of young people. It is obvious that that was a last-minute public relations exercise before the State election, because no substantial improvement has been made. Victoria has one of the highest youth unemployment records in Australia and on recent figues it is increasing, not decreasing.

The Opposition hopes the administrative changes brought about by the Bill to officially transfer the Youth Policy Development Council to the Department of Labour will highlight the problems faced by youth. Yesterday I met some youthful officials of the department representing the council. I was impressed by their sincerity in attempting to highlight the problems of youth affairs and put them on the front page, so to speak, of any activities the Government may introduce to improve the lot of the underprivileged or those people who do not have sufficient opportunities in life to help themselves.

As a former school teacher, I am aware that not so long ago any person who went to school and reached a satisfactory conclusion, as stated by the Minister for Agriculture and Rural Affairs, in his or her education, was guaranteed employment. Many young people at schools now have a sense of futility in that even if they complete their education they cannot be certain that good results will guarantee them employment. That is a tragedy and the Government and the Opposition should develop a bipartisan attitude on youth affairs.

The Opposition supports the intention of the Government but believes its activities relating to the Youth Guarantee Scheme have not been successful. I hope the Government will be more successful in the future and I am certain that the Opposition will co-operate with the Government to improve the lot of Victorian youth.

The Hon. M. J. SANDON (Chelsea Province)—I did not intend to speak on the Bill but, having listened to the nonsense of Mr Miles, I believe I should make a contribution on the Bill and, more significantly, on the Government's record in youth affairs.

The Government believes the whole question of youth affairs must be taken in total and not be seen as simply providing resources to young people involved in sport and recreation.

The Government has significantly upgraded youth services. The emphasis of the former Liberal Government towards youth affairs was on sport and recreation. Youth affairs was not perceived in terms of framing wider policies such as employment, training, health and so forth. The concept of the Liberal Government had a leisure orientation.

The Labor Government removed youth affairs from the portfolio of youth, sport and recreation and placed it in the labour portfolio to give it a completely new focus. The

youth affairs area was given a divisional status and a senior officer, Hayden Raysmith, has been appointed. The function of the Bill is to make provision for the Youth Policy Development Council, the membership of which consists of a wide range of people, both Government and non-Government, and from the public and private sectors. The council will provide senior policy advice on the youth area. It will perform a primary role with policy direction and the Bureau of Youth Affairs will act as its secretariat.

The establishment of the Bureau of Youth Affairs and the council is directly related to Government and involves a number of sectors to broaden the operation of the youth sector. In the country, municipal councils are dominated by conservatives, including farmers and business people who do not give a damn about what is happening to young people. Their only interests are to ensure that an infrastructure is developed to assist the farming communities. They do not care about young people, as is evidenced by their representatives in this place who never speak about real poverty——

The Hon. N. B. REID (Bendigo Province)—On a point of order, Mr President, the honourable member is moving into another field of local government and council affairs of which he has no knowledge and which is not covered by the Bill.

The Hon. M. J. SANDON (Chelsea Province)—On the point of order, I am approaching the issue of councils, their attitude to human services but particularly their attitude to the employment of youth workers.

The Hon. K. I. M. WRIGHT (North Western Province)—On the point of order, Mr President, the honourable member claimed that the National Party has no interest in youth affairs, but only yesterday I asked a question of the Minister on that subject.

The Hon. W. R. LANDERYOU (Doutta Galla Province)—On the point of order, Mr President, the Bill clearly enables the Minister to appoint persons or to give authority to organizations to appoint persons. Obviously, that includes local government. It is nonsense to raise a point of order and to pretend that local government should be excluded from any consideration of the measure, particularly as the Bill relates to youth affairs. I suggest there is no point of order.

The PRESIDENT—Order! Mr Sandon is well aware of the contents of the Bill. I have been listening carefully to his contribution. I do not think he has strayed too far. Honourable members can rest assured that if he does stray too far I shall bring him back to the contents of the Bill.

The Hon. M. J. SANDON (Chelsea Province)—The point I wanted to make, Mr President, concerns the bona fides of the Opposition, which claims that the Government has few runs on the board in the youth area.

I support my argument by instancing the number of youth workers who have been employed by this Government. In the next Budget year the allocation for the employment of youth workers throughout local government will be increased by 25 per cent. Opposition members might not be aware that the number of youth workers has increased significantly since the Government came to power. One of the difficulties is that the Minister responsible for labour and youth has repeatedly told local government that the Government is waiting for a response to its offer to place youth workers in every municipal council in Victoria.

The Government is not receiving any feedback or positive contributions on its proposal to provide a dollar-for-dollar subsidy in this area. Rural Victoria does not care about young people. How often do National Party members enter this Chamber and raise issues concerning young people, the hidden unemployment? They could not care less about hidden unemployment in the rural sector. They never raise those issues but attempt to use the forum of this House to argue other issues.

The Hon. J. G. MILES (Templestowe Province)—Mr President, I raise a point of order on whether the honourable member has a free-roaming rein. He was in the National Party

benches a moment ago and in local government at another time. Is it possible that he could speak from his seat?

The PRESIDENT—Order! There is no point of order, but I take the point that Mr Sandon is inclined to wander. Honourable members are inclined to wander around the place at times!

The Hon. M. J. SANDON (Chelsea Province)—My wandering is related to philosophical views, not to geographical positions. The number of youth workers to be employed has been increased from 82 to 102 in this year's Budget, which is approximately a 20 per cent increase. The Government has responded to the needs. It has thrown down a challenge, but it has not been taken up.

The Hon. R. I. Knowles—What about youth unemployment?

The Hon. M. J. SANDON—I shall deal with that later. The Municipal Association of Victoria wanted to raise the standard of youth activities and asked the Government to fund a specific youth unit in the local government area. The Government did not refuse the request. Initially, there was no money in the coffers, but the Government has now provided $70 000 for youth affairs. The allocation is designed to uplift and enhance the role local government has to play in youth affairs and the delivery of youth services. That $70 000 will go towards the employment of staff to enable councils to better understand the role of youth services.

I shall deal with the Municipal Association of Victoria youth policy unit and specialist youth workers. Do honourable members suggest it is appropriate for specialist youth workers to be employed in specific areas? The Royal Children's Hospital, the Police Force and other services have specific youth workers appointed to work within those organizations and to enhance an understanding of youth problems. I mention those areas to indicate the contribution the Government has made towards placing youth workers in the field. The Government has not been prepared to sit back in those areas where it cannot get local councils to apply for the subsidy for the employment of youth workers. The Government has also employed youth workers on a regional basis, particularly in country areas, to ensure that youth can gain access to the Bureau of Youth Affairs and youth workers.

In areas where councils have not accepted the offer the Government has indicated that although the councils have failed in their responsibilities, it will not allow those young people to experience difficulties and problems without the help of youth workers. The Government will provide regional youth workers, which is a further example of the way the Government has made a commitment to young people.

The Government has responded to the problems and made a significant contribution in this area. Honourable members should look at the evidence.

The Hon. R. S. de Fegely—That is a patch-up job.

The Hon. M. J. SANDON—Instead of adopting a concept of youth affairs involving sports clubs, the concept of the Government deals with a broader range of issues, such as placing workers on the street and employing outreach workers to work with young people. The Opposition calls it a patch-up job when the Government has made a commitment towards providing resources in a real sense and to work with and assist young people.

I do not believe it is a patch-up job. Speakers from the Opposition said that the Government had not done anything for youth unemployment. How many full-time jobs have been created under the Youth Guarantee Scheme?

The Hon. J. G. Miles—There were 1250 last year.

The Hon. M. J. SANDON—That is right. How do honourable members opposite have the temerity to say that the Government has done nothing when 1250 full-time jobs were created last year? They are not short-term job opportunities; they will lead somewhere. When young people enter training programs, they are guaranteed jobs.

An important aspect is to ensure that young people have access to adequate training and education. The Kirby labour market survey identified that young people, disabled persons, women and Aborigines represent a disproportionate share of the labour market. Those groups need to be targeted for special attention in the future.

A dramatic turnaround has taken place in the types of jobs into which young people from the age of sixteen years and upwards drift after leaving school. Since the 1960s, the jobs available for teenagers have changed immensely and now young people are drifting into part-time work. Young people who leave school early tend to drift into precarious jobs in the labour market and, in times of economic downturn, those jobs are the first to be sacrificed. The skills and expertise of the young people are insufficient for them to obtain full-time jobs and to ensure their job security in times of economic downturn.

The Hon. Robert Lawson—Is there something wrong with the education system?

The Hon. M. J. SANDON—That is why the Victorian Curriculum and Assessment Board aims to increase the percentage of students remaining at school to Years 11 and 12. The aim is to lift the retention rate to 70 per cent by 1995.

An Honourable Member—It is a cosmetic change.

The Hon. M. J. SANDON—It is not a cosmetic change; the Government is trying to ensure that young people are better educated. The honourable member opposite should button up and listen to what I have to say.

Only 40 per cent of Australian students complete twelve years of education and that is the lowest level in the Organization for Economic Co-operation and Development countries. The completion of twelve years of schooling does not necessarily guarantee jobs, but it does provide students with more access to the labour market. That is why the Blackburn report, the Victorian Curriculum and Assessment Board and the proposals with respect to the Victorian certificate of education are so significant. The education system was not meeting the changing needs of young people. For honourable members opposite to suggest that the Government has not taken account of youth problems is a nonsense and I refute it entirely.

I have demonstrated the response of the Government in providing for the employment of youth workers. I pointed out the Government's commitments to provide full-time jobs through the Youth Guarantee Scheme and its reform of the education system. Those factors clearly show the Government's commitment to young people. It recognizes the need to change the labour market and education structures and, in a direct sense, the Government has provided youth workers to alleviate the problems. The young people of Victoria are the most significant resource in the State. I commend the Government for the contribution it has made and refute the nonsense allegations of honourable members opposite.

The Hon. R. M. HALLAM (Western Province)—The National Party does not oppose the Bill, but it does not support it with any enthusiasm. The Bill seeks simply to relocate areas dealing with youth affairs policy from the Department of Sport and Recreation to the Department of Labour.

The National Party regards the Bill and the second-reading speech to be nothing more than a series of platitudes and motherhood statements. The proposed legislation is superfluous in that the tenets it allegedly takes into account already exist within the legislative framework. Members of the opposition parties can see the rhetoric, but they are concerned about reality. It is all very well to speak in flowery terms about the way in which the Government is proceeding on youth affairs, but the National Party is concerned about the real world and young people.

To make my point, I refer to the following paragraph of the second-reading speech which stated:

> The Government views adolescence as the period in people's lives when they make the transition from childhood to adulthood and learn to negotiate the complex institutional structures of our society more independently.

What a gem! That is the view of the National Party as well, but why is it necessary to enshrine that fact of life in legislation? The young people who have the misfortune to be unemployed today would be much more happy to see the level of unemployment lowered than a flowery youth affairs policy.

Despite all the flag waving and drum beating, the second-reading speech is nothing more than a forlorn attempt to divert attention from the real facts. The second-reading speech further states:

> . . . the Government has commenced its second term of office with a stronger, better co-ordinated and more purposeful structure to implement its policies in the youth area.

In view of the problems facing youth today, the National Party can conclude only that the policies previously implemented must have been incredibly unco-ordinated and lacking in purpose. The second-reading speech also announces that the proposed structure of the new administrative arrangements has received widespread community support. I am intrigued by that statement and I wonder from where the support emanates. Perhaps it comes from the academics who were responsible for drawing up the policy and who are snug in employment. The support would not have come from those who today have the misfortune to fall into the category of the unemployed. The second-reading speech further states:

> A Youth Policy Development Council will oversee the co-ordination and development of youth policy. It is made up of representatives from Government, community organizations, local government and trade unions.

What about the claim by Mr Sandon earlier that the Youth Policy Development Council will include representatives from private enterprise? The second-reading speech makes no mention of that. No private enterprise employer or other employer groups are to be represented on the council. Despite Mr Sandon's comments, the council will not have a representative from country areas. I shall return to that point.

The second-reading speech also states that the Bill is:

> . . . a recognition that the needs of young people encompass health, education, housing, transport, employment and income security: all policy areas, not just recreation and leisure.

According to the second-reading speech, the Bill is concerned about a wider range of issues. That is all very well, but the elementary and paramount concern must be youth unemployment.

In fact, many of the matters to which the second-reading notes refer should be secondary to that major problem. Problems of income security and housing shortages will, to a large extent, if not totally, be overcome by employment improvements. The National Party sees unemployment as the major problem facing youth today; when all the rhetoric is stripped away, that is the real situation.

I shall spend some time examining what the National Party sees as the real world, which is quite different from what is portrayed in the rhetoric honourable members have been hearing. When the Cain Government came to power in 1982, the level of unemployment in Victoria was 6·1 per cent; the latest figures indicate a rise to 7·4 per cent. I know the defence the Government uses—I have heard it many times—that the level of unemployment in Victoria is the lowest in the nation, but that is faint consolation because it is true in a traditional sense. It was certainly the case when the Cain Government came to power.

The most important statistics relate to youth unemployment. Unemployment in the fifteen to nineteen-year-old age group in this State was 40 800 in February 1985; nearly 41 000 people in that age group were out of work. In February this year that figure had increased to 46 600, an alarming increase of 14 per cent. That is despite the Youth Guarantee Scheme and the like and despite all the Mickey Mouse employment projects. Unemployment at the most crucial stage of development of young people, between the ages of fifteen and nineteen, is increasing. Taking that comparison further in respect of the

Government's period in office, unemployment has risen in that specific category by more than 22 per cent.

In the light of those figures, I do not believe the claim made by Mr Sandon a few moments ago stands the light of day.

That is an indictment on the Government because unemployment is the most important problem that Parliament should be addressing and many of the other issues that are being addressed should be secondary to it. The unemployed are not concerned about the appointment of youth workers. They want jobs. In the National Party's view, the increase in unemployment is, in large part, a direct result of the policies of the present Government.

I should like to spend a couple of minutes on an issue raised by Mr Sandon concerning education. I have long been a critic of the Victorian education system, principally because, in my view, far too much time is spent on the academic subjects and too little time in preparing students to take their place in the world.

A few years ago the company by which I was employed undertook a scheme called Young Achievement, under which it took Year 11 students from the local secondary schools and put them into an independent environment and supervised the establishment of a company. We went through the entire process—funding of the company, market research, manufacture and the sale of the products that the students decided to manufacture; and at the end of the school year we went through the rigmarole of winding up the company in a formal sense. The company even paid "tax", which went back to the central administration to assist in the establishment of other Young Achievement schemes.

That undertaking had enormous merit because it took students into the real world and illustrated to them at first hand what they were likely to encounter in private enterprise at the completion of their formal education. It brought home to me most vividly that we are teaching students to rely on others rather than to establish entrepreneurial skills; we are not teaching them to be self-reliant. In the broader context, the education system must answer for that.

Unemployment will not be overcome until it is admitted that incentives must be offered to that component of the economy that is the only one capable of taking up the slack—that is, the employers. Instead of talking about youth workers, the Government should be talking about employers and the incentives they require to increase employment opportunities.

In speaking yesterday on another Bill, I referred to the enormous amount of red tape that is faced by private enterprise and the costs, both direct and indirect, that that involves in relation to employment. In Victoria today 38 000 young people are in apprenticeships; in 1981 the figure was 41 000, so we have seen a reduction of 3000 in that figure. The National Party is not proud of those figures, but the Government should be prepared to take that on the chin. It is a fact of life and something that the Government should be prepared to recognize and try to overcome. The National Party sees the Government's wider role not as becoming involved directly in the employment field but as establishing the climate in which private enterprise can take up that slack.

I point out that on the Alcoa smelter site at Portland 2100 people are currently employed. Of that number 700 are tradesmen and only 12 are apprentices. Parliament should be addressing that matter urgently. I direct my comments specifically to the Lower House because the Cain Government now has an equity role in the smelter project, and now is the appropriate time for it to wield some influence to overcome the lack of trade training opportunities on that site.

Over the past couple of years an initiative has been developed that has much to offer—the group apprenticeship scheme. We have an example of that scheme in western Victoria that has resulted in approximately 40 apprentices being offered the chance of becoming involved in a trade. The concept is brave and bold. In essence it means that an independent body takes responsibility for the employment of the apprentices and farms them out. That

overcomes one major hurdle or inhibition to apprenticeships in Victoria—the fear of the employer that he may not be able to offer employment to an apprentice for the full three or four-year commitment. Many employers, for the right reasons, are not prepared to make that commitment: they do not want to let people down. That problem can be overcome under the group apprenticeship scheme by an employer undertaking to employ an apprentice for a term as short as three months.

Mr Sandon spoke about the commitment of the Government to persuading young people to stay in school for the traditional twelve years, and he alluded to the fact that currently approximately 40 per cent of students are retained to Year 12. The Government's objective is to increase that percentage dramatically. I have no argument with that but I make the point that, in many cases, to continue schooling may be a direct disadvantage in employment terms. Because of the way our wages are structured according to age, an employer can, in many cases, train the employee more proficiently than the formal education system can, and it is an advanatage if students apply for some jobs one or two years before reaching Year 12. That is something that we must recognize. It is not something I would promote but it is happening out there in the real world.

The National Party is happy to support clause 15, which refers to the use of school facilities outside school hours by persons who qualify under the general parameters of the Bill. It seems to me that, provided there are the right sort of safeguards for school properties, this will be an important initiative. In our society the opportunities for the use of facilities have been wasted, especially those in the school environment which lie idle from 4 p.m. until 9 a.m. the next day and over the week-end. That initiative is important, and the National Party supports it.

Mr Sandon also mentioned the policy of the Youth Policy Development Council and its membership drawn from private enterprise. That policy committee has three representatives from the departments of education, community services and labour, respectively, and it has a representative from the Bureau of Youth Affairs; a representative from the Municipal Association of Victoria; two youth officers, representatives from the Youth Affairs Council of Victoria, and the Victorian Council of Social Service is represented, and represented very well with two representatives.

There are representatives of the Youth Accommodation Coalition, the Trades Hall Council, from the Aboriginal section of the community, the disabled members of our community, the ethnic people in the community and there is a representative from the youth organization forum.

There are two members who are representatives of rural organizations but they are both social workers in Geelong and Shepparton. There are three Ministerial appointments but the point can be strongly made that there is not a representative of employer groups or private enterprise on the committee and there is no one representing specifically country communities.

The Hon. M. J. Sandon—That is not true.

The Hon. R. H. HALLAM—I had intended to move an amendment which provided for representation from specific groups selected from nominations of accredited employer organizations and appropriate country and farming interests. I have been persuaded that it would not be a good idea to incorporate that in the Bill because those who are serving on the committee are not prescribed in the Bill. However the National Party seeks an assurance from the Minister that the Youth Policy Development Council will be augmented to incorporate a member selected from nominations from accredited employer organizations and a member selected from nominations from appropriate country and farming interests.

The National Party understands the Minister is prepared to give those assurances and on that ground it does not intend to proceed with the amendment. It is incredible that employer groups are not included on the Youth Policy Development Council. As

employment is a paramount problem in youth affairs, it is only pragmatic that employers be represented on that policy committee. Country youth face particular problems and they should also be represented on that council. With those comments, I indicate that the National Party will not oppose the Bill.

The motion was agreed to.

The Bill was read a second time.

The Hon. D. R. WHITE (Minister for Health)—By leave, I move:

That this Bill be now read a third time.

In so doing, I draw to the attention of the House the discussions held with the Government which included Mr Miles on behalf of the Opposition and Mr Hallam on behalf of the National Party, who sought an undertaking from the Minister in another place that the Youth Policy Development Council be augmented to specifically include one member selected from nominations to be sought from accredited employer organizations and one member selected from nominations sought from appropriate country and farming interests. I am pleased to report to the House that I have had discussions with the Minister for Labour, Mr Crabb, and he is happy to give an assurance that representatives will be sought from those organizations.

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

ALPINE RESORTS (AMENDMENT) BILL

The debate (adjourned from the previous day) on the motion of the Hon. D. R. White (Minister for Health) for the second reading of this Bill was resumed.

The Hon. G. P. CONNARD (Higinbotham Province)—The Opposition will reluctantly not oppose the Alpine Resorts (Amendment) Bill but I shall make several comments concerning it. The Bill recognizes the growth of the tourism industry in this State and the value of our mountain areas which have the largest ski fields available for use in the nation. The ski industry has expanded rapidly since the early 1940s, and especially during the past five or six years it has grown at the rate of approximately 10 to 12 per cent a year.

I have skied at Falls Creek for many years. Honourable members may remember the Honourable C. H. Bridgford who was a member of this House from 1955 to 1961. He represented the area in which both Mr Sandon and I were born, and very well too! When I was on his electorate committee in the early 1950s, Mr Bridgford took me to Falls Creek.

The House would be aware that in those days there were few ski tows and ski lodges. He built a lodge but within two or three days of that building being completed—he had never skied before—he was skiing down a mountain, broke his leg and for the subsequent two ski seasons could not ski at all.

Mr Bridgford went on to develop the area with the Alpine Development Company, which built the ski tows on that mountain, and that company was sold only recently. I have continued my interest in skiing at Falls Creek, Mount Buller, Mount Baw Baw and Mount Buffalo. I have not tried Mount Stirling but I look forward to having a go perhaps this year.

In 1983 the Land Conservation Council recommended that land to the south-west of Mount McKay should be included in the proposed Falls Creek alpine resort. That has not occurred and local interests have supported the extension of the resort to include the Mount McKay area.

In another place the Minister for Industry, Technology and Resources was asked to examine whether that area could be included in the proposed extension of the resort and I ask the Minister for Health to respond to that matter.

The Bill corrects a mistake in the Town and Country Planning Act which unintentionally reduced the role of the Alpine Resorts Commission as a planning authority. The Minister and the authority have power for the granting of permits until an interim plan is developed. The two functions will now be administered by the Alpine Resorts Commission and the Opposition has no argument with that measure.

The controversial aspect of the Bill deals with the possibility of cancellation of leaseholds on land in alpine resorts and the possible requirement to make the lessee remove all buildings from that leasehold land at the lessee's expense. An appeal against that arbitrary decision can be made to the Minister. The Minister is solely responsible for those procedures. The Opposition believes it is a draconian amendment to the legislation and it has grave reservations about it.

On the cancellation of a lease no adequate provision is made for an appeal mechanism. The Opposition, in another place, proposed an amendment to the Bill for an appeal to be made to the Administrative Appeals Tribunal. That amendment was negated in that Chamber, but, by agreement, the Minister indicated that he would examine the matter during the recess and, if necessary, amend the Act in the spring sessional period. I ask the Minister to comment on that matter because it is important that leaseholders have a proper mechanism of appeal against the arbitrary decision of the commission and the Minister. It is obvious that the Minister, in his determinations, will take special note of the recommendations of the commission. No provisions are contained within the Bill or other regulations that indicate the real intent of the commission regarding leased land.

The Alpine Resorts Commission is a new organization and is feeling its way. It is doing a reasonable job, but later on I shall refer to concerns about draft leases that appear to be objectionable. The Opposition will examine the role of the commission with great interest. The commission may not realize the importance of leaseholds because it was indicated in another place that leaseholds can be determined or cancelled by the commission.

The Bill does not include a compensation clause. Acquiring a leasehold takes a considerable amount of money and to build a lodge on the leasehold land requires even more money. However, the commission, for planning purposes, can arbitrarily require leaseholders to part with their land and require all buildings and improvements to be removed, but the Bill does not contain any provisions regarding compensation.

I ask the Minister to inform the House what can be done about the matter. I have received some letters from leaseholders that I shall show to the Minister if he requires but a leaseholder, in one letter that I received, commented on the obvious unfairness of the proposition. Why should a Government agency be able to acquire a lease that was the subject of considerable investment by the leaseholder and not pay any compensation? The commission can even charge the leaseholder for the cost of removing any buildings or objects from that land as a parting indignity. The lease requires a leaseholder to provide a guarantee of $5000. If the leaseholder objects to the removal of improvements on the leasehold land part of the cost of the removal is arbitrarily taken from the $5000 guarantee. That is grossly unfair.

I have obtained a copy of the draft lease prepared by the Alpine Resorts Commission and circulated by the commission for comment. The draft lease is draconian. Paragraph 4.7 of the draft lease states:

> All lessees are required to deposit a bank guarantee of $5000. This guarantee can be varied at will by the lessor.

As I indicated earlier, the lessor may charge the lessee for the removal of any buildings or improvements from the leased land and it can take that money arbitrarially from the $5000 deposit. Paragraph 4.8 states:

> All accounts and records held by the lessees must be made available for inspection by the lessor and open for inspection at any time and in addition they must be permitted to take copies of all relevant documents.

I do not know of any other agency that requires that sort of detail or where a person may come and take copies of all relevant personal documents. Paragraph 5.2 states:

> Lessees must provide accommodation for the general public if there are spare beds in the lessee's premises.

Paragraphs 5.27 and 5.28.3 state:

> 5.27 Where any building, building extension or other improvement on the demised land constitutes private units flats or self-contained accommodation, other than management quarters, and that accommodation is not being used by the lessee the lessee shall make that accommodation available to the general public with an accommodation booking service approved by the lessor.
>
> 5.28.3 The lessee shall make all accommodation available to the general public at a reasonable rent level commonly adopted by the approved booking service(s) . . .

It means that if I, or the Legislative Council, had a private lodge or a community lodge and if, on any particular night, there was a vacant bed in that lodge, it would be an offence against the lease to refuse a person permission to use the vacant bed. At the same time, a fee approved by the commission must be charged.

To me that is totally offensive, particularly when one considers the cost of the lease, the cost of the building and the cost of the facilities in that building. Those remarks apply equally to the proposals for commercial lodges. They are equally draconian and offensive.

Paragraph 5.26 states:

> Where any building, building extension or other improvement constitutes a commercial ski lodge or part of a commercial ski lodge and that accommodation is not being used by the lessee or any member or sub-lessee of the lessee, and is not required for the use of the staff to operate and manage the ski lodge, the lessee shall make that accommodation available for use by the general public in accordance with clause 5.28 and register the same as available to the general public with an accommodation booking service approved by the lessor.

That would mean that if someone who was drunk and offensive arrived at the premises of what is considered to be a commercial lodge at 11 p.m. and it was considered that that person would disturb the other people staying at the lodge, the operator would have no ability to decide not to accommodate that person because that person would have available to him the appropriate mechanisms to force the operator to provide that accommodation. Those proposals are quite repulsive to the Opposition.

Further, paragraph 5.28.3 of the summary of main points states:

> All accommodation made available to the public must be at a rental approved by the lessor, if it exceeds the lessor's level the lessee must reduce it to a level determined by the lessor.

That means that one cannot improve one's lodge by way of interior extensions without the approval of the lessor. It means that if, by chance, one is booked either privately or publicly, one cannot set up a camp bed in the lounge room to accommodate more people.

I suggest to the Minister that he should take very accurate note of what the lease is about because, as my colleague in the Lower House has pointed out, it will create a climate where snow snoops could go around various lodges every night to see how many people are in them and then arbitrarily put more people in them. As Mr Evans said, perhaps those snow snoops could even check to see who is in whose bed, which is a somewhat draconian proposition and, indeed, an infringement upon civil liberties.

The Hon. D. R. White—Are you a peeping Tom?

The Hon. G. P. CONNARD—It would appear to me that this is an extension of the Labor Government's normal "peeping Tom" activities of delving into people's private lives.

The Hon. M. J. Arnold—You would have wanted to put a tax on it years ago—it would have been a sin tax!

The Hon. G. P. CONNARD—The third component is the requirement to increase the size of the Falls Creek resort by 200 hectares. It seems to me typical of the carelessness of

the Labor Government that the original Bill that was considered in the Lower House required 315 hectares.

The two different maps that were produced for the two different Houses relate to exactly the same area. Perhaps it might put the lie to the Government's economic theories. If it cannot count in economic terms, it obviously cannot count in hectare terms. The amendment states that 200 hectares will be involved, yet the Government says the map has not changed.

The Opposition quite clearly approves of that acquisition which is a logical extension of the resort. However, in his response to the debate, I ask the Minister to take note of my remarks about the lease and the appeal mechanism relating to the lease.

The Hon. W. R. BAXTER (North Eastern Province)—Mr Evans and I have the honour and pleasure of representing the Falls Creek ski resort and we also represent parts of Mount Buffalo and Mount Hotham. In previous times I have also represented Mount Buller.

It has been noted in the House on a number of occasions that skiing has been one of the growth industries in this State over the past decade or so, and there has been a remarkable increase in the number of skiers, not only from the Victorian community but also from New South Wales and, more particularly in Falls Creek, from South Australia. On week-ends during the snow season the number of South Australian registered vehicles is very noticeable in the area, as is the number of people who come on special coach tours to Falls Creek. The expenditure in the district has been very valuable to small business and the economy of the north-east generally.

I pay special tribute to people such as Mr Bill Bridgford and others in developing Falls Creek and making significant investments there. People such as the Spargo family have seen that village grow from very humble beginnings to becoming one of the leading skiing resorts in the world. They were prepared to take the risk and make those investments in what can be a very risky venture.

In the same way as farmers in the agricultural area suffer from droughts, people in the ski resorts often suffer from years of lean snowfalls and very short seasons. They must make their whole year's income, basically, in a very restricted number of weeks in the year. The ski season officially commences at the Queen's Birthday week-end, but it often commences without any snow on the ground, and usually it concludes no later than the September school holidays.

It is true that there has been some development and encouragement for people to take holidays at Falls Creek during the summer months. It is certainly a very pleasant area in which to holiday during the hot weather and one can take bush walks and enjoy some magnificent scenery. That is a development that will be expanded in future.

Falls Creek was previously administered by the State Electricity Commission, as landlord, as part of its hydro-electric operations in the Kiewa Valley. I believe the commission, through the Falls Creek area committee of management, did an excellent job over many years. Of course, that role has now been taken over by the Alpine Resorts Commission.

Mr Connard made a valid remark when he said that the Alpine Resorts Commission is feeling its way and that it is being watched closely by a number of people, not only the opposition parties but certainly, also the local people, who have a much bigger interest. I am a little concerned that the commission was, at least in the beginning, setting out to do its own thing and paying too little regard to the wishes of the people most closely involved—that is, the permanent residents at Falls Creek, those who have large investments in the area; and the majority of users, the downhill skiers.

I should like to provide the House with one example of that in which Mr Evans and I were involved over the Christmas period—and I give the Deputy Premier full marks, because he resolved the issue to everyone's satisfaction.

In the proposals to construct Wombats Ramble ski run, a well-thought-out proposal, the Alpine Resorts Commission allowed itself to be unduly influenced by a small group of Nordic skiers who considered that it impinged upon their private domain. Despite their attempts to orchestrate a campaign to local members, it never got off the ground but it had an effect on the commission and if the commission had carried out the suggested changes to Wombats Ramble ski run that downhill run would have been ruined.

I led a deputation to the Minister and conducted an on-site meeting with the commission and with Mr Spargo and Mr Osborn, one a lodge owner and the other the general manager of the Falls Creek ski lift company. A compromise was reached to the satisfaction of all, excluding one or two of the more radical Nordic skiers. I place that on record to show that the commission, because of its lack of local knowledge, was in danger of being influenced by a specific minority group.

I share the concerns of the Opposition and some leaseholders at the Falls Creek resort that the amendment to section 29, if taken to its ultimate conclusion, could have draconian effects. By the same token, it is possible that people could be jumping at shadows. The amendments certainly refer to leases being acquired if the land is reasonably required by the commission. However, Parliament must take account of the fact that Governments have to live in communities and the aspect of natural justice comes into the issue. Although I am not entirely happy with the amendment because, if it were taken at its true, literal meaning by an unfeeling commission backed by a Government that had no regard for fair play, it could have an adverse effect.

I am pleased that the Minister for Industry, Technology and Resources gave an undertaking to my colleague, the honourable member for Murray Valley, that these matters would be further reviewed and amendments made to the legislation during the spring sessional period.

I am not prepared to go as far down the track as Mr Connard did in my criticism of this clause because I believe there has been an over-reaction. Similarly in respect of the draft lease that Mr Connard quoted from at length, although it sounds horrendous, it is not part of the Bill and is simply a draft lease of the commission. I do not want the provisions that Mr Connard read out to become a reality.

The Hon. G. P. Connard—I was making people aware of it.

The Hon. W. R. BAXTER—I appreciate that and I commend Mr Connard for flushing it out for public attention. However, as is so often the case, the reality may not be as it appears from a bald reading of a clause. His example of erecting a camp stretcher in a lodge is a case in point. If extra people are packed into confined areas, there could be a risk of fire because of the heating devices that are required, fire escapes could be impeded and the public safety could be compromised. Leases should be examined closely but people should not jump to conclusions after reading isolated clauses.

Falls Creek is well on the way to becoming the premier ski resort in Australia. It has further room for development. The addition of 200 hectares of land to the resort is appropriate. Investment in Falls Creek is continuing notwithstanding that construction costs in the alpine area, according to the honourable member for Benalla, are approximately $10 000 a square, two and a half times more than construction costs in urban areas. Operating costs such as transporting food, removal of garbage, electricity supply and communications are all high and must be taken into account by investors. It is up to the Government to provide a climate for investment to continue, bearing in mind those constraints.

As the Alpine Resorts Commission becomes more experienced it will be able to provide a satisfactory climate for investment and take into account the wishes of the communities

involved. I have expressed my fear that to date the commission has been tardy in giving sufficient weight to the views of the communities. However, from discussions I have had, I believe its attitude is improving.

The sitting was suspended at 12.56 *p.m. until* 2.3 *p.m.*

The Hon. F. S. GRIMWADE (Central Highlands Province)—At the outset I should declare my interest in skiing as an enthusiastic skier who has enjoyed this particular sport for at least 40 years. Indeed, it is a pleasure to have the opportunity to represent Mount Buller and Mount Donna Buang in Parliament because those two areas fall within the Central Highlands Province. I also declare that my family and I have a share in a part lease at Mount Buller. It means that I have been able to watch with a great deal of interest the development of the snowfields in Victoria over a number of years.

I can recall the early days of skiing when conditions were primitive and a great deal of effort was required to get to the mountains and to get up to the snow line to reach the chalets, huts or lodges. There were none of the new-fangled tows and chair lifts. In order to ski down the mountain one had to first walk up the mountain. Such a walk could take 1 hour and the trip down between 5 minutes and three and a half minutes. If one suffered any damage on the way down, one probably did not make it back up the mountain.

There has been an increase in the infrastructure of the resorts with the provision of electricity, sewerage, bitumen roads and all the other normal facilities that people now expect. I should point out at the outset that these facilities, which are generally provided for the community at large, have been provided by moneys that have been paid by people who have used the ski fields. To my knowledge very little in the way of Government grants has been used to develop these areas; invariably they have had to be self-financed.

Therefore, it is with some concern that the people who have enjoyed skiing and who have financed the developments on these mountains are viewing the future with concern when they could be asked to provide more and more money to provide other facilities. I welcome the Bill because it strengthens the Alpine Resorts Commission and it provides for an increased area of usage for the Falls Creek alpine resort.

The Opposition is somewhat concerned with the provision of the Bill that deals with leases. In these areas leases provide for permissive occupancy and do not grant any rights, although some leases can have a life as long as 99 years.

The Opposition views with concern the arbitrariness of clause 8, which provides the commission with power to terminate a lease if land is reasonably required by the commission for improvement of the alpine resort. This matter has already been discussed in terms of the role that the Minister would play in an appeal. An assurance has been given by the Minister for Industry, Technology and Resources in another place that both the matters of appeal and compensation will be examined with a view to introducing an appropriate Bill perhaps in the spring sessional period. I shall not dwell unduly on that matter because of that assurance and the fact that it can be discussed in more detail during the Committee stage.

Leases are the real heart of the mountain and the future development of the various mountain resorts. The ski season in Victoria is short and, on average, lasts for ten weeks. The season may be as short as three, four or five weeks if it is a bad or disastrous season. It is unlikely to be much longer than ten weeks because it would interfere with all the other activities that families and people undertake. Any improvements that are made on the mountain have a short time in which to provide a return.

A permissive occupancy for a lease is just not on if there is to be future development. The parent Act enables the Alpine Resorts Commission to grant leases and in this respect it could be a case of killing the goose which lays the golden egg. The commission will have to be careful to ensure that any conditions that are written into new leases reflect the proper situation on the mountains, that is, the development of the snow fields should be undertaken to provide low-cost skiing to the people of Victoria.

If a condition of a lease is such that if one has any empty beds in a hut, a flat or a lodge, and such a bed has to be made available to the general public, that would be an onerous condition because the lessee would have no say whatsoever. It would lead to the ridiculous situation where one would have, as it were, secret police going around at night ensuring that empty beds were filled.

Just because a bed is empty, it does not mean that no one is sleeping in it that night. If one takes that to its next stage, one may have to have a sign over the bed which says, "Don't sleep in this bed, it is mine" or, alternatively, "Sleep in this bed, it is mine"! This issue must be faced by both the Alpine Resorts Commission and the Government.

I hope it is not Government policy to endorse the pro forma lease detailed by my friend, Mr Connard. If it is Government policy, it is absolutely disastrous and will not meet what the Minister in another place said in his second-reading speech:

> These amendments are designed to further contribute to the progress and secure the commission's central role in the management and administration of these areas.

I am sure that it will not. It will have an adverse effect of the greatest proportion. People will move off the mountains and will not return.

The Mount Buller Ratepayers Association pointed to the fact that it would be cheaper for its members to take two-week holidays in the New Zealand snowfields than to own a share in a flat, lodge, co-operative or chalet on the mount.

With those words of caution, I warn the Government that the ratepayers of Mount Buller and those interested in the development of the snowfields will fight vigorously to oppose the proposed leases. The Bill will perhaps be useful to the development of the commission, which the Opposition wishes well in its efforts to ensure Victoria's snowfields develop in the way in which we want them to.

The Hon. D. M. EVANS (North Eastern Province)—Like my colleague, Mr Baxter, I also have an interest in this measure in that some of the major ski areas in Victoria that are managed by the Alpine Resorts Commission come within my province, particularly the Falls Creek area, Mount Buffalo, which is a favoured ski resort that does not come under the control of the commission, and a section of the Mount Hotham area.

When the commission was first established there was considerable debate in this House about its value, whether it would effectively carry out its task and whether its composition was appropriate to its task. Like Mr Baxter, my first experience of the operation of the commission was in the past few months through the Wombats Ramble ski trail in the Falls Creek village bowl area. There was a direct conflict of interest between the downhill skiers and some cross-country skiers. The Minister for Industry, Technology and Resources promised that the problem would be resolved and that consultation would take place before a decision was made.

The conference and deputation to which Mr Baxter referred were a result of guarantees and commitments made by the Minister that ski lift companies, lodge owners and those who had substantial investments in downhill skiing would have their say. Mr Baxter clearly spelt out that the announced change in the policy did not meet with everyone's agreement and leant heavily towards the view held by the cross-country skiers. The change in policy was decided upon immediately prior to Christmas and contravened the undertaking given by the Minister that consultation would take place before a decision was made.

Work on the altered Wombats Ramble ski trail commenced immediately using funds available to the commission that had been contributed largely by the ski tow operators and lodge owners in the Falls Creek area. Insult was added to injury and the development had progressed to the point where it was difficult to alter its direction without the opportunity being provided for consultation.

Mr Arnold and the Attorney-General played their parts in the negotiations and we thank them for the sensible way in which they approached their tasks. Eventually sanity prevailed. It is fortunate that local members had taken precautions to ensure equity was preserved otherwise the commission would have acted unilaterally and dictatorially.

That aspect concerns me because it indicates the way in which the commission might head. Mr Baxter said the commission tended to ignore local opinion. More importantly, perhaps it is not taking advantage of local experience provided through the people who know the area well and who have lived there for substantial periods. I agree that many have substantial investments in the snowfields and their pecuniary interests must be taken into consideration, but by trying to be too independent, the Alpine Resorts Commission may make bad decisions by not taking advantage of the advice provided by local people.

Mr Grimwade may have received similar representations to those that I have received. I also received representations from the Albury Ski Club. In a letter from the club on 30 April it said that the commission is proposing substantial rent increases for Falls Creek and is doing so without contacting at least some of those directly involved with the area. The measure deals with additional powers for the commission and we are debating what it may do with those powers. It appears that the commission decided to increase the rent substantially without contacting the ski club and, no doubt, it will not contact other organizations.

In the *Good Weekend* magazine published in Sydney an article headed "Skiers Face the High Jump" states:

> A proposed increase of up to 2000 per cent on rents and expenses of resort lodges could mean that accommodation rates rise from an average of $25 a night to $100 or more in 1987.

That is simply a result of the operation of the Alpine Resorts Commission. If the article is to be believed, the concerns expressed by the Albury Ski Club are valid—obviously the commission intends to use the substantial amounts of money it receives as it sees fit.

The commission should not become a developer and use its influence through funds acquired from rent and other costs in alpine areas. It should be a management organization, and the development of the alpine resorts should be undertaken by private industry, enterprise and developers.

A tax to be levied on existing businesses to allow a semi-Government body to carry out the development does not have validity in this area.

Like my colleagues, I also have some concerns about the provisions of the Bill regarding the cancelling of leases and the requirement that lessees remove buildings at their expense. That will probably not occur unfairly and without some recourse to some degree of natural justice; however, that provision is included in the Bill. I understand that further proposed legislation dealing with appeal procedures will be introduced to ensure that those who have investments will receive justice.

I am not keen on undertakings or guarantees given by Ministers. An undertaking is not law and it is only the word of a person who, according to a change in circumstances, may break an undertaking within a short time. It is imperative that additional proposed legislation is introduced.

I am attracted to the view that this type of situation should be covered by a sunset clause to ensure that the Minister keeps his undertaking. In that way, Parliament would have the opportunity of making a judgment on how well the undertaking is being kept. If a sunset clause was included until 1987, the Minister would have to act on the matter or face the possibility of the provision being rescinded by Parliament. That is a good idea; however, I do not intend to move an amendment.

Alpine resorts in Australia are extremely important tourist and recreation areas and enormous amounts of money are invested in them. The alpine industry is especially important for north-eastern Victoria. I support its continued development. I favour the

extension of the Falls Creek area. I am not certain whether the additions to the area go far enough, but I am aware of substantial propositions for additional developments in that area, and some of them are magnificent and exciting. Some proposals may not have the financial backing needed to get them off the ground, but if they did they would be of benefit to the tourism industry. New suggestions and ideas should be encouraged wherever possible.

I recommend to those honourable members who are interested in the development of the ski industry a book by the wife of the late Honourable Thomas W. Mitchell, who was a former member for Benambra and an Attorney-General in a previous Victorian Government. Mrs Elyne Mitchell has written a book entitled *Discoverers of the Snowy Mountains.* Although it generally deals with the ski fields of New South Wales, it is a monumental work that includes an enormous amount of research. Mrs Mitchell and her husband were pioneers in the development of recreational skiing in north-eastern Victoria and southern New South Wales.

I do not wish to go into the details of their careers, but merely suggest that the book should be read by anyone with an interest in the skiing industry. In the book Mrs Mitchell makes an interesting point that there is substantial evidence that, over the past few years, the amount of snow and its duration on the mountains is far less than it was during the late 1890s and early 1900s. That is backed up by comments made in Hovell's diary *Journey from Goulburn to Port Phillip* 1824, which refers to snow on mountains to the east on November 20, 21 and 22, 1824, an event not occurring in the years leading up to 1986. The amount of snow on our mountains is less than it used to be. Encouragement of developments such as snow-making machines will be required to make up for the deficiencies.

The National Party supports the Bill although it has some concerns about it. I trust that the Minister will keep his word about protecting the rights of leaseholders in the alpine areas of the State.

The Hon. J. G. MILES (Templestowe Province)—The Opposition supports the Bill, although it is concerned about some of the draconian measures that have been referred to by my colleagues. I specifically refer to increased site valuations. It has been suggested that site valuations have increased by 2000 per cent. I am not aware whether that is caused by slack administration, but it is an incredible increase.

Friends of mine who are skiers informed me that last year, their site rental was $3000 and this year it will be $20 000. That is an amazing increase in a private enterprise industry. If enormous increases in costs continue, properties will deteriorate because the owners will not be able to maintain them. That will lead to the properties being left for the Alpine Resorts Commission to take over. That would then be another example of private enterprise industry being handicapped and taken over by the Government.

I support the comments made by my colleagues and refer the Minister to the costs borne by genuine skiers.

The Hon. B. W. MIER (Waverley Province)—I enjoy skiing, and it is a sport in which a person of my age and physical condition can continue to participate. The Bill raises the question of decent management of ski mountains. For many years that issue was neglected, and poorly planned facilities were established at resorts such as Mount Buller and, to a lesser degree, Falls Creek.

The Bill adopts an approach to facilitate proper management of alpine resorts. The Bill takes on board the question of facilities for people participating in the sport. The Bill will ensure that accommodation is available so that skiers will not be confronted with the situation of lodges standing empty and unused.

That matter has been discussed fully with the Minister and people involved in the industry. Agreement has been reached on the approach to be adopted. In that light, the comments of the Opposition are not justified.

I was amazed by the comments made by Mr Evans when he indicated that there is now less snow on the mountains than there was some years ago.

Nevertheless, because of sound economic management, progressive developments have occurred such as snow-making facilities now being made available on mountains such as Mount Buller, and so on. These machines have been available for many years in areas like Mount Buffalo. These developments enhance the facilities that are available to the public. The snow season is lengthened by the use of snow-making machines, and this in turn gives greater financial viability to ski resorts. I support the Bill.

The Hon. M. J. ARNOLD (Templestowe Province)—Responsibility for Victoria's alpine resorts falls within the portfolio of the Minister for Industry, Technology and Resources and I am the convener of the Minister's caucus committee. As part of the Minister's concern for consultation, he directed that the caucus committee should visit the alpine region late last year, which the committee did.

The industry believed there was some difficulty with accommodation and complaints were made about those facilities. The industry was particularly concerned to improve accommodation facilities and to ensure that more people were given access to the mountain resorts. They are Victoria's prime tourist attractions. The legislative measure will add to the ability of the industry to provide accommodation and access to a far wider range of people than was previously possible.

That is the direction the Government wishes to take, as previously alpine sports and resorts were limited to a privileged few. The Government is taking positive steps to enable people from all sectors of the community to take advantage of this prime tourist area. Both Mr Evans and Mr Baxter represent provinces in which these resorts, by accident, happen to fall.

The Hon. W. R. Baxter—It is typical of you to be spiteful.

The Hon. M. J. ARNOLD—Mr Baxter is doing me an injustice because I was about to pat him on the back.

The Hon. W. R. Baxter—It would be a backhanded pat.

The Hon. M. J. ARNOLD—During the consultation that the caucus committee had with the operators of ski resorts, they and others paid credit to the work both Mr Baxter and Mr Evans had done in the interests of the industry. I admit my jaw did drop at those remarks, but I quickly said that the role both Mr Evans and Mr Baxter play in the House demonstrates their enthusiasm for these resorts and shows that they obviously spend some time on those mountains some distance from this place.

I was not being nasty to Mr Baxter but giving him credit for the work he has done. Mr Baxter and Mr Evans would appreciate that these resorts will benefit from more tourists enjoying what the resorts have to offer and partaking in a sport that is becoming increasingly popular throughout Victoria.

The consultative process was instrumental in solving a small difficulty that arose on the dispute between Nordic skiers and downhill skiers about the expansion of their slopes. The caucus committee spoke to interested parties on the mountain and was able to discuss with them, virtually on Christmas Eve, their concerns, and those concerns were conveyed to the Minister, who was very appreciative.

The Hon. G. P. Connard—There was no snow there on Christmas Eve!

The Hon. M. J. ARNOLD—I shall return to that point later. The consultative process enabled a rapid solution that was welcomed by all sections of mountain skiers and users.

The need for freeing up of accommodation and opportunities for people to participate in those sports should be of interest to all honourable members. According to Mr Evans, apparently snow does not fall as regularly as it used to in Victoria's ski resorts. I could put

that down to the previous 27 years of mismanagement of the Liberal Party Government! However, Mr President, you may rest assured that steps have been taken, as Mr Mier described, to extend the season through the use of snow-making machines.

Mr Knowles may shake his head and talk of costs and their impact, but if the season is extended through these methods and more tourists are attracted to the area, the money made will more than compensate for those costs.

Despite the interjections from members of the Opposition, the proposals in the Bill are supported by the industry. The Opposition is demonstrating how out of touch it is with the management of these resorts in this day and age by objecting to these provisions. The industry is well aware that it is essential to extend the season to increase the tourist potential of the skiing industry.

The motion was agreed to.

The Bill was read a second time.

The Hon. D. R. WHITE (Minister for Health)—By leave, I move:

That this Bill be now read a third time.

I thank honourable members for their support of the measure.

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

MINISTERIAL STATEMENT

St Albans Community Health and Resources Centre

The Hon. D. R. WHITE (Minister for Health)—I desire to make a Ministerial statement about a further report from Deloitte Haskins and Sells that I have received, and then make a following response.

I should like to deal with the statement in two parts. Firstly, I shall quote from the report and, secondly, I shall comment on the Government's response to the report. In presenting the report to the Chief General Manager of Health Department Victoria, Deloitte Haskins and Sells stated:

In accordance with your request we have made further inquiries into issues raised in our report dated 2 April 1986 and other matters which have subsequently come to our attention.

On the first matter, in the report, paragraph 1 (*a*), "Progress on implementation of recommendations in our report dated 2 April 1986", this statement was made:

We recommended that a substantial number of policy and procedural changes be implemented by the committee of management. These recommendations were made on the basis that the existing committee of management—

(i) accepted the conclusions drawn in the report;

(ii) agreed to co-opt on to the committee of management two community health specialists nominated by the Regional Director of Health, and

(iii) implemented the recommendations without delay.

Assurances were received from the president of the committee of management, Mr Seitz, in respect of these matters. However, subsequent to the issue of our report we have become aware of action taken contrary to the undertakings given. These are:

A letter from the president of the committee of management on the letterhead of CHC addressed to local members of Parliament which states in part—

"The Committee of Management sincerely believes that the report to the Minister contained many errors of fact and the conclusions and/or recommendations that flow from data that this error cannot be allowed to be implemented."

The appointment of Mr Howard Brown, an associate of Mr Seitz, to the position that was left vacant through the dismissal of Gary Cameron.

. . . . .

Our report stated that the centre's management must take pains to avoid even the appearance of nepotism, cronyism or patronage in any of its dealings. We further recommended that no appointment be filled without a public advertisement and a formal process of appointment.

In our view the appointment and continued employment of Mr Brown contravenes a major recommendation of the report in that the position was not advertised and the appointee is an associate of a member of the management committee.

. . . . .

(i) there is resistance to adopt some of the recommendations, particularly handing over responsibility for the children's centre to an independent committee;

(ii) staff are naturally uneasy due to continuing controversy concerning the centre;

(iii) although verbal assurances were given, the committee of management has not taken a leadership role in initiating the adoption of recommendations, particularly those recommendations which can be simply and speedily implemented.

1. (*b*) Additional information obtained on issues canvassed in our report dated 2 April 1986.

This is particularly in regard to the community health centre manager, Mr Henry Roach, and I shall now quote from that part of the report on page 4:

Further allegations have been made concerning Mr Roach and his staff spending time on "oil company" business. However, as reported in our first report we have found nothing to date which indicates his involvement within normal business hours is more than minor. We are continuing our investigation of these later allegations.

The second matter on which I asked for a report is on new matters raised, and Deloitte Haskins and Sells had the following to say:

As you are aware, we placed advertisements in both the *Sun* and *Age* newspapers to ensure the public were aware of your request that we make further inquiries.

On point 3, a suggested time-table, they said:

We consider we will require a further six weeks to consider the additional allegations received and report thereon.

From the Government's point of view, it welcomes their assistance and looks forward to that further report. On the fourth matter, headed "Matters that cannot be satisfactorily considered by our firm", they said:

One matter raised was in respect to investigations made by the Federal Police into alleged Medicare fraud in 1979. We attach a report issued by the Australian Federal Police on 10 August 1981 advising that it was not intended to take any further action. We consider we can satisfactorily resolve all other issues raised with us.

That report from Mr A. Morley, Chief Superintendent of the Southern Division of the Australia Federal Police, states:

Pursuant to this conversation. . .

That was regarding the St Albans Community Health and Resources Centre—

. . . it is not intended to take any further action on these matters due to a number of factors; including (*a*) the length of time since the alleged commission of the offences, (*b*) the amount of monies involved and (*c*) the doubtful strength of the witnesses considering the time elapsed since the original complaints.

On the fifth issue of recommendations on immediate action to be taken, the report states:

As stated in the previous report there are a number of major changes needed to police development, employment and management practices and resource utilization if the community health and resource centre is to provide an effective service to the St Albans community.

The action taken or continued by the committee of management since the issue of our first report, including:

the letter from Mr Seitz to his Parliamentary colleagues;

the employment of Mr Howard Brown;

the proposed appointment of a children's services co-ordinator in a hasty manner which we take to be in contravention of our recommendation that control of the children's services centre be taken over by a separate committee of management,

leads us to the revised view that the committee of management is not the appropriate authority for implementation of our first report recommendations.

In addition, the present situation at the centre is becoming quite unstable because of—

low staff morale caused by the continuing public debate about operations at the centre;

new allegations concerning possible mismanagement;

industrial action by the Hospital Employees Federation.

We have already reported many instances of mismanagement and policy misdirection in our first report but in view of these additional matters we can only conclude that the existing committee of management is not competent to continue management of the centre.

In accordance with section 43A of the Hospitals and Charities Act we therefore recommend the appointment of an administrator to control the operation of the centre and to supervise the implementation of the recommendations included in our first report.

It is signed Deloitte Haskins and Sells by the partners Alan Flanders and Ian Blair.

Naturally, I welcome, on behalf of the Government, the report and look forward to hearing from them again in approximately six weeks.

In response to that report and further to the Ministerial statement, I indicate that the Government has taken the following action in accordance with section 43A of the Hospitals and Charities Act.

1. On the advice of the chief general manager that in his opinion the centre is inefficiently and incompetently managed, I recommended to the Governor in Council that he appoint a fit and proper person as administrator of the St Albans Community Health and Resources Centre.

2. The Governor in Council has this morning appointed Mr Bill Newton as administrator of the St Albans Community Health and Resources Centre.

3. Mr Newton will take the place of the committee of management of the centre and the members of the committee of management will cease to hold office.

I wish to say that the Government has the highest confidence in Mr Newton. I regret in the strongest possible terms the inexcusable attack on his integrity by Mr Birrell in the House. Mr Birrell stated that Mr Newton is a member of the Labor Party. He is not. Mr Birrell stated, "Mr Newton is an apologist for the community health centre" and was involved in a cover up. Mr Newton is not and never has been a member of any political party. His integrity is unchallenged and his expertise in community health is acknowledged throughout the field. Mr Newton was for eight years the Manager of the West Heidelberg Community Health Centre and is currently on secondment from there to Health Department Victoria. His knowledge of community health was further widened by his two years service as the Executive Officer of the Ministerial Review of Community Health Services and in his position as Chairperson of the Community Health Implementation Committee. I am confident that, under Mr Newton's leadership and with the continued assistance of Deloitte Haskins and Sells, the problems at the St Albans centre will be speedily resolved.

By leave, I move.

That there be laid before this House a copy of a further report to the Minister for Health on the St Albans Community Health and Resources Centre.

The motion was agreed to.

The Hon. D. R. WHITE (Minister for Health) presented the report in compliance with the foregoing order.

The Hon. D. R. WHITE (Minister for Health)—By leave, I move:

That the report do lie on the table and be printed.

The motion was agreed to.

The Hon. M. A. BIRRELL (East Yarra Province)—By leave, I move:

That the Ministerial statement and report be taken into consideration forthwith.

The motion was agreed to.

The Hon. M. A. BIRRELL (East Yarra Province)—I move:

That the Council take note of the Ministerial statement and report.

The sacking of the committee of management of the St Albans Community Health and Resources Centre is a massive vindication of the Liberal Party's stand and attack on that committee and the mismanagement of and impropriety at the St Albans centre.

The statement made by the Minister today is simple proof that what we said two weeks ago was correct—and manifestly so. Despite the fact that the Australian Labor Party would like to believe otherwise, the incompetence and impropriety have been proved beyond reasonable doubt. It is not simply today's Ministerial statement that is relevant, we must compare it with the Minister's statement two weeks ago.

Two weeks ago the Minister for Health said in Parliament that there was "no evidence to support the quite serious allegations of impropriety" at the community health centre. He concluded that there were "no improper" practices at that centre.

On 16 April, two weeks ago, the Minister cleared the committee of management of any impropriety. Two weeks ago he said that he accepted the Deloitte Haskins and Sells report, which also cleared the committee of management and did not recommend any penalties against it. Two weeks ago, he said, "I want to wash my hands of it; let's not bring it up any further". Worse than that, he accepted the controversial Deloitte Haskins and Sells report and accepted the recommendation at page 18 of the report that "the changes should be carried out by the committee of management". That related to the changes recommended in the report. The Minister for Health also accepted the recommendation that "the decisions themselves must be made by the committee of management".

It is rank hypocrisy that at that time the Minister for Health cleared the committee of management of any fault and attempted to take attention away from the ALP, and today, because the Liberal Party has forced him into it, he says, "Yes, you were right. Yes, these ALP friends of mine have been improper. Yes, they must go".

Had it not been for the Liberal Party's resolute belief that this type of gross mismanagement should be exposed, the Minister would have let it all go by. Thank goodness for the Legislative Council's capacity to bring the ALP into question and to ensure that these improprieties are exposed. Had it not been for the Liberal Party's stance on this issue, the Government would have swept it under the carpet.

I make it clear that the Minister's statement today does not go far enough. I shall outline in detail what the Opposition believes must be done and I hope the Minister will listen. If he had listened two weeks ago, he would have been able to clear it up then. If he listens now, he will be able to avoid a further blot on the Cain Government's track record.

I want to comment on the sacked committee of management that the Minister said has to go. The chairman of that committee is Mr George Seitz, MP. He has been found wanting by his peers. He has been criticized by a senior Minister. He has been clearly shown to be involved in mismanagement through his chairmanship of that committee. The Premier should be seeking his resignation from Parliament because, clearly, he has lost the confidence of the Government.

I wonder whether the Premier stands by his comments in the ALP election brochures that were issued when Mr George Seitz was elected to Parliament. At that by-election, the Premier, in a letter signed by him, said: "We are fortunate to have a man of the calibre of George Seitz to run for us". He then concluded with a plea to voters: "My Government needs a man like George Seitz in Parliament". It is all here in print.

Does the Premier now have a comment to make? Is this the type of man whom he wants in Parliament now? He has just been dismissed from the committee of management of a public facility. Surely the Premier has passed judgment on George Seitz. Surely he must ask George Seitz for his resignation from Parliament.

This is not the first time that George Seitz has been in trouble and it is not the first time that the ALP has been embarrassed by him. Not long after his election, a major inquiry was conducted into whether there had been irregularities in the voting in his branches. On 5 August 1983, it all came to the surface when the newspapers of the day spoke about the irregularities. People who had voted had been dead for many years. A full inquiry was held.

Mr Landeryou nods; he knows all about it! It was his faction that lost it that time, but it put the heat on and the heat went straight to George Seitz. Let us not just regard him as the chairman who has been dismissed. He is also a senior member of the ALP, a former member of the Administrative Committee of the ALP and is a Parliamentary colleague of the Minister for Health.

If he is not good enough to run a community health centre, how in Heaven's name can he be good enough to be a member of Parliament? If he cannot be defended and if he has been sacked from the committee of management, he must be gotten rid of. How can the Minister, at the next meeting of the ALP caucus, sit down next to him and say, "Hi, George, how are you? Is everything going well?" I suspect that the Minister does not even talk to George Seitz because of what has happened to George.

We were told this morning that George Seitz had been sacked from the committee of management. The Minister had not told him. Indeed, it was one of my Parliamentary colleagues who broke the news to George! George has not had the chance to be consulted by the Minister for Health. The ALP factions do not talk to each other. It is a simple message reflecting the split in the party and a simple message showing the distrust among members.

It is not only George Seitz who has been sacked. It is a cavalcade of ALP branch members who have now bitten the dust. Just in case they come back, and they probably will, let us place their names and their full backgrounds on the record.

This is the Committee of Management of the St Albans Community Health and Resources Centre. President: Mr George Seitz, MP, former member of the ALP Administrative Committee, former member of the disgraced and sacked Keilor council, a member of the socialist left executive and a member of the Keilor Downs branch of the ALP; vice-president, Cr Norm Buckley, Mayor of Sunshine, member of the socialist left, and member of the Glengala branch of the Labor Party. The other vice-president is Mr Mario Camilleri, Secretary of the Malta Star of the Sea organization, a noted numbers man for George Cini. The honorary treasurer is Ms Sue Lockwood, member of the socialist left, member of the St Albans Branch of the ALP, member of the Administrative Committee of the ALP, Victorian Branch.

Among the committee members are: Mr Marcus Abdelmessih, JP, member of the socialist left, St Albans branch, lives in a house owned by George Seitz; Mrs Carmen Cini, member of the socialist left, St Albans East branch; Mrs Trudi Elliot, ALP member, close friend of Ms Sue Lockwood, the treasurer of the centre; Mr Sid Ordanis, socialist left, St Albans branch; Mr Anthony Sica, ALP supporter, noted ally of George Seitz and director of St Albans Health Services Pty Ltd.

The list goes on and on. Not one member of the committee that was sacked is not closely allied with the ALP.

The people who have been thrown out by the Minister for Health today are branch members in his own electorate. No mention has been made of that, of course. No mention has been made of the fact that party members have fouled the nest.

How many others have not been caught out simply because the Liberal Party has not yet exposed them in this place?

We believe all of the people mentioned should not be serving on any public bodies. We believe it was right to sack them. However, the Government has not gone far enough. More action must be taken. The Government's response lacks sincerity and credibility.

The failure of the Cain Government to act decisively on this issue has been because ALP personalities are involved and a fuller inquiry would expose their gross improprieties and would harm the Government and the Minister in his own electorate.

The first major step that should now be taken is for the Government to appoint an independent board of inquiry into the community health centre and related bodies. Although we have every faith in the integrity of Deloitte Haskins and Sells as a firm of accountants, we do not believe this inquiry is a proper role for any firm of accountants to fulfil. The inquiry brief is too wide for that type of professional body; also, the inquiry must cover not only the community health centre but also other related bodies.

A board of inquiry should be established with the power to subpoena witnesses, to hear evidence on oath and to offer legal protection to those who would volunteer evidence but will not volunteer it now because of fear of the consequences.

The second major action that should be taken immediately is a change in the laws relating to community health centres.

It is no good saying that the Liberal Party has uncovered a mess at St Albans and that the Government will fix it up by sacking the committee of management. The Opposition wants to ensure that this never happens again at any other community health centre.

The Opposition suggests that the Government properly research the changing of laws as they relate to community health centres. In particular, the Government should introduce the public hospital style system of appointing boards of management and no longer allow members to be elected by so-called $2 contributors. That system was removed from the public hospital area and should be removed immediately from the area of community health centres. Those boards of management should be appointed by the Government on the advice of local people, as occurs in the public hospital system.

The second major change is that the Government should have the power to force the managers of community health centres to be appointed only on the written approval of Health Department Victoria and only following departmental involvement in the selection of community health centre managers. That would give Health Department Victoria a direct role in the management of those centres. It currently lacks that role and, as a result, weaknesses are manifest in the system.

The third major area on which the Government must act relates to nepotism. The first report of Deloitte Haskins and Sells was almost silent about the consequences of nepotism, cronyism and patronage within the community health centre. Something must be done to rid the community health centres of people who should not be in their positions; that is, those who would not have been appointed on the grounds of merit. The report makes no comment, and nor does the Minister.

Honourable members should consider the position of some of the people who are on the public pay-roll but who today are free from criticism because the Cain Government does not want to criticize them.

The first person I refer to is Mr Howard Brown. He is a member of the socialist left.

The Hon. W. A. Landeryou interjected.

The Hon. M. A. BIRRELL—Which faction is he from?

The Hon. W. A. Landeryou—All three!

The Hon. M. A. BIRRELL—Mr Landeryou, who ought to know, claims Mr Brown is from all three factions of the party. I shall just say that Mr Brown is a member of the Labor Party. I shall not attempt to work out which faction he is from. It is harder to get computer print-outs of the factions to which Labor Party members belong than it is to get the general membership lists.

Mr Brown is also a former member of the disgraced and sacked Sunshine council. He was recently employed by George Seitz in the community health centre, without having a particular role to play. He is a numbers man, a hatchet man, a machine man——

The Hon. W. A. Landeryou—You obviously don't know Howard!

The Hon. M. A. BIRRELL—It is important to have that comment recorded in *Hansard.* I did not say he was a "successful" numbers man, but perhaps I could suggest that he would like to be known within the system as an "operator", but nevertheless he was a public employee. The Minister intimated in his statement that he could not work out why Howard Brown was on the pay-roll and the Opposition joins with him in asking that question.

I recommend that those Victorians who are following this issue read the report of the board of inquiry into the finances of the City of Sunshine. The report was tabled in 1976. It deals with corruption and impropriety within the City of Sunshine, which led to the council being sacked. Who happened to feature almost chapter by chapter in the report? None other than Howard J. Brown, who resigned from the council in February 1976. He is obviously a man of foresight because it was only weeks later that the council was sacked. He is a close ally and employee of George Seitz.

Another person about whom I shall ask questions is Mr Ian Mill. Ian Mill is a former Australian Labor Party mayor of the sacked Sunshine City Council. He is also mentioned frequently in the board of inquiry report. He was a failed candidate for ALP preselection for the Federal seat of Lalor in 1977 and was a failed candidate for ALP preselection for St Albans in 1982.

The Hon. B. W. Mier—He was re-elected to the Sunshine City Council.

The Hon. M. A. BIRRELL—He was also a member and senior officer of the Victorian Branch of the Australian Labor Party. It must also be remembered that he was a director of the St Albans Health Services Pty Ltd, along with Mr Tony Sica, whom I commented on previously.

One realizes what an easy task it is to sack a committee of management in that context. I suspect there will be political discussions within the Australian Labor Party on what to do with people on the public pay-roll. No comment has been made so far. Taxpayers' money is being used in the Federal Budget to employ members of the socialist left and perhaps members of one or two other factions of the Australian Labor Party.

What about the Cinis? It is worth while recounting this story. Carmen Cini, until a few moments ago, was a member of the committee of management of the community health centre. George Cini is the social worker at the centre and a member of the St Albans East branch of the socialist left as well as a former member of the committee. He is also a leading influence in the Malta Star of the Sea Welfare Services, being the secretary of that organization. Jack Cini, who is George's brother, is the cleaner and driver at the community health centre. Mary Cini is the medical receptionist at the centre. Sue Cini is the daughter-in-law of George Cini, and works for the children's services centre. Two other relatives of the Cini family also work at the centre.

Not one comment has passed from the Minister's lips on whether he found this improper, unusual or, to place the matter in proper context, unacceptable. The Cini family does very well out of the community health centre and the public has a right to know why they are all involved.

More importantly, it should be indicated in the context of a Ministerial statement whether the centre is in order, whether the Government agrees with it and whether it will protect the public funds that are involved in the centre.

I have also commented on the position of Mr Henry Roach, the administrator and manager of the centre. The Minister did not make it clear in his statement whether Mr Henry Roach—the man who ran an oil company from the community health centre—will be disciplined, criticized or have some other action taken against him.

It is widely acknowledged that Mr Roach is the person who runs the centre in terms of finance and administration. Some have said that if he were running a small business he should be given a pat on the back for "innovation". However, he is not. He is running a public health facility which requires accountability and total integrity. I believe it is not being run in the public interest. The Opposition asks why it is not.

The fourth step that must be taken involves Federal Ministers. The Minister for Health has done nothing to direct this matter to the attention of Federal Ministers for health, community services and immigration and ethnic affairs. When my colleague, Mr Knowles, raised the matter in this place in a question without notice on 30 April 1986, asking why the Federal Government had not been advised of the impropriety and misuse of public funds, the Minister replied, "No action to that effect has been taken to date". I ask: why not?

Federal funds are involved, but the Minister for Health has not even told his Federal colleagues that the allegations are so serious. He sacked the committee of management, but has not bothered to tell them that some Federal money has been diddled.

Even the rather lightweight first report of Deloitte Haskins and Sells said there were real reasons to think twice about the way Federal money was used at the community health centre. No action has been taken to make additional inquiries, especially in the context of Medicare fraud and in the context of having better management of Federal money by the State facility.

I suppose it could be said that the Federal Government would just hope that a State Government would run its community health centres well, so that it would not need to be involved. That is not the case. In Victoria there is a malaise caused by poor management in many community health centres, and the State Government is guilty.

The fifth issue to which I refer concerns the tightening up of departmental oversight of Victorian community health centres. It is not good enough for the Minister to focus all blame on the management. What about focusing some blame on his own department and taking some of the blame himself? As the Minister responsible for Health Department Victoria, he has the responsibility for what the department does and does not do.

It is absolutely and abundantly clear that the department has failed in its task to ensure proper oversight of community health centres. One of the reasons for that is that community health centres have been treated as untouchables; they are considered to be sacrosanct and beyond political criticism because of the shrieks one hears if ever one dares to criticize a community health centre. The Opposition dares to criticize one—and there are others. The departmental oversight should be improved.

Under the Freedom of Information Act a letter was released to me from Health Department Victoria which says much about the inadequacy of the department. It is no response to say, "It might have been bad during the previous Government". The Liberal Party lost the election and the Labor Party promised accountability and efficiency. Obviously that has not taken place.

The letter, which is dated 23 May 1984—honourable members should note the date—is signed by Mr David Webb, the Acting Secretary of the Hospitals Division of the then

Health Commission. It was addressed to the Administrator of the St Albans Community Health and Resources Centre, and stated:

> Dear Mr Roach,
>
> My attention has been drawn to the fact that this division has not as yet received the two (2) copies of your centre's published annual report, including an audited financial statement for the years ended 30 June 1980 and 1983.

That is how up to date the department is.

Health Department Victoria did not have the annual reports and financial statements of the St Albans Community Health and Resources Centre for four years. That lack of oversight is inexcusable. The Ministry has not made any comment about how the department will lift its game.

In conclusion, I did not mention only one community health centre when I aired the issue in Parliament two weeks ago; I mentioned three of them. Apart from the St Albans Community Health and Resources Centre, I mentioned the centres at Collingwood and Brunswick. I spoke about the mismanagement, the fantastic losses and the clear improprieties that had occurred.

The PRESIDENT—Order! Mr Birrell may debate only the report on the St Albans Community Health and Resources Centre.

The Hon. M. A. BIRRELL—At a later stage I look forward to the Minister reporting on the situation with the Collingwood and Brunswick centres. A simple statement that he has full faith in their management would suffice. I bet he does not do so.

The problems in the St Albans Community Health and Resources Centre are symbolic of the problems in many community health centres. I realize that this does not apply to all community health centres.

What is the characteristic link between the sacked Sunshine City Council, the sacked Keilor City Council and the sacked committee of management in St Albans?—Every one was controlled by the ALP! The Richmond City Council and other councils that ought to be well and truly sacked are all controlled by the party of the Minister.

The simple conclusion that can be reached is that the Liberal Party was able to bring impropriety to the attention of the Minister because he was not aware of it and the department was not aware of it. The Liberal Party forced an inquiry that the Minister and the department did not want. The Liberal Party has opened the can on bad community health centres and it will keep on doing so. The Minister should not think he is finished his work on this project because the issue is a long way from being closed.

On the motion of the Hon. B. A. CHAMBERLAIN (Western Province), the debate was adjourned.

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

STATE ELECTRICITY COMMISSION (AMENDMENT) BILL (No. 2)

The debate (adjourned from the previous day) on the motion of the Hon. D. R. White (Minister for Health) for the second reading of this Bill was resumed.

The Hon. ROSEMARY VARTY (Nunawading Province)—The Opposition supports the Bill, but with one or two reservations on which I shall elaborate as I deal further with the Bill now and during the Committee stage. The State Electricity Commission supplies power to the State either directly or through the eleven municipal undertakings that purchase bulk electricity from the commission. The commission not only generates, transmits and distributes power, but it also plans the future utilization and harnessing of our energy resources.

In addition, over a number of years, the commission has developed a vast amount of expertise. One of the purposes of the Bill is to enable the commission not only to provide advice but also to provide services to countries such as Indonesia. The Opposition agrees with that being done.

In the second-reading speech, the Minister said that the amendment was necessary to qualify and extend the powers and duties of the commission. The Opposition agrees with some of those extensions but there are one or two about which it is unhappy and which will be the subject of amendment, especially the delegation of powers which the Opposition finds unacceptable.

Some of the changes in the Bill are for the better.

The Governor in Council now has the ability to approve the installation of certain equipment where no element of danger is involved. This would apply to items of new building equipment—for example, pre-wired skirting boards—where there is no need for the services of an electrician. The Bill also provides that large installations—for instance, the Alcoa of Australia potline, where only a small portion is electrified—will not require the services of an electrician, as such, to handle any problems that might occur.

It provides that the Governor in Council can break that into sections so that we are not faced with demarcation disputes.

Another interesting amendment, on which I shall seek clarification in the Committee stage, relates to the ability of the Minister to approve contracts involving amounts of more than $1 million. I can foresee the Minister being faced with a pile of paperwork, and I am not sure how that will be handled. Although the Opposition agrees with that in principle, it boggles the mind as to how it will be handled.

The Opposition is pleased that the Legislative Assembly amended clause 18 to remove the need for the consumer to prove wilful negligence when bringing any charge against the commission. That provision created an almost impossible situation where a customer would have been unlikely to obtain redress from the commission.

I do not need to comment further at this stage. However, I shall speak further in the Committee stage on some of the points I have raised.

The Opposition supports the general provision but points out that the Bill does not come to grips with many of the issues that need to be faced.

The Hon. K. I. M. WRIGHT (North Western Province)—The National Party will not oppose the Bill. It consists of a number of machinery provisions. I reserve the right to speak during the Committee stage.

The motion was agreed to.

The Bill was read a second time and committed.

Clause 1 was agreed to.

Clause 2

The Hon. D. R. WHITE (Minister for Health)—I move:

1. Clause 2, line 8, omit "21" and insert "26".
2. Clause 2, line 10, omit "21" and insert "26".

The amendments were agreed to, and the clause, as amended, was adopted, as were clauses 3 to 6.

Clause 7

The Hon. ROSEMARY VARTY (Nunawading Province)—The Bill does not define "services". I am concerned that the clause may mean that the commission can do anything anywhere at any time. I seek clarification on that point.

The Hon. D. R. WHITE (Minister for Health)—I understand that Mrs Varty has some concern about the municipal electrical supply undertakings. The Bill is not designed in any way to be used as a sleight of hand to diminish the current powers and role of those undertakings. It relates only to the services currently provided by the State Electricity Commission.

The clause was agreed to, as was clause 8.

Clause 9

The Hon. D. R. WHITE (Minister for Health)—I move:

3. Clause 9, page 6, line 21, omit "section" and insert "Part".

4. Clause 9, page 6, line 32, omit "Victorian" and insert "Australian".

The amendments were agreed to, and the clause, as amended, was adopted, as were clauses 10 to 18.

Clause 19 was verbally amended, and, as amended, was adopted.

Clause 20

The Hon. D. R. WHITE (Minister for Health)—I move:

6. Clause 20, line 5, after this line insert—

'( ) in sub-section (2) omit "of the Governor in Council" '.

The amendment was agreed to, and the clause, as amended, was adopted, as was clause 21.

Clause 22

The Hon. ROSEMARY VARTY (Nunawading Province)—I move:

Clause 22, line 12, omit "including" and insert "save for".

The clause appears to allow the commissioners to delegate their power of delegation. I have never before come across the power to delegate the power of delegation. I suspect that it is intended to allow for sub-delegation, but that is not what the clause provides and the Opposition will not accept it, as drafted.

The Hon. D. R. WHITE (Minister for Health)—Would Mrs Varty be prepared to accept an amendment to include the power of sub-delegation? The Committee could insert "sub-delegation" on line 13 of clause 22.

By leave, the amendment was withdrawn.

The Hon. ROSEMARY VARTY (Nunawading Province)—I move:

Clause 22, lines 12 and 13, omit "this power of delegation" and insert "the power of sub-delegation".

The Hon. K. I. M. WRIGHT (North Western Province)—Would the Minister explain to the Committee the need for this sub-delegation?

The Hon. D. R. WHITE (Minister for Health)—With respect to this power, clearly if the commissioners are not available as they are interstate or not accessible in the country as a body corporate the power of delegation resides in an officer—obviously this would not occur frequently—who for whatever reason is involved in an accident or is not easily available, that power of delegation can be sub-delegated to some other officer for the purpose of ensuring that the day-to-day activities of the commission can continue in an emergency situation. The clause is not designed to allow the possibility that the State Electricity Commission commissioners or other officers with powers of delegation subvert the responsibilities that have been provided to them. We are dealing with a responsible organization that has a long history, and this clause is designed to ensure there are powers for people to act when either the commissioners or another officer with power of delegation is not available.

The Hon. F. J. GRANTER (Central Highlands Province)—I understand the Minister and I agree with him. However, I suggest that that sub-delegation should be delegated to a senior officer.

The Hon. D. R. WHITE (Minister for Health)—I am happy to accept that suggestion if Mrs Varty is prepared to incorporate that in her amendment.

The Hon. ROSEMARY VARTY (Nunawading Province)—There is no doubt in the view of the Opposition that what is written in the clause will enable the commissioners to delegate the powers of delegation. In the original amendment I moved and I subsequently withdrew I suggested that the word "including" was to be replaced with the words "save for" which would have provided that there was no way that power of delegation could be delegated.

That does not overcome the difficulty of allowing for sub-delegation, which is a completely different approach. My original amendment prevented the power of delegating the power of delegation and if we are to include the ability to sub-delegate a function or a power other than the power of sub-delegation, we certainly would need to include a further amendment.

The Hon. D. R. WHITE (Minister for Health)—The Government is happy to include the power of sub-delegation to a senior officer.

An Honourable Member—That is exactly the same.

The Hon. D. R. WHITE—No, it is not.

The Hon. R. I. KNOWLES (Ballarat Province)—I understand what the Minister is saying but I believe we then need to go on to say, "but excluding the power of delegation itself".

The Hon. D. R. WHITE (Minister for Health)—In view of the Committee's discussions I believe the Committee would be assisted by postponing this clause. I, therefore, suggest that the Committee agree to postpone this clause.

The clause was postponed.

Clause 23 was agreed to.

Clause 24

The Hon. D. R. WHITE (Minister for Health)—I move:

7. Clause 24, page 14, line 3, omit "(1), (4),".

The amendment was agreed to, and the clause, as amended, was adopted, as was clause 25.

Clause 26

The Hon. D. R. WHITE—I move:

8. Clause 26, lines 19 to 26, omit all words and expressions on these lines and insert—

Undertakers may prosecute

"48A. (1) Any undertakers may lay informations or complaints and may take proceedings for the recovery of a penalty for any offence under this Act committed within that undertakers' area of supply.

(2) For the purposes of sub-section (1), any undertakers may appoint a person to lay informations or complaints on behalf of the undertakers or to represent the undertakers in any proceedings before a magistrates' court.".

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

Progress was reported.

FIRE AUTHORITIES (AMENDMENT) BILL (No. 2)

The debate (adjourned from the previous day) on the motion of the Hon. J. E. Kirner (Minister for Conservation, Forests and Lands) for the second reading of this Bill was resumed.

The Hon. F. J. GRANTER (Central Highlands Province)—Members of the Liberal and National parties are always interested in amendments to the Fire Authorities Act because they appreciate the services of the fire authorities in both metropolitan and country areas.

Although the Bill is a small Bill containing fourteen clauses, it is an important Bill. Country Victoria has not had a bad fire season this year and the weather conditions have not been conducive to fires. The average number of declared total fire ban days some years ago was approximately eleven and, this year, there have been approximately seven or eight declared total fire ban days. Much of the credit for the light fire season must go to the Country Fire Authority, the Metropolitan Fire Brigades Board and the Division of Forests, together with other departments that have fire-fighting organizations.

The only bad fire that occurred in my province was a fire at Metcalfe on 8 February. It had the potential of being a large fire, but was contained by the efforts of the Country Fire Authority, the Division of Forests and other organizations that attended the fire, including many private units.

I would be lacking in my duty if I did not pay tribute to the Chief Officer of the Country Fire Authority, Mr Brian Potter, and the Chief Fire Officer of the Metropolitan Fire Brigades Board, Mr Laurie Lavelle. The Minister for Conservation, Forests and Lands, in her second-reading speech, said that the Bill makes several amendments to assist in the reduction of fire risks in country areas. That is real so far as country people are concerned, but the Bill does not appear to do a great deal.

Clause 7 deals with the safety features of certain tractors, engines and machines and provides for the fitting of spark arresters. I believe this clause to be the most important in the Bill.

The Bill provides for the rationalization of the service of the Metropolitan Fire Brigades Board and that is a good idea, because, with changing population trends, new buildings have had to be constructed and some of the stations have become redundant.

A clause deals with the compulsory acquisition of new sites and I suggest to the Minister that a number of disused service stations around the city may be excellent sites for stations for the Metropolitan Fire Brigades Board because they are situated on corners of main roads and are easily accessible by fire trucks.

I agree with the clause relating to delegation of authority. It is a necessary provision with big businesses, and fire-fighting organizations are big businesses. The Minister, in her second-reading speech, stated that ignition of long grass is high on the list of the primary causes of larger fires.

I am not sure how many fires are started by tractors or large construction equipment with faulty spark arresters, but the Bill prescribes that, from 1 November 1986, all tractors and self-propelled vehicles and certain construction vehicles must not be sold unless the vehicle is fitted with a spark arrester that complies with Australian Standard 1019—1985. I hope the provision will work but I am not sure whether the spark arresters are available for old construction implements. Perhaps the Minister can clarify that point.

Spark arresters are an important item on tractors and I am sure that if a farmer had a tractor with a faulty spark arrester, he would not use it in a paddock that had long grass and that had the potential for fire, especially on a high fire risk day. Farmers are always vigilant about the possibility of fires and if their equipment is faulty they are the first to have it rectified.

A further provision in the Bill allows the proper officer of a municipality to send to a person who has a fire hazard a notice by ordinary post rather than the more costly registered mail. I agree with that provision. The postal services are reliable and are capable of ensuring that notices are delivered.

The final provision empowers the Victorian Public Service Association to nominate a representative to assist the Country Fire Authority Appeals Tribunal. Nominees of the United Firefighters Union already assist the tribunal and I see nothing wrong with the association having a nominee on the tribunal.

The Liberal Party supports the Bill and is thankful for the efforts of the Country Fire Authority, especially volunteer organizations and professional officers who assist in the controlling of fires throughout the State.

The Hon. K. I. M. WRIGHT (North Western Province)—The National Party does not oppose the Bill. The Bill contains some miscellaneous clauses that do various things and I would be repetitious if I went through each clause and repeated what Mr Granter has already stated.

I fully agree with Mr Granter's remarks concerning the Metropolitan Fire Brigades Board and the Country Fire Authority which provides an excellent service in protecting life and property. The Country Fire Authority has more than 100 000 volunteers who do an excellent job.

There is some disquiet in rural Victoria about the powers of delegation contained in the Bill. Perhaps the Minister could explain why it is necessary to introduce the clause with this provision.

The motion was agreed to.

The Bill was read a second time.

The Hon. J. E. KIRNER (Minister for Conservation, Forests and Lands)—By leave, I move:

That this Bill be now read a third time.

In so doing, I thank honourable members opposite for their support of the Bill. I thank Mr Granter for his usual fair-minded and experience-based contribution and for his faith in Australia Post. I assure him that the Government has as great a concern on matters involving emergency services as does the Opposition. I believe the Minister for Police and Emergency Services has shown tremendous courage and commitment in attempting to achieve a better service for Victorians.

I also thank Mr Wright for his contribution. He asked me about the powers of delegation and I am unsure about what he means. I shall take up the matter with him in an attempt to resolve his concern.

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

TRANSPORT (VICTORIAN PORTS AUTHORITY) BILL

The debate (adjourned from November 14, 1985) on the motion of the Hon. E. H. Walker (Minister for Agriculture and Rural Affairs) for the second reading of this Bill was resumed.

The Hon. ROBERT LAWSON (Higinbotham Province)—The Bill has been around Parliament for some time. The second-reading debate took place in the Lower House in November last year so the Bill has been on the Notice Paper for six months. I have been prepared on so many occasions to speak on the Bill that I feel like a bride trembling at the altar at last. I am not enthusiastic about the Bill and like some brides am tempted to say "No".

The Opposition intends to oppose the Bill in its current form because if fails to see its value. Why should Victorian ports be controlled by an overriding authority? They have worked well to this time and continue to operate efficiently. It is difficult to understand why an overriding authority is being imposed on them for no reason. Perhaps it is just another opportunity of supplying jobs for the boys.

The benefits that will flow from the creation of this new authority are not clear. Members of the Opposition have had discussions with the Minister for Transport today. He informs us that amendments would be made to the Bill in the Committee stage, but they were not satisfactory. This is the last or second-last day of the sessional period and the Opposition cannot do anything about proposed amendments. The Liberal Party must consult with its members and the community and inform them that the Minister proposes to do certain things. There is no possibility in the short time available of gaining agreement on the issue. There is no certainty that members of the Liberal Party will agree that the Bill should not be opposed, so the Opposition is forced into rejecting the Bill according to its previous decision.

The Minister for Agriculture and Rural Affairs outlined reasons in his second-reading speech why a new port authority should have control over ports. He stated:

> Victoria's ports serve a variety of needs. The port of Melbourne essentially serves as the premier trading port for commerce and industry, and Westernport has a major oil industry handling facility. Portland provides for western Victoria through grain handling and the handling of other agricultural requirements. Geelong has a dual role, handling both rural and industrial needs. All four ports are linked to the rest of the State through road and rail networks.

One reason he put forward for the creation of the authority is that the ports are in competition with one another. The Minister said that the new authority would rationalize services and provide consistent pricing and investment policies. He further stated:

> The current arrangement leads to great confusion in the minds of trading partners such as that which occurred recently in Japan when the Port of Geelong Authority actively sought to attract business from the Port of Melbourne Authority.

One reason the Minister believes Victoria should have a new port authority is because it will clear some confusion from the minds of the Japanese. Honourable members would not find any race in the world less confused than the Japanese when it comes to sniffing out a bargain. The Japanese, as a maritime race, recognize a shipping bargain and if they can obtain a better price in the port of Geelong than in the port of Melbourne or the port of Portland, that is the port they will patronize.

I do not understand how any reduction in manpower or costs will occur because local boards will be established to operate the ports of Melbourne, Geelong and Portland. Four boards instead of three boards will control the three ports, which is a strange way of seeking efficiency.

Members of the boards will be appointed by the Minister for Transport. The second-reading speech of the Minister does not mention elections to the board. In each case the board will comprise the chief executive officer of the local board and the managing director of the Victorian Ports Authority or his nominee.

The Bill specifies who the members will be but states that they will be nominated by the Minister rather than be elected. The second-reading speech of the Minister continues:

> The VPA will be the fifth authority established under the Transport Act 1983 and will combine the present functions of the Port of Melbourne Authority, PMA; Port of Geelong Authority, PGA; and the Port of Portland Authority, PPA, as well as functions relating to the remaining thirteen proclaimed ports of Victoria.

Many of the provisions contained in the proposed legislation are admirable. The Bill deals with the control of boats within the ports, the procedures to be adopted when a ship is to be arrested, how the harbourmaster should go about it, what to do about oil spillages, and other valuable rules that are necessary to administer a port efficiently and properly.

However, most of the material has been lifted from existing legislation. There are a few new matters concerning the controlling of ports but in the main it has been reprinted from existing legislation. If the Opposition rejects the measure, nothing will be lost because the existing legislation remains and the control of the various ports will remain vested in the same people. The same patrols of the ports and the same apprehension of wrongdoers will occur. The Government cannot say that the Opposition is causing it any problems in that respect.

The Bill deals with costs and expenses, damage to hulls and so on, but those provisions have also been lifted from existing legislation. The various ports will continue to operate in the same manner. When the Opposition discussed this matter with the Minister for Transport, he said that he could do everything contained in the Bill under the collective powers that he already possesses, but he would have to do it in a slightly different way.

If the Minister wants to use existing legislation to control the three ports and create some sort of authority, he is at liberty to do so. In fact, some of the bodies concerned with this issue have already put forward proposals for him to do just that. The City of Geelong is one. In a letter dated 21 March 1986 to the honourable member for Gippsland West in another place, the Opposition spokesman on transport, the council stated—and I presume it is still of the same mind today:

> The Council of the City of Geelong wishes to again report its opposition to the Victorian port authority Bill.

Quite clearly the council is completely opposed to the Bill. The letter goes on:

> Further, recent developments have made legislation even more unnecessary. We have been informed that the Boards of the Ports of Melbourne, Geelong and Portland earlier this year presented a joint submission to the Minister proposing a Victorian Ports Council, which set out as part of its objectives three points the Minister is proposing as reasons for the legislation, viz.
>
> 1. rationalisation of port development,
> 2. determination of common pricing policies (not common prices),
> 3. commitment to the State Economic Strategy.
>
> It proposed self-regulation, with the Minister as arbitrator on those few occasions where the competing commercial projects of the ports lead to difficulty in agreeing where development should take place.

I am sure that you, Mr President, would be interested in any opinion that emanated from the City of Geelong. The letter is signed by Hayden K. Spurling, a gentleman no doubt known to you, Mr President. It continues:

> This council is of the opinion that loss of autonomy of the Port of Geelong, or transfer of control from a local board to a Melbourne based bureaucracy would be unwise and will inevitably lead to a diversion of commercial and industrial development from Geelong.

I am sure that you, Mr President, would be the last person in this House to want any development to be removed from Geelong and proceed to the dreaded bureaucracy in Melbourne. I look forward to your support when the Bill is voted on.

The Bayside Councils Association has also written to the honourable member for Gippsland West, the Liberal spokesman on transport. That association is not prepared to support the Bill in its present form.

Its principal area of concern is the extent to which the proposed Victorian Ports Authority will have planning control over coastal waters. The association has carefully examined the Bill but cannot envisage how the authority could extend its control over coastal waters. It also mentions the lack of balanced representation on the authority. This is obviously self-interest because the association wants a local government representative on the authority. One cannot blame if for that. The association has a close knowledge of and an interest in what occurs in Port Phillip Bay and outside it. The association also mentions in its letter the same proposal that I mentioned a short time ago.

The Victorian Farmers and Graziers Association has also expressed its opposition to the creation of the authority. That association has a close interest in the operations of

Victoria's ports, especially the ports of Portland and Geelong which are large grain-handling ports.

The Hon. B. P. Dunn—And live sheep.

The Hon. ROBERT LAWSON—All ports throughout Victoria are of interest to the association. It also is opposed to the passage of the Bill in its present form. It puts forward the same proposal about the restructuring of Victorian ports rather than passing the Bill. I shall not read this long and comprehensive proposal except to state that the VFGA supports a Victorian Ports Policy Commission, which would have exactly the same role as the proposed Victorian Ports Authority but would not have a bureaucratic overtone or be as expensive to run.

The VFGA has written on two occasions because of its concern that the Bill should not become the law of the land. In its second letter it states that the Government must not be permitted to create another inefficient, monolithic structure. It refers to the economic disaster of the Victorian rail system under the administration of the State Transport Authority which, it claims, proves the inefficiency of large bureaucracy. We can only agree with the association that the inefficiency of large bureaucracies has been proved over and over again since the Government was elected.

The chairmen of the three large ports, Mr Samuels of the Port of Geelong Authority, Mr Vella of the Port of Melbourne Authority and Mr Harrison of the Port of Portland Authority have written to the Minister for Transport and enclosed papers for consideration outlining a number of suggestions about the future co-ordination arrangements for Victorian ports and to express their objections to the Bill. I shall not read those because they are lengthy.

An article appeared in the *National Farmer* of 19 September 1985 that will be of interest to country members. It is headed, "The cost of Australia's waterfront scandal", and states:

> This year the typical Australian export farmer will get a bill for $2000 courtesy of the waterfront trade unions—and he'll pay up without a murmur.
>
> The bill will be for a rising level of waterfront stoppages and delays for which Australia holds the unenviable title of second worst nation on earth.
>
> Large though it sounds, that bill is just part of a massive $12 000 slug which the average farmer pays for the privilege of having his produce shipped overseas. A big part of the slug is due to inefficiency, bureaucratic excesses, lack of competition, industrial turmoil and other shortcomings of the nation's waterfront.

It would be more appropriate for the Government to address these problems than to create a new bureaucracy. Serious problems on the waterfront boil up from time to time. If all port authorities in Victoria were concentrated in the one place, so too would the problems be concentrated there. Unless the Government is prepared to direct its attention to solving the problems on the waterfront, it is premature to bring forward this bureaucratic Bill that will give jobs to some people for reasons that are not clear to the Opposition nor, I believe, to the National Party. However, we will no doubt hear the contribution of the National Party.

The port of Melbourne is a fine port. It was discovered in 1835 by John Batman. From its commencement the port has been Victoria's premier port. An attempt was made to make Williamstown the capital of Victoria but that attempt failed.

Over the years there have been many changes to the port and today it is the largest container port in Australia. It services South Australia and Victoria and, in order to help service South Australia, a railway line was installed to Webb Dock. However, that railway is a broad gauge railway line and, according to the Public Transport Users Association, it is constructed of wooden sleepers and 50 kilogram light gauge rail.

According to the Public Transport Users Association, we are storing up trouble for ourselves in the future. The standard gauge rail line in Victoria is 60 kilogram rail on concrete sleepers. A third rail should have been installed to Webb Dock to carry standard

gauge trains. This has been done in the past and it is unclear why a third rail has not been installed so that both classes of trains can use the track; that is, a broad gauge or standard gauge. Difficulties with the points on the railway line could be overcome as has been done elsewhere.

One wonders why the management of the Victorian railways and the Port of Melbourne Authority allowed a defective railway line to be installed to service Webb Dock.

A further objection the other ports would have to being linked in this way with the Port of Melbourne Authority is that they would be responsible for its debts.

The receipts and program expenditure for 1985–86 shows that in 1984–85 the port of Melbourne had to contribute $6 million through the public authority dividend tax. In the following year times became hard and it had to contribute only $5 million.

However, there is no mention in the Budget documents of money being taken from either the ports of Geelong or Portland. Therefore, one can understand the reluctance of those ports to become mixed up in this situation where they would have to help contribute to a tax of $5 million or $6 million.

No doubt if these two ports were incorporated with the Port of Melbourne Authority, the public authority dividend tax would be even greater.

I draw to the attention of the House the Treasurer's statement for the year ended 30 June 1985 and the report of the Auditor-General. The Auditor-General refers to a transaction that is also recorded in the 1984–85 annual report of the Port of Melbourne Authority.

The Auditor-General points out that the Port of Melbourne Authority had assets such as cranes and so on with a book value of $7·7 million. Those assets were sold by the Government on behalf of the authority for $9·1 million but the authority then had to lease back that equipment.

According to the Auditor-General, the authority will have to pay $18·1 million to clear the debt. Therefore, it originally sold equipment valued at $7·7 million for $9·1 million and in return it has had to pay off a debt of $18·1 million.

The Government has taken similar action on behalf of various other authorities such as the Metropolitan Transit Authority, which sold off $199 million of rolling-stock for which it will have to pay $375 million in return.

There could be some sense behind the sale of assets of the Port of Melbourne Authority and its lease-back arrangements because at least the authority is making a profit and it can pay off its debts. However, the Metropolitan Transit Authority and the State Transport Authority are not making a profit, and the debt will have to be paid off by the taxpayer.

According to the balance sheet of the Port of Melbourne Authority, in 1984–85 the lease charges were $18 million, less the interest component of $8·9 million which had been reduced from the previous year when it was $11 million.

One can understand why the other two ports are most reluctant to become tied to the fortunes of the port of Melbourne. Not only does the Port of Melbourne Authority have to pay the public authority dividend tax but it also has to pay the interest on these loans.

Another reason why the Opposition will vote against the passage of the Bill is the trade union component that is now built into the management structure. The Bill calls for a number of trade union organizations, such as the stevedores, the dockside workers, the storemen and packers and so on to become part of the authority.

Given the various matters that would be deleterious to the conduct of the port once it is transferred to this new mode of management, the Opposition will do the State a great service by rejecting the Bill.

The Hon. D. M. EVANS (North Eastern Province)—The National Party recognizes that the ports of Victoria and Australia are a most important facility. The way in which they are operated, their efficiency and their reliability are key factors in the ability of Australia to pay its way.

The efficiency and the prosperity of many industries, including primary industries, are dependent on the availability, price and quality of goods available in the community. Australia is dependent upon the ports for its ability to develop, maintain and extend important markets in a wide range of primary and secondary produce. Those industries are a most significant chain in Australia's economic operations.

Australia is an island that is separated by great distances from the rest of the world. Although there has been considerable development in air transport, particularly for goods of high value and low volume, the majority of commodities have been transported by sea, which is the most effective means of transport. The ports are an important part of Australia's economic livelihood.

The effective management and operation of the ports is a key issue to our economic viability. Regrettably our ports have not performed that well. Australia does not have a good reputation with its overseas trading partners. It is not regarded as a reliable provider of goods because of the constant interruption to their flow on the waterfront. Frequently both export and import goods are held up at the ports. Other sections of the transport industry also interrupt their flow and that has been a major and significant factor in Australia's reputation of being a poor performer as a trading nation. Australia used to hold the position of the sixth largest trading nation in the world, but it has slipped to the 26th position.

We now have an overseas trading deficit of between $6 billion and $8 billion a year. Australia is becoming known as a banana republic that is not much better than Argentina. It must increase its ability to maintain its customers—Russians, Japanese, Arabs, who are prepared to pay cash with oil dollars, Americans, Europeans and the English—who expect the goods they have ordered to be delivered undamaged and on time.

The same can be said about anyone who buys damaged goods from a particular store. One will never go back to that shop, especially if one finds, as well, that the shop assistant will not serve one or that the door is often shut or that one cannot get what one wants. Australia is building that sort of reputation amongst its overseas trading partners.

Mr Lawson clearly outlined that the ports of this nation need to be developed and that action needs to be taken to improve Australia's bad reputation. If the National Party thought the Bill would facilitate a better port service, it would look at it favourably, but it does not. Members of the National Party have had discussions with the Minister, officers of his department and the prematurely appointed chief of the new authority, Mr Ian Stoney. I thank those people for the courteous and helpful way in which the discussions were carried out. Mr Cook and Mr Stoney were extremely helpful and answered all the questions asked. That assisted the National Party in considering the issue.

However, the proposed new authority will not assist the ports of Victoria or its export and import industries. It will create a new bureaucratic structure and a few additional jobs. In his second-reading speech the Minister stated that one of the intentions of the ports authority was to remove competition.

Competition is healthy and it achieves the best possible service for the customer. Real concerns have been expressed about the constitution of the Victorian Ports Authority, which will give unions increasing control over Victoria's ports. Australia's reputation of poor performance in the transport of goods and in the ports area has been in substantial measure due to the increasing number of demarcation and other union disputes on the waterfront. Sometimes the disputes are over legitimate claims such as working conditions and occupational health and safety measures. I can understand that people want the best

possible deal but the demarcation disputes on the waterfront are affecting the prosperity of every Australian. I cannot understand that.

The Bill gives the protagonists in these disputes the opportunity of becoming more involved in the organization and management of Victorian ports. That makes the National Party nervous. It tried to negotiate with the Minister and his advisers so that substantial amendments could be made to the provisions dealing with the members of the ports authority but it was unsuccessful.

The National Party was concerned that the autonomy and freedom of the ports will suffer under the administration of the Victorian Ports Authority. I am sure you, Mr President, will share the concerns of those who represent the Geelong area such as Mr Henshaw, Mr Hallam and Mr Chamberlain, about the future of the port of Geelong. Members of Parliament who represent coastal areas are concerned about the future of the ports under the new authority.

A number of the smaller ports that cater for local industries, such as fishing, are not adequately covered by the proposed legislation. Many would be lost in the huge bureaucracy and their small concerns might be ignored.

Western Port could be developed as a new deepwater port. The new authority might preclude the possibility of such a development taking place. It may discourage entrepreneurs from investing in such a development. In his second-reading speech the Minister spelt out that the intentions of the authority are rationalization, to reduce competition and to ensure that resources are not overcommitted. The National Party accepts the third intention, but the measure is designed to give the authority total control over which port will do what and where.

I am not sure what the final judgment of the House will be. The Liberal Party has indicated that, unless the Minister can advance new proposals, it will vote against the measure. The Bill might have an unhappy ending in this place. If so, the decision will not be made capriciously or in an obstructionist manner. We have arrived at a decision that is in the best interests of all concerned.

There is no desire on the part of the port of Portland and business people for the Victorian Ports Authority. People who have close working knowledge of the ports of this nation and State have expressed their opinions to the National Party, and they also have no desire for the authority. The Victorian Farmers and Graziers Association, with which the National Party has a close and good relationship, is nervous about the proposal. It wants the ports of Portland and Geelong to be developed to provide reliable service. The association is not keen on the way the proposal goes about that.

Members of the National Party have had discussions with the Minister—the latest one being today. I suggest that as no action has been taken on this matter for the past six months, the Minister should have come forward with new proposals earlier than today. The National Party has carefully examined and considered the amendments contained in the new proposal. They are not of sufficient value to make the National Party change its mind on this issue.

The National Party has examined the proposal that the Victorian Ports Authority should be the subject of examinations by the Public Bodies Review Committee, an all-party committee of which I am sure you, Mr Acting President, are aware. That proposition was advanced by the Minister today to be written into the Bill. It is not a practicable suggestion.

Concern has been expressed to me that one of the functions of the new authority will be to act as a *de facto* management authority for the foreshore around Victoria. It would have the capacity to manage those areas of land in a manner not specified in the Bill. Those areas should be managed by a body that is expert in the field and not by an organization that may have only a peripheral interest in the matter.

There does not appear to be a good reason for the National Party to support the Bill. Over many months, the National Party has been involved in negotiations regarding the Bill, and my colleague, the honourable member for Lowan in another place, Mr Bill McGrath, who is the National Party spokesman on transport issues, has been deeply involved with this matter.

The considered conclusion of the National Party is that the Bill is not in the best interests of the people the party represents. For that reason, the National Party will oppose the Bill at the second-reading stage.

The Hon. D. E. HENSHAW (Geelong Province)—The rationale behind this Bill is as strong and valid as it was on 2 May 1985 when I last debated this matter when the original draft of the Bill was before the House. On that occasion, I argued that because ports constitute an important part of the infrastructure of industry and commerce in Victoria, there was a sound reason for a co-ordinated approach to their management and operation. It is sensible to have a team of Victorian ports competing for Victoria against other States and winning more commerce and trade for this State.

On the previous occasion, I debated the original Bill from a Geelong-based perspective. The remarks I shall make on this Bill will be from the same perspective. The original Bill was a matter of contention in the Geelong region. Despite that, at the last State election the Labor Party performed satisfactorily in that region. The Bill is generally supported by the community, and I shall give details of that in response to Mr Lawson at a later stage.

For almost two years, the Port of Geelong Authority has been operating as if it were under the control of the provisions in the Bill. The port has been operating efficiently and effectively. There is great satisfaction in the Geelong region about the level of trade that goes to the port because it has been operated in a co-ordinated manner within the Ministry for Transport. If the Bill is not passed, some of the benefits from the way in which the port has been operating may be lost.

Local members of Parliament were involved in interaction between the present Minister for Transport and the previous Minister of Transport, the present Minister for Labour, and the community. The concerns of the community were understandable. It is difficult for some people to take the word of a Government. Undertakings were given and some changes were made to the original Bill.

Undertakings were given about the future autonomy of the port of Geelong. It is my understanding that they have been satisfied, and the Bill specifies greater autonomy for port authorities in budget formation and control.

There is a lot of interest in membership of local boards and the composition of those boards. The groups and organizations to be represented on the boards are clearly specified in the Bill. A local board has been operating at the port of Geelong as an advisory committee. One of the features of the Port of Geelong Authority is the constructive manner in which the committee has been participating in the operation of the port authority. That contrasts with previous boards established under the Port of Geelong Act. They were smaller boards that represented narrow interests.

The three representatives of trade unions on the committee at Geelong have made a constructive and worth-while contribution to the work of the committee. The contribution of workers on that type of board is beneficial.

Undertakings have also been given about the fate of the container crane at the port of Geelong. One may query why such a crane was ever placed there. Nevertheless, the present Minister for Transport and the former Minister of Transport recognized the validity of the concerns expressed and gave an undertaking that the crane would remain in the area. I hope that situation will continue if the Bill is thrown out, but in that case, the container crane would have to be justified.

Concern has been expressed about the retention of funds. The Port of Geelong Authority is unique in that it has developed a considerable surplus of funds within its accounts. People tend to forget from where such funds came. It would be salutary for the National Party to recognize that a substantial portion of the funds of the Geelong authority comes from the pockets of wheat growers. One wonders why the National Party has been so keen to maintain those funds within the Port of Geelong Authority. The undertaking has been given that the funds would be used only on activities related to the port of Geelong.

Although there is widespread support in the Geelong region for a Victorian Ports Authority, there have been several areas of opposition. Mr Lawson referred to the Mayor of Geelong. The City of Geelong is unique within Geelong municipalities. The Geelong Local Government Committee comprises nine municipalities from within the Geelong area, and the City of Geelong has been the odd one out in this local government issue in Geelong.

Mr Lawson went on to refer to a suggestion he thought might have originated from the Mayor of Geelong on the operation of a port council. I advise Mr Lawson that the original proposal came about because towards the end of last year the Minister, recognizing that there ought to be some sort of fall-back position, specifically asked port authorities and other groups in the port industry to consider the situation and to make proposals as to what a fall-back position would be. It is an initiative by the Minister which has generated the port council proposal in the present instance.

The Hon. Robert Lawson—Why did he not come to us to talk about it?

The Hon. D. E. HENSHAW—The Government is trying to get the Bill through, Mr Lawson.

There is also some note taken of the fact that the local branch of the Waterside Workers Federation of Australia has expressed public opposition to the Bill. It is my contention that the federation's opposition is misguided, and I honestly believe that. It is interesting to note that the federation made its position public at a meeting in Geelong last year on the same night as the then shadow Minister for transport, the honourable member for Polwarth in the other place, made a public statement at that meeting which is worth drawing to the attention of the federation.

The honourable member on that occasion gave a clear indication of the thinking of the Liberal Party on ports. He said there was a crying case for privatization within the port industry. Waterside workers should pay attention to that and to other statements from the same gentleman, who suggested the amount of waterside worker employment in ports could be greatly reduced.

It is also worth noting that the Geelong port authority has had some experience of privatization. It is some years ago that the then board sold off the authority-owned tugs to a private firm, and included in the contract, as I understand it, is a provision that the firm would automatically make a substantial profit. The port authority has been handicapped ever since by the comparatively high cost of privatized tug services.

As I indicated before, the Minister has at all times been very receptive to concerns of various groups. There has been a major consultation process in the formulation of the proposed legislation, and the undertakings show that, and he has shown himself at all times amenable to an understanding of those concerns.

Mr Evans referred to some suggestions made to the Victorian Farmers and Graziers Association, originating from the present Minister. My colleague, Mr McArthur, will comment on those shortly. It is a pity that the amendments arising from those suggestions are not to be incorporated in the present Act.

The port authority Bill remains a very worth-while legislative measure and I very much hope that it is passed by the House and becomes legislation of the State.

The Hon. L. A. McARTHUR (Nunawading Province)—It is clear from the contributions of members of the opposition parties that they have no understanding of the importance of ports to the Victorian economy and no understanding of the Bill and its aims to strengthen the Victorian economy and to ensure that the ports maximize their benefits in co-operative sharing rather than wasteful competiveness.

Mr Evans won my admiration in his first sentence when he described Australia as a commodity trading nation. It was the only point he got right in his entire speech. I do not support the wasteful competitiveness and stupidity of Geelong sending a mission to Japan in an attempt to take containerization away from Melbourne when the Japanese wished to trade Government to Government and authority to authority and not to divide and splinter Victorian ports, as the Port of Geelong Authority attempted to do. Anyone who can defend that rubbish as being a policy of maximizing benefits must be foolish.

By interjection, Mr Knowles says he wants to hear about competiveness and its costs. I shall first refer to co-ordination, which is important. There are not too many authorities to which reference can be made and I do not suppose *Age* journalist Kenneth Davidson is really an authority, but on 26 September 1985 he wrote an article on the proposed ports legislation and stated, *inter alia:*

> The legislation is central to the long-term strategy for the economic development of Victoria—to enhance Victoria's competitive strengths *vis-à-vis* the rest of Australia and the world by building on a central location within the "golden triangle" of population, industry and markets in the area bounded by Adelaide, Hobart and Sydney–Newcastle.

Kenneth Davidson said that to have the strong co-operative ports competing on the world market—not competing with one another—is essential.

The Hon. B. P. Dunn—What sort of authority is he?

The Hon. L. A. McARTHUR—At least it is one argument. There has been only drivel from the opposition parties. The financial benefits resulting from the Bill will approximate $10 million a year. There will be rationalization of workshops, administration rationalization, shared capital equipment costs, and the biggest benefit of all, that the opposition parties will not understand, will be that of other Governments wanting Government-to-Government-authority trade and shipping relations. Japan wants it, for example. I do not suppose the opposition parties realize that aluminium and alumina bulk commodities going to China and other markets will need Government-to-Government agreements on shipping.

The Hon. R. I. Knowles—Ports have nothing to do with shipping, you fool!

The Hon. L. A. McARTHUR—The former Liberal Party Government appointed someone who insisted that shipping had nothing to do with transport—he stood up at a meeting and said so! This Bill co-ordinates the efforts of the Port of Melbourne Authority, the Port of Geelong Authority, the Port of Portland Authority, and it consolidates the old Ports and Harbours Division which used to be tacked on to the end of the public works portfolio under the Liberal Party Government so that someone could have a dredge named after him. It includes also the Marine Board of Victoria.

These agencies are co-ordinated. The present set-up is like a series of headless chooks—not much better than the Opposition. Members of the opposition parties quoted some authorities, most of which were unimportant. Reference was made to the Australian Chamber of Shipping, and I refer the House to a document by the chairman of the chamber, Mr Costello, in which he stated:

> I have been requested to reaffirm to you the support of this Industry for the main thrust of the proposed legislation, that is to provide a single forum for the co-ordination of the activities of the main ports in Victoria.

I intend to give a few examples of support for the Government's measure. I will be turning shortly to Mr Dunn's wheat growers, so that should be of interest to him.

The Hon. B. P. Dunn—Good, hurry up!

The Hon. L. A. McARTHUR—I also have support here from the Association of Employers of Waterside Labour and the stevedoring employers. The Government supports the establishment of a central authority to control and direct ports in respect of policy, development and co-ordination and this what the Bill is about.

The Hon. R. I. Knowles—The Minister can do that now.

The Hon. L. A. McARTHUR—The Minister cannot do it. I can produce evidence of support from the Melbourne Chamber of Commerce for the development of the port. The Victorian Employers Federation also supports the Bill. It has stated:

> May I take this opportunity of reassserting the VEF's commitment to continuing to seek and participate in negotiations with the State Government and the Opposition with a view to gaining the maximum advantage for the Geelong region.

The Geelong Trades Hall Council also supports the Bill, and the Geelong Local Government Committee is in favour of it. Someone said that Mr Hallam said that the Portland council was definitely against the proposed Victorian Ports Authority, but I have an article here from the *Portland Observer* of October 4 stating that the council gives it its blessing.

The Hon. B. P. Dunn—But what year is that?

The Hon. L. A. McARTHUR—In 1985. In the minutes of a meeting of the Port of Portland Authority considerable discussion ensued, with consensus being to support the Bill. I believe Mr Lawson said that the authority was against it, or perhaps I misunderstood him.

No reasons have yet been put forward why the Bill should be defeated. There seems to be an idea that the Government should continue to waste resources and duplicate them; it should continue to spend money on facilities that are in no way economic, but the Bill will help to resolve that situation.

The port of Geelong has a capacity to handle 30 000 containers a year but handles only just over 3000 containers a year which results in a loss of $1 million dollars a year.

Another investment of the port of Geelong is the Sawyertell which was supposed to unload phosphate but it did not work and will not work and that little investment costs half a million dollars a year. This is an example of the marvellous economics of keeping all these areas apart.

Geelong has some cash reserves and they come from the grain growers. Mr Dunn well knows that for every tonne of wheat or grain shipped through Geelong there is a charge by the Port of Geelong Authority of $1 per tonne.

In 1985, the port of Geelong shipped 2 363 955 tonnes, which brought in $2 363 955. Geelong takes this money, but what does it provide? The port of Geelong does not own the pilot service that enables the ships to enter without help; it does not own the tugs—somebody else supplies those; it does not own the line boats that assist the ships to tie up at the wharf, and, incidentally, it does not own the wharf. The Grain Elevators Board owns the wharf and, therefore, Geelong owns absolutely nothing except the claim to ownership of the water that wets the bottom of the ships. For that, the wheat growers, who are hard pressed for costs, must pay an extra $1 a tonne for Geelong wetting the bottom of the ships. That is what Mr Dunn is supporting.

How often have we listened to Mr Dunn tell us of the troubles of the wheat growers? If the Bill moved into the Committee stage it would save his wheat growers $2 365 955 in one go, but he is too pig headed; Mr Dunn has made up his mind. He even wants to have a little bit of competition.

This could cause a bit of friction because the port of Portland makes a loss of half a million dollars instead of a profit. It cannot afford to pay for the Sawyertell and container ships because it is not ripping off the wheat growers.

The port of Portland provides the pilots, the tugs, the line boats and it even owns the wharf.

The central point is this: each of the main ports of Victoria needs to maximize its natural advantages. There are hard decisions to be made in the world of trade and they will be competitive decisions. Mr Lawson's foolish little sandpit idea of competition between our ports is about as valid in the real world as me going out with a bucket and spade and filling Port Phillip Bay. The real way is to maximize the competitive benefits of each of our ports.

Some real decisions should be made here. It will cost $100 million to dredge the port of Geelong. Could that $100 million be used for upgrading the railway to Portland? Could there be a different type of facility in loading at Geelong? What will be done about Government-to-Government trading in the new commodities, about which Mr Hallam obviously knows nothing?

I should have expected a considered opinion on the Bill, and perhaps it is not too late for such a considered opinion.

The economic development of Victoria is very much dependent on ports and on the advantages of Victorian ports. I am sure honourable members would not want those advantages to be wasted. Business will go to the most efficient and effective ports with the lowest costs. Of course, all Victorian ports are not the same. They do not have the same waters and they do not have the same facilities.

The National Party has always put a strong case on behalf of the rural community. However, on this occasion, it is selling out the wheat growers for approximately $2·3 million. The competitive price-makers will take whatever they can get.

Other honourable members who spoke earlier mentioned the fact that it is possible to make amendments to the Bill. I challenge the Opposition to agree to the second-reading motion and allow the Bill to go to Committee. I challenge honourable members opposite to examine the amendments carefully.

The Hon B. P. Dunn—How long have you had a copy of the amendments?

The Hon. L. A. McARTHUR—For a few minutes. I challenge the Opposition to examine the amendments relating to representation on boards and about giving guaranteed membership to the Victorian Farmers and Graziers Association, which will allow the objections of other groups and parties to be heard.

The Hon. B. P. Dunn—The National Party has consulted them.

The Hon. L. A. McARTHUR—Mr Dunn has seen the amendments. He knows that he is turning down the chance for the association to be represented on all the port authorities and that the National Party is selling out the wheat growers for some $2·3 million.

The Hon. B. P. Dunn—We have consulted them.

The Hon. L. A. McARTHUR—I could repeat the Davidson quote to illustrate the importance of the effect of the Bill on the large ports.

Mr Murphy reminds me of the regional and small historic ports and harbours that have been neglected because they have been tacked onto the responsibilities of the Public Works Department and so on, which was obviously inappropriate. Those ports are also important and necessary for the promotion of tourism and activities such as fishing and new industries yet to be developed.

I appeal to members of the National Party, whose supporters will lose the most, to agree to the second-reading motion, allow the Bill to proceed to the Committee stage, forget about the bloody-mindedness of the Liberal Party and give the Bill a chance.

The House divided on the motion (the Hon. R. A. Mackenzie in the chair).

Ayes	20
Noes	21
Majority against the motion	1

AYES	NOES
Mrs Coxsedge	Mr Baxter
Mr Crawford	Mr Chamberlain
Mrs Dixon	Mr Connard
Mr Henshaw	Mr de Fegely
Mrs Hogg	Mr Dunn
Mr Kennan	Mr Granter
Mr Kennedy	Mr Grimwade
Mrs Kirner	Mr Guest
Mr Landeryou	Mr Hallam
Mrs Lyster	Mr Hunt
Mr McArthur	Mr Knowles
Mrs McLean	Mr Lawson
Mr Mier	Mr Macey
Mr Murphy	Mr Miles
Mr Pullen	Mr Reid
Mr Sandon	Mr Storey
Mr Sgro	Mrs Varty
Mr Walker	Mr Ward
Tellers	Mr Wright
Mr Arnold	*Tellers*
Mr Van Buren	Mr Evans
	Mr Long
PAIR	
Mr White	Mr Birrell

SUPPLY (1986–87, No. 1) BILL AND WORKS AND SERVICES (ANCILLARY PROVISIONS) BILL

The debates (adjourned from April 30) on the motions of the Hon. D. R. White (Minister for Health) for the second reading of these Bills were resumed.

The Hon. N. B. REID (Bendigo Province)—The Supply Bill gives honourable members the opportunity of considering the financial management of the Government. Since the Labor Government came to power in 1982 its financial management has been nothing short of abysmal. Firstly, the Cain Labor Government does not collect its revenue from debtors. Secondly, it does not pay its creditors on time. Thirdly, it pays out taxpayers' money to promote the Australian Labor Party Government. Fourthly, it increases taxes and charges to outrageous levels to pay for the mismanagement of financial affairs in Victoria.

I shall refer to policy documents of the ALP. The 1982 policy document stated that the Labor Party, upon obtaining government, would manage State funds in an integrated way. The other memorable quote from that policy document was that the Victorian Branch of the Australian Labor Party would put an end to years of waste and mismanagement in the public sector by introducing sound planning objectives.

Firmly entrenched in my mind is the memory of the ALP coming to government in 1982, claiming that it would present the State with better financial management. Following its election in 1982 Victoria witnessed its performance in the period from 1982 to 1985, when another election campaign document was released. It was entitled, "Victoria: the next four years". It states:

> Let's not forget how bad it was for business in this State under the Liberals, and how much better it is now.

I shall demonstrate to the House how wrong those pledges were and how badly the Cain Government has performed in the financial management area. The first topic I shall discuss is that it does not collect its revenue from debtors.

I refer to the annual report of the Auditor-General for the year ended 30 June 1985. The Auditor-General plays an important role in the monitoring of the financial affairs and management of Victoria. Page 85 of the Auditor-General's report indicated that the amount of uncollected revenue owed to the Government was $113 152 161. A number of Government deparments have not collected revenue over a long period. The then Department of Community Services had the largest percentage of debts outstanding for three months; in fact, 88 per cent of its debts had been owed to it for more than three months.

In the Department of the Premier and Cabinet, 74 per cent of its debts had been outstanding for more than three months. In the Ministry of Education, 71 per cent of its debts were outstanding. The Ministry of Transport was another offender with 26·6 per cent of its debts outstanding for three months or more. The list goes on and on. Some of the accounts were outstanding for up to 40 weeks. The Auditor-General made particular reference to certain departments. The Department of Conservation, Forests and Lands had debts totalling $7·5 million at 30 June 1985. That was uncollected revenue. I point out that these are not my figures and are not mere statistics. They are statements by the Auditor-General who has the responsibility of auditing the financial affairs of the Cain Government.

The Auditor-General listed the headings of Lands Division, Forests Division and Conservation Division as all having uncollected revenue. I am pleased that the Attorney-General is in the Chamber because I point out that the Law Department was owed $564 647 at 30 June 1985, which did not take into account outstanding court penalties which my colleague, Mr Chamberlain, has publicly indicated will exceed many thousands of dollars.

I am pleased that the Minister for Community Services is also present as her department has demonstrated an abysmal performance in the collection of outstanding revenue. The Department of Property and Services had outstanding and uncollected revenue of $7·2 million as at 30 June 1985. The former Education Department had $5·5 million in outstanding accounts, some of which had been outstanding and owed to the department for more than twelve months.

The Public Works Department had accounts totalling $410 089 outstanding for more than three months. The Ministry of Transport was owed $369 320 outstanding for more than three months which the Government had neglected to collect from its debtors.

That is one element of the Cain Government's financial mismanagement of the State. The second element relates to the payment of creditors. Community Services Victoria had $5·7 million in outstanding creditors' accounts, many of which had been outstanding for a long time.

The PRESIDENT—Order! Are these figures from the Auditor-General's report?

The Hon. N. B. REID—I obtained the figures under a freedom of information request made to a number of departments, including Community Services Victoria, the Department of Labour, the Department of Industry, Technology and Resources, the Law Department and the Department of Conservation, Forests and Lands.

The Hon. W. A. Landeryou—What is the document?

The Hon. N. B. REID—It is a freedom of information request. I received the information from the departments. I am referring to my own notes. My figures also relate to the Local Government Deparment, the Ministry for Planning and Environment and the Ethnic Affairs Commission.

The PRESIDENT—Order! What is the date of the information?

The Hon. N. B. REID—It relates to information as at 30 June 1985. I am detailing the amounts because they total more than $55 million in accounts overdue for more than six weeks. Many of the accounts extend to being owed for up to 40 weeks.

The Hon. W. A. Landeryou—Is 30 June 1985 when they were supplied? What are you quoting from?

The Hon. N. B. REID—The figures are taken from freedom of information documents supplied to me from the various departments. I have print-outs, some of which I shall present to the House. If the honourable member wants me to present every print-out I obtained from each department, I shall produce them.

The Hon. W. A. LANDERYOU (Doutta Galla Province)—On a point of order, I ask that Mr Reid advise the source of his information. It is not good enough for an honourable member who goes on a fishing expedition to then say that he is referring to print-outs. When was he supplied with the information and by whom? The honourable member cannot just say that he obtained the information under the Freedom of Information Act. He might just as well say that he received it from the Parliamentary Library. The honourable member should authenticate what he is asserting and justify the conclusions he is asking the House to reach with some facts.

The Hon. A. J. HUNT (South Eastern Province)—On a point of order, if the honourable member has made a freedom of information request about the debts of the departments as at 30 June and received results, surely they are admissible as a fair summary. Mr Reid stated the source of the information as that supplied by the departments pursuant to the freedom of information requests. Surely nothing other than that needs to be done.

The PRESIDENT—Order! It has always been a tradition in this Chamber that, when members quote from documents, they are requested to supply the source of the material, the author of the material and the date on which it was obtained.

I understand Mr Landeryou's point that, if the honourable member is quoting from documents he received from the departments, they must have authenticity and an author. For the benefit of the *Hansard* record, Mr Reid should provide not only the date, but also the author of the document from which he is quoting.

The Hon. N. B. REID (Bendigo Province)—Thank you for your guidance, Mr President. I understand Mr Landeryou's sensitivity. However, I obtained the information from the freedom of information officer of each department. I have the computer print-outs within the building, but because of their size, it is difficult to bring them into the Chamber. I have summarized the information that was provided to me. The information describes the situation as at 30 June 1985.

The PRESIDENT—Order! I suggest that if Mr Reid wishes to quote further from the documents he should authenticate them by providing the date that he received them from the departments and the author of he documents.

The Hon. W. R. Baxter—Many of the documents one receives are undated.

The Hon. N. B. REID—Mr President, the request that you make of me would necessitate the assistance of ten men to carry the bulky documents into the Chamber. Perhaps Mr Landeryou would volunteer to help me carry them in! Some of the documents are extremely heavy and are at least 18 inches thick.

The PRESIDENT—Order! I have discussed the matter with the Clerk and, as the honourable member points out, a large number of documents are involved. If Mr Landeryou queries any particular document from which the honourable member is quoting—or any other member, for that matter—Mr Reid should be able to substantiate his remarks by producing the document on request.

The Hon. N. B. REID—I should be happy to make the information available to any honourable member who requires it. I assure you, Mr President, that I can vouch for the accuracy of the documents, as can the freedom of information officers from each of the departments that supplied the information. I should be happy for Mr Landeryou to accept those documents.

I am referring to a summary of the documents which I compiled. The document refers to outstanding accounts as at 30 June 1985. I shall list the departments which were late in making payments to creditors and the total amounts involved: Community Services Victoria, $5·7 million; Department of Employment and Industrial Affairs, $3·5 million; Victoria Police Force, $144 463.29; Department of Industry, Technology and Resources, $2 million; Law Department, $7 million; Auditor-General's Department, $36 408.53; Department of Conservation, Forests and Lands, $7·5 million; the Local Government Department accounts involved many thousands of dollars; Ministry for Planning and Environment, $24 550.08; Ethnic Affairs Commission, $191 650.73; and the Ministry of Consumer Affairs, $45 000. The accounts, some of which were more than six weeks overdue and many of which were 40 weeks overdue, totalled in excess of $55 million.

The Department of Conservation, Forests and Lands, which was one of the worst offenders, had accounts outstanding at the end of December 1985 of $18·4 million. Most of those accounts were more than six weeks overdue. I discovered this by repeating the earlier process. I obtained computer print-outs on each of the departments once again to ascertain whether there had been any improvement in the payment of accounts for the six months from the end of June to the end of December.

As I said, the outstanding debts of the Department of Conservation, Forests and Lands had swollen to $18·4 million. I was provided with an itemized account in the form of a computer print-out from the departmental freedom of information officer from which I compiled a summary. Out of the total outstanding accounts of $18·4 million, 9116 accounts were six to eight weeks overdue and amounted to $5·5 million; 13 026 accounts were eight to twelve weeks overdue and amounted to $5·2 million; 7706 accounts were twelve to sixteen weeks overdue and totalled $3·6 million; 4337 accounts were sixteen to twenty weeks overdue and totalled $1·7 million; 960 accounts were twenty to 30 weeks overdue and totalled $1·4 million; 686 accounts were 30 to 40 weeks overdue and amounted to $223 705; and 958 accounts were more than 40 weeks overdue—that is almost a year overdue—and totalled $590 659.

That reinforces the second point I made in my opening statement that the Cain Labor Government neither collects outstanding revenue from debtors, nor pays its creditors on time. Using the same process of obtaining information by way of freedom of information requests from the officers of each department, I prepared a summary of the amounts of outstanding accounts in other departments as at the end of December 1985. The former Department of Employment and Industrial Affairs had $3·4 million worth of outstanding accounts; the Victoria Police Force, $6·6 million; the Department of Industry, Technology and Resources, $291 945.05; the Law Department, $6·4 million—its performance had not improved in the six months from June 1985 to December 1985; the Auditor-General's department, which is one of the better performers, had outstanding accounts of $11 536.22; and, as I have already detailed, the Department of Conservation, Forests and Lands had outstanding accounts of $18·4 million. The Local Government Department had reduced its outstanding accounts to an amount of $9691.58

Although the Ministry of Consumer Affairs could not provide a total, it said that it had 74 outstanding accounts and the Ethnic Affairs Commission had outstanding accounts amounting to $169 000. The Department of the Premier and Cabinet—even the Premier's own house is not in order—owed $915 868.94 to various creditors.

In the exercise that I undertook to ascertain whether the Government was paying its creditors, one of the most remarkable letters to come into my hands was from the Ministry of Education and was dated 4 March 1986. It reads:

> I refer to your request for accesss to all documents relating to overdue accounts and our telephone conversations of 27 February and 3 March 1986. It will take this Ministry approximately 228 computer hours to produce the information you require.

The information that I required was the number of accounts it had that were more than six weeks old and had not been paid during the period between 1 July and the end of

December 1985. The information I was given was that it would take the Ministry approximately 228 computer hours to produce that information. One can imagine the amount of money and the number of accounts that would be involved when it would take 228 computer hours just to print out the information. That was one of the more remarkable results of my inquiries.

I shall refer now to the Department of the Premier and Cabinet, and I have a summary of its performance. It appears to have been a neglected area. The Premier issued an instruction to all heads of departments on Thursday, 8 August 1985. The document that I have is a news release issued from the Premier's office and is headed "Cain orders Public Service to speed up account payments". It points out that the Premier said he had received justified complaints from the business community about the slowness of payments by a number of public agencies. The Premier admitted that their performance in the payment of accounts was abysmal at that time and, instead of instructing his Ministers to ensure that accounts were paid promptly, he called in the Public Service heads. The news release states that the Premier had authorized the Treasurer to make spot audits of agencies' payment systems and that agency heads would be considered accountable for the findings of the audits.

So far as I know, those audits were never carried out. If they had been, they would have produced the sorts of results that I have obtained in response to my freedom of information requests: that the Cain Government had not improved its performance since that directive of 8 August 1985. In fact, many departments had become worse and were not paying their accounts for periods of up to 40 weeks—and that was after the Premier had gone to each of the Public Service heads!

I want to know—and fortunately there is one Minister present—whether the Premier advised his Ministers to oversee these account payments; whether his Ministers took any action, and, if so, what action. The performance of the departments had not improved by the end of December. It is appropriate that the Minister should respond and advise the House and the people of Victoria who were owed that money.

To give an example of the scale we are talking about, the Department of Conservation, Forests and Lands at the end of December owed money to 36 000 creditors. One can imagine what that sort of thing does to the cash flow of a business that is trying to survive in difficult circumstances when the Government does not pay it for 40 weeks.

It is appropriate that the Minister should advise the House whether the Treasurer made those spot audits and what they produced. It is obvious that they were not carried out. The Treasurer, the Premier and all Ministers have been negligent in their duties. They have not supervised the payment of those accounts.

That leads to all sorts of traumas. The Minister for Conservation, Forests and Lands would be well aware of the implications of not registering the department's motor vehicle fleet, as would other Ministers. The Ministry of Education did not make its motor registration payments on time; nor did the Public Works Department. I am aware of 38 accidents in which sixteen people were injured—no doubt there have been others—and the claims for compensation, legal costs and damages in respect of those accidents will run into millions of dollars that must come out of the public purse. Mr Landeryou and I shall be paying for those expenses purely and simply because the Government did not pay its accounts on time; it did not pay its third-party insurance premiums or its registration costs. That is a clear example of the Government not paying its creditors on time, and I shall be interested to hear the Minister's response to the matters I have raised.

The third point I raised was the issue of paying out taxpayers' money to promote the ALP Government. I refer now to a news release that was issued by my colleague, Mr Birrell, on 14 December 1984 relating to the amount that the Cain Government was spending on propaganda. Mr Birrell claimed the Government was spending $5000 a day of public funds on propaganda.

The Hon. W. A. Landeryou—Do you agree with that?

The Hon. N. B. REID—Yes, I do; in fact, it might have been more than $5000 a day.

I shall highlight some of the publications that were issued and the costs involved: *A Healthy Victoria. The Capital Works Program* 1984–85 at a cost of $6700; *A Healthy Victoria. The* 1984–85 *Health Budget,* $6000; *Melbourne. The Commercial Centre,* $26 000; *Victoria. The Portland Smelter,* $4225; *Victoria. The Best is Within Your Reach,* $7560; *The Law Bulletin,* $1820; *Victoria. State of Achievement,* 20 000 copies at a cost of $25 431. What an enormous sum for that publication. Another was: *Victoria. The Next Step (Economic Initiatives),* at a cost of $54 000, and those economic initiatives do not even include the timber industry, one of the industries closest to Mr Landeryou's heart. Another was the Treasurer's statement, 21 000 copies at a cost of $37 250; and then *Victoria–Brown Coal. The Next Step,* at a cost of $5500. The list goes on and on; the last is *Victoria is Our Business,* at a cost of $13 400.

The Cain Labor Government has not collected revenue from its debtors. It has not paid its creditors on time. It has paid out taxpayers' money to promote the ALP Government.

To pay for this mismanagement of Victoria's financial affairs, what has it done? It has increased taxes and charges to outrageous levels to pay for this mismanagement. Mr Landeryou would be aware of this because my party ran a spirited campaign on the increase in taxes which were being levied by the Cain Labor Government in its first term of office, and that is continuing.

Those taxes have seen some outrageous increases that have been inflicted on the community in Victoria to pay for the Government's financial mismanagement in the areas I have spelt out. The commercial fishing licence fee was increased by 100 per cent; public hospital charges were increased by 37 per cent; handicapped persons special accommodation houses registration fees were increased by 200 per cent; and private hospital registration fees were increased by 122 per cent. This document was prepared by my party and was incorporated in *Hansard* in another place.

The Hon. W. A. Landeryou—What date?

The Hon. N. B. REID—November 1984. Fees for duplicate car roadworthiness test licences were increased by 900 per cent and physiotherapists' registration fees were increased by 27 per cent.

The Hon. D. E. Henshaw—These figures were relevant last year.

The Hon. N. B. REID—I am indicating to the House that during its first three years of office the Government was in such dire financial straits because of its diabolical financial mismanagement that it had to increase taxes and charges to this level to establish a financial working base. The Government had neglected to collect revenue from its debtors, was not paying its creditors on time, and was wasting taxpayers' money on glossy publications such as those which my colleague, Mr Birrell, brought before the House.

To overcome its financial situation, the Government increased taxes and charges to an inordinate level and it is continuing along that path to the point where the Victorian community is being brow-beaten by the continued financial pressure the Cain Government is placing on it.

I reiterate the strategy of financial mismanagement of the Cain Government. The Labor Party claimed, before it came to government in 1982, and in 1985 it again pledged, that it would manage the finances of this State in an efficient and economical manner. The Government has not done that; it has not collected its revenue from debtors or paid its creditors on time. However, it has paid out taxpayers' money to promote itself and, to fund this action, it has increased taxes and charges to outrageous levels.

The Hon. Robert Lawson—Mr President, I draw your attention to the state of the House.

A quorum was formed.

The Hon. C. F. VAN BUREN (Eumemmerring Province)—I am happy to speak on the Supply Bill. Victorians are fortunate to have a Supply document which is a tribute to the Treasurer—irrespective of what Mr Reid said in his speech. The Labor Party realized when it came to government that it had inherited a mess from the Liberal Party. Under the Treasurer, Mr Jolly, it has gone from strength to strength.

Honourable members interjecting.

The Hon. C. F. VAN BUREN—One only has to recall prior to the election of the Labor Government there was a mass exodus of people from Victoria going to Queensland seeking better job opportunities. I am happy to say that these people are returning to Victoria because Victoria is now the premier State of Australia under the Labor Government.

I shall refer to the economic strategy, employment and youth. To develop the economic plans and strategies, the two Bills provide for a total expenditure of $1·17 million. The economic strategy is the centrepiece of the Government's policy. One of the important developments since the Budget has been the adoption by the Government of quantitative targets for the economic strategy for four years to 1987-88.

Some targets of the strategy are the creation of 200 000 new jobs. When we came to office we gave the commitment that we would create jobs, and we have done that. The level of employment in Victoria was lifted from a seasonally adjusted figure of approximately 1·7 million in December 1983 to a proposed 1·9 million in December 1987 and unemployment was reduced by at least half between the end of 1983 and that at the end of 1987, thus implying a fall in the level of unemployment from 155 000 in December 1983 to a target of 80 000 in December 1987. The Government is on target in reducing this unemployment level in Victoria. The Government's program is designed to attack Victoria's worst problem, unemployment. It has kept that promise.

The Hon. R. J. Long—Rubbish!

The Hon. C. F. VAN BUREN—Mr Long may say it is rubbish but if he looks at the figures he will see that Victoria has the lowest unemployment of any State in Australia.

The Government is committed to reducing the level of unemployment. The Government is addressing the general level of employment and unemployment through its budgetary policies and economic strategies. The Youth Guarantee Scheme is a major new approach to youth unemployment. The Budget also continues to develop programs for reducing long-term unemployment and, in conjunction with the Federal Government Priority One Scheme, is reducing unemployment in the area of youth.

It is unfortunate that when the Liberal Party was in government it was not interested in looking after the kids and creating jobs for them, but the Labor Party intends to do that as the Government.

Some of the programs have been undertaken in the province I represent, which is made up of a number of excellent councils that represent their people well. I shall use the City of Knox as an example in this debate.

The City of Knox has shown a positive commitment to job creation and training, with encouraging results. Since 1983 the Knox council has contributed $500 000 of its own funds to an over-all $1·.3 million for an ongoing scheme. The City of Knox program was developed with two clear aims in mind; firstly, to benefit the people of Knox and, secondly, to create jobs for young people.

Some of the jobs that have been provided in the job creation scheme have been developing the council gardens and bike paths. These have been successful. Not only has the scheme given people jobs but also it has done something for the people of that area.

One of the major successes of the programs that were undertaken by the council was that approximately 122 previously unemployed persons who participated in the scheme have now entered full-time employment. The schemes are working.

The citizens of Knox have also benefited from the schemes and, similarly, many of the councils in the area I represent have youth programs and other schemes that have helped young people to get jobs. With the assistance of these councils we have been able to get the work.

The area of Knox is predominantly a white-collar area and Springvale and Dandenong are predominantly blue-collar areas. The Government's job scheme has enabled people searching for work to obtain jobs close to the areas in which they live. The Government had as one of its aims the reduction of unemployment and the creation of jobs and it did this by introducing such schemes as the Youth Guarantee Scheme.

As I indicated earlier, the State is fortunate because it has a Treasurer who is one of the best in the country. He has produced a Supply document of which the State can be proud.

The Hon. ROBERT LAWSON (Higinbotham Province)—It is almost twelve months since honourable members had the honour of addressing the House on Supply. The State is well into its 151st year and is approximately $1 billion more in debt than when it was only 150. At the end of June this year the State will owe $17 249 million, an increase in four years since the Cain Government came to office of $5961 million.

During the past twelve months the Melbourne consumer price index reached 9·8 per cent compared to the national average of 9·2 per cent. The waiting list of persons wanting to enter hospital has increased further and the railway system is a crippled giant. The railways was not in a good position when the Liberal Government was in office but it is now rotting away under the disastrous administration of the Labor Government and of the Minister for Transport and his predecessor. No one knows how long it will be before the final collapse of the railways, but if a lavish injection of money can keep the railway system alive then money will be supplied.

I refer the House to page 12 of the December issue of the Public Transport Users Association journal, *Transit*, which states:

> The Government is in a financial quagmire of gargantuan proportions—all of its own making.
>
> Investigations by the Herald Newspaper (25/11) have revealed that the Government has had to borrow more money to meet the day-to-day running costs of public transport. The loans are referred to in the MTA's Annual Report prepared by Mr Lynn Strouse before he resigned. In that report, he said: "The escalating level of financing charges is now a matter of serious concern. All capital works and several items of operating expenses including financing charges, are being financed from borrowings and leasing finance.
>
> "The level of these borrowings has increased from $599 million in June 1983 to $1031 million in June 1985, and is expected to increase by a further $200 million in 1985–86."

These are not the words of the Liberal Party, but of the Public Transport Users Association.

On 28 April 1986 two inquiries were advertised in the *Age* for V/Line. The State Transport Authority operating as V/Line is responsible for country passenger services. The first advertisement announced the setting up of a study in the western region and defined that area as the shires of Ararat, Stawell, Wimmera, Dunmunkle, Arapiles and so on. Written submissions were invited to be forwarded to the study co-ordinator by interested persons.

The second advertisement announced a study into the northern region. Two highly paid persons have been appointed to conduct the studies. Any user of the public transport system could tell V/Line about the problems with the railway system and what should be done to put it right. The Government does not need to throw further money into the bottomless pit of the railways deficit to tell the community what is wrong.

The railways system has reached such a state that the Minister for Transport is proposing to axe 10 per cent of top transport jobs. It seems ironic when one considers that those jobs

were advertised only two or three years ago in the daily papers. One only had to turn the pages of the *Age* or the *Financial Review* to find full-page advertisements for various "plum" jobs in V/Line or the transport system. The question that must be asked is who is the first to go?

The Public Transport Users Association is calling for the resignation of the Minister for Transport. On 9 April the *Age* reported that the secretary of the association called for the sacking of the Minister for Transport.

We were under the impression that the Public Transport Users Association or the Train Travellers Association, as it used to be called, was a Labor Party ginger group. If that is so, something has gone sadly amiss with the Labor Government, because it tried to buy off Ken McIntyre by giving him a position in the authority, but the Government and honourable members have discovered that he is apolitical and is interested only in an efficient transport system. He has been a thorn in the side of the present Minister for Transport and the previous Minister, just as he was for the former Liberal Minister of Transport. He is a knowledgeable person who has seen the dreadful state to which the railways system has fallen and is justified in calling for the sacking of the Minister for Transport. The Opposition hopes it happens sooner rather than later because the past two Ministers for Transport have proven to be disastrous.

According to the *Age* of 11 March, customers of V/Line cannot stand the strain of sending freight by train. The article states:

> Early last year, 60 containers of dried food were sent by rail from Adelaide to Melbourne for shipment to the Middle East, but V/Line lost 10 of them even before the consignment reached the docks.
>
> The problem started when the train carrying the $1·5 million cargo reached Melbourne. A wagon was found to have overheated wheel bearings and was shunted into a siding. With it went freight worth $250 000.
>
> The shortened train continued to the docks, where 50 of the food continers were loaded on a ship. The missing freight was found 10 days later in a V/Line siding still with the faulty carriage from the Adelaide train.

The article does not state what happened to the dried fruit, but it is just one of those things that happen on the railways.

I direct the attention of honourable members to the Government's publication, *Network Railways of Australia Quarterly*, a glossy magazine dated April, May, June 1986. I hope that is a late enough issue for honourable members. On page 16 a letter appears from Mr Fitzmaurice.

The Hon. M. J. SANDON (Chelsea Province)—On a point of order, Mr President, it is my understanding that an honourable member can only quote in support of his arguments. Honourable members have not heard Mr Lawson's principal argument. The honourable member is quoting from sources as a primary emphasis and should be ruled out of order. The Chamber should first hear his submission.

The Hon. HADDON STOREY (East Yarra Province)—On the point of order, the honourable member is entitled, I submit, to refer to quotes that exemplify the argument that he is putting to the Chamber. It is competent to put quotes and use words that encapsulate what the honourable member desires to put, probably in a shorter span of time than if he put it entirely in his own words.

The Hon. ROBERT LAWSON (Higinbotham Province)—On the point of order, Mr President, the arguments I am putting forward are devastating and I am quoting from an official document as part of my argument. When I read it to the House, I shall convince even the Minister for Health. When he has heard what I have to say, he will apologize and withdraw his objections.

The Hon. M. J. SANDON (Chelsea Province)—On the point of order, Mr President, the honourable member just shot himself down in flames when he said "When I put the argument". It is clear by his own admission that he has not put the argument yet.

The PRESIDENT—Order! Honourable members are allowed to quote a certain amount from documents. Documents can be used to substantiate the argument of an honourable member during debate.

I have been listening to Mr Lawson and he has quoted a couple of articles but has not overdone it. The House would like to hear his contribution and I am certain he understands the rules of the House. There is no point of order.

The Hon. ROBERT LAWSON (Higinbotham Province)—I referred the House to the V/Line document *Network Railways of Australia Quarterly* of April, May, June 1986 which contains a reprinted letter from Mr Fitzmaurice, the Chairman and Managing Director of the State Transport Authority, which states:

> I was surprised and delighted to learn of last night's AFTA Award to V/Line in the category of Australian Tourist Services for V/Line's contribution to the development of those services during 1985.

In deference to Mr Sandon's feelings, I shall not quote any further but I direct the attention of the House to a report in the *Age* newspaper where the same gentleman, Mr Fitzmaurice gives an entirely different story. The *Network* magazine does not convey the impression that V/Line is on the verge of collapse. V/Line consumes the taxpayers' money. It is not providing the service it should. However, when one reads magazines such as this, one would never be cognizant of that fact. In the *Age* of 29 April 1986 Mr Fitzmaurice said:

> Government policies on transport fare rises and staff reduction were constraining the efforts of railway managers to cut deficits.

That was written by the Chairman of the State Transport Authority who wrote such a nice letter in the *Network* magazine.

Last year the public deficit was $300 million and this year it is $510 million and includes fare concessions and other new features. This year it has increased by $210 million. One side of the story is told in V/Line's official magazine and another side by Mr Fitzmaurice and Mr Strouse. Mr Strouse was also concerned about the financial position of V/Line, and wanted to curb expenditure and establish new economic procedures, but he resigned his position and is now overseas.

The railway system in Victoria is in a parlous state. V/Line staff in their magazine *Update* say that the freight service is a joke. That statement was recorded in an *Age* article of 8 April 1986. The Minister for Transport and railway staff have acknowledged that the railways have a deep-seated problem and the Government and the Minister can do nothing about it. They appear to be helpless in the face of circumstances confronting them and are unable to do anything about the terminal illness attacking the Victorian railways.

The Public Transport Users Association has written an open letter to the Premier pointing out the disgraceful condition of the railways and the fact that they are on the point of imminent collapse. The association states that the causes are Ministerial ineptitude and indifference that characterize almost every part of the railway service.

It has now reached the stage where the arrival times of trains are no longer broadcast to passengers waiting for them. Passengers have to go to the platform and take part in railway roulette. If they are lucky, the train will come; but if they are unlucky, it will not. Passengers do not know until they get to the station whether the train will arrive, whether it will break down in the railway yard, be directed to the wrong platform, be cancelled or be late. There appear to be hundreds of ills that plague trains and prevent them from running from point "A" to point "B".

Honourable members probably believe, with new and expensive technology being installed over recent years, that the whole process will be simple. However, even with the new switching procedures, some ham-fisted person apparently pushes the wrong buttons and trains go to the wrong destinations.

The Hon. D. R. White—What are you talking about?

The Hon. ROBERT LAWSON—The Minister for Health appears to be a little upset. Railway workers now have buttons to push instead of levers, but when they had levers the trains used to go to the right destinations. The old steam trains and red rattlers ran on time and reached the destination shown on the destination board. It appears that in modern times we are regressing and not progressing.

The Minister for Transport also had another bright idea and attempted to cut costs by terminating the services of 2500 railway employees.

The Hon. M. J. Arnold—That was Steve Crabb.

The Hon. ROBERT LAWSON—I apologize, it was the former Minister of Transport, Mr Crabb. He attempted to put off 2500 employees on early retirement at a cost of $60 million. The difficulty was that the cost turned out to be $90 million.

The Hon. W. A. Landeryou—We would have settled for $60 million.

The Hon. ROBERT LAWSON—I am certain that the Government would have settled for $60 million. The problem was that after those employees retired there were insufficient members of the work force to keep the service operating so the Government had to hire special workers, or the same workers who had taken golden handshakes, and ask them to again work for the railways. If the matter were not so serious, it would be considered funny.

I direct the attention of the House to the Treasurer's statement for the year ended 30 June 1985 on the report of the Auditor-General, where he said:

> In recent years a number of public bodies have raised funds to finance capital works programs through the sale of assets. Such assets have included trams, trains, buses, container cranes and coal dredges. As the assets sold are required for the day to day operations of the public bodies concerned, the public bodies arranged to lease back the assets.

The Metropolitan Transit Authority sold $199·4 million worth of rolling-stock and to lease it back over a period cost $375·1 million. The authority received almost $200 million but had to pay out $375 million. The State Transport Authority sold $281·7 million worth of rolling-stock and to lease it back cost $612·4 million.

That is a reasonable thing to do if one is running a business at a profit. Any firm can sell buildings or equipment and lease back in order to use the capital from the sale for the conduct of the business. However, it is nonsense to do that if the business is running at a loss because this compounds one's financial troubles. The Government has sold off its rolling-stock and assets and is leasing them back but there is not enough income to pay the interest. The interest and capital costs must then come from the public purse, once again loading the unfortunate taxpayers with the results of the folly of the Government that has temporary control of the Treasury benches.

I turn to the school system. No one here could say that the system is successful or held in high regard. The rise of union influence within the Teaching Service has been mirrored by the lack of confidence of people in that service and by the general dissatisfaction of the teachers. Teachers have not benefited in the pay stakes because they are now near the top of the actuarial figures in terms of premature death or retirement due to stress-related illness. Honourable members may recall the Premier, when giving the LaTrobe lecture a few days ago, criticized the education system of this State. He criticized the teachers and blamed many of the ills of the system on them. He said that standards have slipped. In his school days, it was usual for children to learn to read, write and do sums and all the things that were considered necessary but those things are not being taught in today's education system. Mr Baxter says that the Premier went to a private school with a good curriculum.

Not only can the Premier see the faults in the system but also the parents can. The public education system is suffering doubly. It is losing its students because parents in general are producing fewer children and it is losing its students because many parents are

anxious to take their children out of the public school system and place them in private schools.

The Hon. J. E. Kirner—But they send them back in Years 11 and 12.

The Hon. ROBERT LAWSON—I believe the Minister's comment is wrong but no doubt she will correct me. The movement from public to private education systems is a haemorrhage on the body of the public system because not only do we lose children but also we lose the parents. Parents are needed in the public system, too.

The Premier has no remedy for this situation but criticizes the teachers and the service. In his lecture he was not prepared to provide a solution, but he complained of the system that he and his Ministers have administered for the past four years. I can imagine the frenzy he would work himself into if that education system were controlled by another Government. However, because he and his Ministers have been responsible, his complaints are muted. All the same, they are worth reading.

The Premier's comments roused the ire of teacher unions and they responded critically, particularly to his statement that teachers stand for only 18 hours a week in front of the blackboard and have long holidays.

The Labor Party will not get the near unanimous vote of teachers at the next election as it did in 1982 and, to a lesser extent, in 1985. Teacher manpower for electioneering will have evaporated by the next election.

The road system in the State is deteriorating and is worse than when the Government came to office. It has deteriorated to such an extent that many shire engineers are ripping up tarmac surfaces in their shires and replacing them with gravel. In 1986, it is incredible to see rural roads reverting to gravel.

We sometimes see advisory signs on our roads informing us that "This is a Commonwealth Bicentennial program". That is supposed to indicate that motorists are getting back some proportion of the money they pay to Commonwealth and State Governments. Petrol stations are taxing instruments for both Governments. The proprietors of petrol stations receive only a small proportion of the price of every litre of petrol. The bulk of the money goes to the State and Federal Governments—nothing like the amount they take out goes back into the road system.

I spoke last night to a shire president who told me that there are 160 kilometres of roads in his shire. The council has sufficient money to repair 1 kilometre a year of that road. In 160 years' time, all the roads in that shire will have been repaired. That shire will possibly also have to revert to gravel roads.

The poor, who are always with us, have increased in number under the administration of the Federal and State Governments.

The Hon. W. R. Baxter—That depends on your definition of poor.

The Hon. ROBERT LAWSON—I do not have to define them as the poor; that has been done by the Premier. He describes them as the "new poor". I suppose that is to distinguish them from the "old poor". What the Premier had to say was immediately verified by Mr Gerry Hand, the Federal member for Melbourne. Mr Hand criticized his party for allowing poverty to increase since 1983 and he predicted that welfare spending would not be allowed to be cut in the next Budget. Mr Hand holds the Federal Government responsible for the increase in poverty with this growing class of the new poor, and no doubt the Victorian Premier would do the same. However, we sheet the problem home to the actions not only of the Federal Government but also of the State Government. None of the Government's policies gives us any confidence that the number of new poor will be reduced in the foreseeable future.

Youth unemployment has undoubtedly increased since the Labor Party came to power in Victoria. The number of young unemployed persons is now far higher than it was in

our time. The Minister for Employment and Industrial Affairs—now the Minister for Labour in another place—took immediate action to correct the problem. The action he took, which is worthy of the Government, was to change the name of his department from the Department of Employment and Industrial Affairs to the Department of Labour. It will be interesting to see whether that change of name cures the problem of youth unemployment. In addition, the honourable gentleman has taken other decisive action. In the *Age* of 19 April this year the Department of Labour advertised senior executive positions.

The Minister wants to build up a corporate strategy. This is promising in light of the marvellous results that flowed from the installation of a corporate strategy in the areas of transport, health, education and so on.

The senior executive positions have a base salary of $50 806—which is not bad by anyone's standards—with a performance allowance of up to $8236. How does one measure performance if, for example, one is a director? Is the performance measured by the number of times one moves outside the office to talk to people, the number of times one travels up and down in the lift or the number of conferences one attends? The position will also carry an expense of office allowance of $2313 a year.

The manager positions will carry a base salary of $43 426, with a performance allowance of up to $7040 and an expense of office allowance of $2313. If only young Victorians knew the efforts that are being made on their behalf, they would be delighted.

Approximately ten positions were advertised with total salaries of $500 000 for these people, their secretaries and so on. If anyone were to apply for one of these jobs, it would be a good idea to mention his or her Labor Party registration number, as it would be a great help in obtaining employment in the Department of Labour.

The honourable member for Keilor in another place, George Seitz, has reportedly lost his job. He would be an ideal manager of the labour market research section which analyses the impact of technological change on employment in the labour market and provides advice on the impact of the department's programs. That would be an ideal position for Mr Seitz. If the Labor Party dumped Mr Crawford, he could be sent along with his Labor Party membership number, and I am sure the department would employ him.

It is pleasing to think that the Department of Labour is doing something about unemployment. The Opposition is happy to support its program of installing a corporate service in the new department.

The problem of the Builders Labourers Federation persists. The saga reminds me of a story of two authors who decided to write a book—something along the lines of *Ripping Yarns*. Each would write a chapter in sequence; one would write one chapter and the other would write the next. They took it in turns to get the hero into deeper and deeper problems.

This reminds me of Mr Gallagher and his problems. All the time the Government is getting him into deeper and deeper predicaments. Finally, one of the authors concluded his chapter on his hero called Norm. Norm Gallagher was locked in an underground cell; he was chained to the wall; the entrance to the cell had collapsed; the water was rising and about to drown him. The writer showed it to the other author and said, "It is your turn now". The other looked at it; thought for a minute and wrote: "With one bound, Norm was free and, leaping on his horse, galloped across the prairie."

This reminds me of Mr Gallagher: he has taken his case to the court, which has decided that the members of the Builders Labourers Federation cannot be dismissed. So, with one bound, Norm is free; and he has escaped the net.

The PRESIDENT—Order! Mr Lawson should return to the Bill.

The Hon. ROBERT LAWSON—Despite all of the terrible problems I have detailed concerning the mismanagement by the Government; the extraordinary waste of taxpayers'

money; the near collapse of the railways and the wasteland that is the health system, the Government is prepared to spend $26 million a year telling the people of Victoria how good it is. That is what Government spends on its public relations unit—its "misinformation unit"—which keeps pumping out press releases trying to convince the community that all is well.

Despite the $26 million that the Government is pouring into this propaganda unit, it will not work, because after the next State election the Government will be in opposition and the Liberal Party will return to government.

The Government has problems with its oil revenue. Honourable members would be well aware that the Government has a shortage of $120 million from the Bass Strait oil revenue, which is causing intense distress to the second-best Treasurer in the world! The best Treasurer does not care very much because the Commonwealth Government can adjust its concerns so that the shortfall is made up. It merely charges the motorist a little more.

The second-best Treasurer in the world is not in that happy position, and is $120 million short in his oil revenue. These problems will surface shortly and I can foresee horrendous problems looming for the Government because of its prolifigacy and waste and the debts contracted on behalf of the community. Now that the Government needs a firm, secure base of revenue, that base is being pulled out from underneath it. All of the Government's policies are unravelling in front of its eyes; nevertheless, the Government still has friends.

Honourable members may recall the advertisement that appeared in the *Sun News-Pictorial* on Thursday 1 May. It was a "May Day" Statement. It said: "It's time to draw the line". The advertisement was inserted by Labor Party members who were critical of the Government. They said, "We must protest the Federal and State legislation that seeks not only to deregister but also to abolish the Builders Labourers Federation in breach of international labour covenants".

The advertisement was signed by three members of this place who are sick of being in government and who want to take over the Opposition benches where they can be pure and say anything they like. The advertisement was also signed by Bill Hartley, a radio producer. Included in the signatories to the advertisement were: Joan Coxsedge, Jean McLean and George Crawford. They are all willing to help out the cause of the party.

Not only does the Government have the problems that I have referred to but also it has the problem of some of its members who are not quite sure what they want to do. Whatever it is, it is not what the rest of the party wants to do.

Mr President, thank you for your courtesy. I point out that I shall be back next year, when I expect the news to be even worse.

The sitting was suspended at 6.29 *p.m. until* 8.3 *p.m.*

On the motion of the Hon. A. J. HUNT (South Eastern Province), the debates were adjourned.

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

EMERGENCY MANAGEMENT BILL

This Bill was received from the Assembly and, on the motion of the Hon. D. R. White (Minister for Health), for the Hon. J. E. KIRNER (Minister for Conservation, Forests and Lands), was read a first time.

For the **Hon. J. E. KIRNER** (Minister for Conservation, Forests and Lands), the Hon. D. R. White (Minister for Health)—I move:

That this Bill be now read a second time.

Its purpose is to provide for the management and organization of the prevention of, response to and recovery from emergencies in the State of Victoria.

Honourable members will recall that the State Disasters Act, which was enacted in 1983 in the aftermath of the Ash Wednesday bush fires, provided a basis for improved co-ordination of the State's emergency services. That Act was originally to expire on 30 June 1985, but was extended to 30 June 1986, pending the completion of a number of studies and reviews that would have a bearing upon the future shape of Victoria's arrangements to cope with emergencies and disasters.

The Government has had the benefit of a number of reports, including those of the Public Service Board Review Committee established after Ash Wednesday and a number of working parties reporting to the Readiness Review Committee and the Disasters Services Council.

In general, these studies have concluded that many aspects of the existing arrangements, particularly in relation to the combating of emergencies and disasters, have been shown to be effective and should be incorporated and strengthened where necessary in any proposed new arrangements. This applies in particular to DISPLAN, the State Disaster Response Plan, which is now proposed to be given a necessary head of power in the new legislation.

Although the existing arrangements are seen to be more in need of rationalization than drastic change, there is a need to ensure that any new arrangements provide for the management of emergencies comprehensively and in an integrated fashion. A comprehensive management framework is needed so that we can take measures to prevent disasters and to facilitate recovery from the effects of disasters as well as to combat the events themselves and provide for immediate post-disaster relief. The management framework needs to be effectively integrated, so that a consistent set of policies and programs can be put in place to cope with events of any scale, whatever their origin.

The title of the Bill is significant—the emergency management arrangements are not simply designed to address major disasters, which we trust will be relatively infrequent events, but also to provide an integrated framework within which we can seek to manage any event that threatens the life and property of the people in the State.

One of the key features of the Bill is its rationalization of the policy advice and planning structure at State level, to provide a representative peak council, the State Disaster Council. This council will replace the existing Disaster Services Council and advise as to the other components needed to establish a set of over-arching policy advice and planning arrangements to provide for effective emergency management. Response planning committees established under DISPLAN will be integrated into this framework.

A significant element of the Bill is that it recognizes and defines for the first time the important emergency management role that local government plays on behalf of local communities, a role that municipal councils in areas affected by the tragic events of 1983 and 1985 performed outstandingly. In formalizing that role, the new arrangements provide a framework for increased assistance and support to local government, recognizing that an aware and prepared community is the most effective "first line of defence" against emergencies and disasters.

A revitalized and strengthened Victoria State Emergency Service is envisaged as an important element in the new arrangements. An effective volunteer organization is essential in providing breadth and depth, within a community base, to the capabilities of our full-time emergency services in coping with emergencies and disasters, and the people and Government of Victoria have properly placed on record their gratitude for the effort of the many thousands of volunteers, from both Government and non-Government agencies, who have given unstintingly of their time in support of their communities.

The Victoria State Emergency Service has provided an important element of the structure through which such volunteer effort can be organized and delivered, in addition to the

provision of operational services. The service provides support to DISPLAN and the full-time emergency services and assists in the planning, organizing and management of emergency response and recovery. The rule of the service, particularly as it relates to support for local government in developing its emergency management role and capabilities, is one we believe needs particular strengthening, and the Government is currently addressing this issue.

Among existing provisions the present Emergency Management Bill retains are those relating to the declaration of a state of disaster and the appointment of a Co-ordinator in Chief of Disaster Control. The powers of the co-ordinator during a declared state of disaster are more precisely defined.

The Bill also extends to all registered emergency workers who have a role to play under DISPLAN appropriate compensation provisions under the Accident Compensation Act and an immunity for any action taken in the course of performing such roles.

It needs to be emphasized that the new arrangements do not in any way change the responsibilities or affect the operational functioning of the statutory emergency services such as the police and fire authorities or of other departments and agencies whose statutory functions give them a responsibility in the area of emergency and disaster management. Indeed, the vital role of the Victoria Police Force in providing co-ordination in the operational response to all types of events, from incidents through to disasters, is fully recognized and considerably strengthened in the Bill, which formalizes the arrangements for co-ordination at State, zone and regional levels.

The provisions of the Bill demonstrate that the Government, after detailed and expert study, has moved to establish a framework within which adequate and effective measures can be taken to prevent, respond to and recover from emergencies and disasters. I commend the Bill to the House.

On the motion of the Hon. N. B. REID (Bendigo Province), the debate was adjourned.

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

ROAD CONSTRUCTION AUTHORITY (LANDS) BILL

For the **Hon. J. H. KENNAN** (Attorney-General), the Hon. E. H. Walker (Minister for Agriculture and Rural Affairs)—I move:

That this Bill be now read a second time.

The Bill is to authorize the Road Construction Authority to compulsorily acquire recreational land most of which is owned by the City of Malvern, and a small parcel of which is owned by the cities of Camberwell, Hawthorn and Malvern. The City of Malvern has been acting as agent for the other municipalities in respect of the jointly owned land for the purpose of negotiating compensation. The land is required by the Road Construction Authority for the construction of the South-Eastern-Mulgrave freeways arterial road link.

The land is subject to the Cultural and Recreational Lands Act 1963. This Act does not permit compulsory acquisition by the authority under the Transport Act 1983. The procedure required by the Act is that negotiations take place with the councils regarding the basis on which the land can be made available. If agreement cannot be reached, a specific enabling Act is required to allow compulsory acquisition.

As honourable members are aware, on 25 May 1983 the former Minister of Transport, the Honourable Steve Crabb, announced that the Government had decided to link the South-Eastern Freeway and the Mulgrave Freeway by means of a four-lane arterial road. The decision to build the road link is the only sensible way to resolve the traffic shambles in the region. The lack of an adequate road connection between the two freeways has resulted in immense environmental degradation of the local roads in the municipalities of Malvern, Camberwell and Hawthorn with complaints from residents about traffic including large trucks in residential streets during all hours of the day. Also, motorists have for years

been experiencing frustrating delays getting through the area between the two freeways and traffic conditions are unsafe. As well as being crucial to enable free traffic flow between the South-Eastern and Mulgrave freeways, construction of the link will provide a traffic artery to service the needs of traffic between Melbourne and the Latrobe Valley and adjoining areas.

Soon after the announcement was made negotiations between the councils and the authority began for the use of the land by the authority. Although agreement has been reached on a number of aspects, there are difficulties regarding the provision of replacement open space. The authority, at the request of the Minister for Transport, is continuing to negotiate with the councils and every attempt will be made to resolve these difficulties, if at all possible.

If agreement cannot be reached, an enabling Act will be necessary to permit compulsory acquisition under the Transport Act 1983. The Transport Act provides for the consequent determination of compensation and associated issues by incorporating the procedures set out in the Lands Compensation Act 1958. This will ensure that the councils have the benefit of the statutory procedures applicable to all other landowners whose lands have been compulsorily acquired.

Although it is the intention of the Minister for Transport that the authority and the councils should continue to pursue means of resolving the issues by agreement, enabling legislation to permit compulsory acquisition needs to be enacted during the current sessional period. This enabling legislation will only be used if required, but will ensure that compulsory acquisition can proceed, if needed, to enable road construction deadlines to be met. Otherwise, there is a danger that if the councils and the authority fail to reach agreement and it is necessary to wait until the spring sessional period before enabling legislation can be enacted to resolve the situation, the construction program will be severely impaired. This would add significantly to construction costs. I commend the Bill to the House.

On the motion of the Hon. H. R. Ward, for the Hon. ROBERT LAWSON (Higinbotham Province), the debate was adjourned.

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

NATIONAL PARKS (AMENDMENT) BILL

For the **Hon. J. E. KIRNER** (Minister for Conservation, Forests and Lands), the Hon. C. J. Hogg (Minister for Community Services)—I move:

That this Bill be now read a second time.

Since 1956 there have been twenty amending Bills to the National Parks Act introduced into this House. Of these, nineteen have passed through Parliament, but the twentieth—the Alpine National Parks Bill, and perhaps the most significant—was recently defeated in this House.

This Bill has several purposes. Firstly, it amends the National Parks Act to provide for seven new or substantially enlarged national and State parks. The objective in introducing these amendments is to expand the system of parks and conservation reserves to ensure that representative and ecologically viable samples of all Victoria's major natural ecosystems are permanently protected.

Since 1956 previous Governments have declared an area of 874 000 hectares under the National Parks Act, that is 3·8 per cent of Victoria. Since this Government came to office in 1982, seven new parks have been declared, and the area reserved is now 1 170 000 hectares or 5·1 per cent of Victoria. One of these parks—Wonnangatta/Moroka—had been legislated for under the Hamer Government. A further 183 000 hectares is to be added by the Bill, making a total of 1 351 000 hectares or 5·9 per cent of Victoria.

When introducing the Land Conservation Bill in 1970, the then Minister for Conservation, the Honourable Bill Borthwick, referred to the election policy of the Bolte Government to have a full study made of public land in Victoria with the object of setting aside substantial areas for national parks. The Government intended that use of land should be determined after scientific study. Mr Borthwick, after referring to the need in the pioneering period to turn the land to productive uses, said:

> Unfortunately, this philosophy persisted for far too long, the result being that we have an abundance of land for productive purposes, much of which is still not providing the productivity it could, but we have no examples of many different kinds of land in an unimpaired state that land-use scientists could use as reference areas for study. Furthermore, in whole regions there is an inadequacy of land for the preservation of plant and animal communities, or even for open bushland recreation space for our rapidly increasing urban populations.

Mr Borthwick's view is the philosophy on which the Land Conservation Council has acted, and on which the Bolte and Hamer Governments acted, and which underlies the proposals in the Bill.

The new areas are based upon Land Conservation Council recommendations. Areas which are included in the Bill are:

Mount Napier State Park represents the creation of a new park of 2800 hectares. The area is a geologically important volcanic complex in the Western District, including the Byaduk Caves which are the largest volcanic caves in Australia.

Mount Eccles National Park is enlarged from 400 hectares to 5470 hectares. The extended park incorporates the existing Mount Eccles National Park, the Stones Wildlife Reserve and purchased land. The park contains a number of important geological features not found elsewhere in Australia. In fact, the Mount Eccles and Mount Napier parks together contain the most extensive and diverse collection of volcanic features in south-eastern Australia. It is also highly significant for protection of the tiger quoll and the yellow-bellied glider.

Tarra-Bulga National Park comprises 1230 hectares located in south Gippsland. This park incorporates Tarra Valley National Park, Bulga National Park and Crown lands. The existing small parks are suffering from visitor pressure and are not ecologically viable. In creating the larger park, it is planned to acquire connecting land.

Mitchell River National Park of 11 900 hectares, is centred on the Mitchell River Gorge, which provides some of Gippsland's most spectacular scenery. It is renowned for its special floral and geological features, and attracts many visitors each year. It includes the existing Glenaladale National Park, established in 1964 on land donated by APM Forests Pty Ltd.

Important geological features of the Mitchell River Gorge are the spectacular sandstone cliffs, excellent exposures of the Avon River group, and several fossil sites. The well-known "Den of Nargun" is located in a tributary of the Mitchell. The name "Mitchell River" is considered to be more appropriate than the name "Glenaladale" used for the smaller park. Mitchell River is more descriptive of the district.

Avon Wilderness Park is of 40 000 hectares. I make further comment on this wilderness area later in this speech.

Two parks to be established near Bendigo are Whipstick State Park, of 2300 hectares, and Kamarooka State Park, of 6300 hectares. These parks are important and will protect remnants of native vegetation in the Bendigo region, where there is little public land, compared to other regions.

Secondly, the proposed legislation provides for new parks to be declared at dates to be fixed by proclamation of the Governor in Council.

Thirdly, it seeks substantially to declare the Cobberas–Tingaringy National Park, an area approved by Parliament under the previous Government but which could not be proclaimed because of mineral exploration commitments.

Fourthly, other major provisions to be included in the legislation will provide for inclusion of land in several existing national and State parks; the deletion of small areas from Grampians National Park; the tenancy of the Mount Buffalo Chalet and operation of ski lifts by a nominee company of the Victorian Tourism Commission; and the appointment of two additional members to the National Parks Advisory Council.

The Mount Buffalo Chalet was built by the Public Works Department in 1910, and operated by the Victorian Railways from 1924. It has now been transferred to the Victorian Tourism Commission. The occupancy has never been formalized under the National Parks Act.

A tenancy for the maximum allowable term of seven years is in course of being granted under section 19 (2) (*b*) of the National Parks Act to Victour Properties Pty Ltd, a wholly owned subsidiary of the Victorian Tourism Commission. This arrangement is not satisfactory to the tourist body, which wishes to borrow moneys to improve guest facilities, and needs a lease period of twenty or so years to make the borrowing feasible to lenders. The loans are required for structural improvements and refurbishment of the interior. It is proposed to continue the operations more or less as at present, without drastic changes. The Bill proposes to provide for a tenancy for up to twenty years.

The National Parks Advisory Council has seven members, representing the Conservation Council of Victoria, the National Parks Association, local government, country interests, the universities and the community generally, as well as the Director of National Parks. When this council was established in 1975, there were only two State parks declared under the National Parks Act—now there are 32.

Not only are there more parks, but also a wider range of activities are carried on in the parks. The two additional members will enable consideration to be given to appointments from a correspondingly wider range of groups such as various different types of park users, rural interests and community organizations, and to cater for special needs such as facilities for disabled people. I now wish to provide additional comments on some of the features of this Bill.

COBBERAS–TINGARINGY NATIONAL PARK

I shall explain briefly the legislative history relating to this area, as it is rather complicated. There is an existing Tingaringy National Park of 18 000 hectares, declared in 1979. In 1981 an amending National Parks Act passed by the Hamer Government provided for inclusion of Tingaringy in a Cobberas–Tingaringy National Park of 145 000 hectares. The decision to declare this national park arose from the Land Conservation Council's recommendation in 1979 that the park be established in the area where an exploration licence was already held and exploration was already under way. The then Government introduced legislation to create the park without resolving the mining issue. A Western Mining Corporation–BP joint venture had spent about $10 million on exploration for base metals in the area since 1972—seven years before the Land Conservation Council proposed a park. The mining companies had already discovered just outside the proposed park two significant zinc–copper deposits. Because of an impasse in relation to the mining exploration, the Cobberas–Tingaringy National Park was not proclaimed.

This Government in 1983 announced its intention to resolve this impasse by providing for a staged declaration of the park, and prepared some guidelines on exploration and mining in proposed national parks. The legislation for the Alpine National Park encompassed this area, but that legislation has not been passed by this House and some further delay seems likely!

As an interim measure it is now proposed, however, to legislate the intent of the Hamer Government by providing for a Cobberas–Tingaringy National Park of 107 000 hectares, to be established from the date that this Bill comes into force. This will ensure the protection of the area and proper management to national parks standards. The areas

defined with a high mineral potential in which the company wishes to continue to explore remain unproclaimed at this stage.

Accordingly, this Bill legislates for a Cobberas–Tingaringy National Park of 107 000 hectares, replacing Tingaringy National Park. The 1981 legislation remains in place. If proclaimed subsequent to this Bill, it would operate to establish the Cobberas–Tingaringy National Park of 145 000 hectares. The Alpine National Park legislation if it had been passed and in force would have incorporated all of this land in the Alpine National Park, and replaced all reference to Cobberas or Tingaringy in the schedules to the National Parks Act. As I said earlier, the process necessary for the declaration of this park has become rather complex.

AVON WILDERNESS

The concept of wilderness has received attention in Australia for many years, particularly since the early 1960s. The need to set aside areas because of their value as wilderness has been recognized by some Australian States. For example, New South Wales has designated a wilderness area abutting Tingaringy National Park.

The wilderness experience involves being in close contact with nature, an environment unaltered by human intervention, the feeling of isolation and of being exposed to the challenge of the elements.

In Victoria, the Big Desert wilderness of 113 500 hectares has previously been declared under the National Parks Act.

The Avon wilderness presents opportunites for solitude and for a range of challenging activities. Because it will probably attract only the more hardy wilderness-user, it is likely to retain the main elements of the appeal of wilderness.

Recreation activities such as hiking, rock-climbing, fishing, cross-country skiing, and nature observation will be permitted within this area. Timber production, grazing and mining will be excluded, as would the use of firearms. Motorized vehicles, other than those essential for management, would also be excluded.

FIRE PROTECTION

Wildfires, however caused, must be prevented from threatening life, property, and natural resources in the State, and the measures necessary to control them must be taken in a national park or wilderness area as in any other area. Presuppression measures, such as maintenance of fire-access tracks and protective burning, will be required, at least in areas of strategic importance for fire control. A carefully designated and managed fire-prevention program in the adjacent areas may reduce the requirement for such activities in some areas of the wilderness as well as in parks. Prevention and suppression of fires will remain the responsibility of the fire protection branch of the Department of Conservation, Forests and Lands.

ECONOMIC FEATURES

When considering the declaration of new national or State parks, it is important to consider any loss of economic production. This measure has only a minor effect on economic production, confined to phasing out of grazing rights in certain areas.

MANAGEMENT PLANS

Good quality management plans will be prepared for these new parks. The Department of Conservation, Forests and Lands in now making a major effort in the preparation of such plans for existing parks. The recent management plan for the Grampians National Park is a fine example of this work.

FINANCIAL CONSIDERATIONS

With increased area of land being reserved, there has been an increase in funding for national parks purposes. Total expenditure in 1981–82 was $9·8 million, rising to $11·8 million in 1983–84 and an anticipated $13·3 million in 1985–86. The park access program initiated by the Government has resulted in the provision of additional facilities in many areas.

In conclusion, I should like to say that in the past, Parliament has acted to establish national parks in a bipartisan manner, reflecting the wide consensus of community values about preserving our natural heritage. Declaring land as parks does guarantee proper management of the most important features of our natural heritage. I commend the Bill to the House.

On the motion of the Hon. R. I. KNOWLES (Ballarat Province), the debate was adjourned.

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

SUPPLY (1986–87, No. 1) BILL AND WORKS AND SERVICES (ANCILLARY PROVISIONS) BILL

The debates (adjourned from earlier this day) on the motions of the Hon. D. R. WHITE (Minister for Health) for the second reading of these Bills were resumed.

The Hon. A. J. HUNT (South Eastern Province)—Consideration of these Bills enables one to consider not only the Current Account of the State but also the capital account. Honourable members will be aware from my previous contributions on Appropriation, Supply and works and services Bills that, although I am greatly concerned at the blow-out of expenditure on the Current Account, I have been even more concerned at the fast increasing growth of the State's debt. Honourable members may recall that when appropriation was last before the House, I drew attention to the fact that the figures on page 115 of Budget Paper No. 2, 1985–86 showed that the Budget sector debt had increased over a period of four years from $5·25 billion to $8·65 billion and was merely the tip of the iceberg.

Two pages earlier, the total public sector debt was shown as having increased from $11·08 billion to $17·25 billion but even that is a false figure as the Auditor-General pointed out in his report.

I refer to the Auditor-General's first report for 1984–85 at page 57 wherein he made a claim that, although he had added further figures to the amounts disclosed by the Government, the debt that the State acknowledged was not comprehensive and that much more information needed to be provided to make it so. He also drew attention to the fact that the failure to disclose the public debt in full, and the failure to disclose the total annual debt servicing charges that the State was incurring, meant that Parliament could not exercise its proper role of supervision over the finances of this State.

That serious charge has been made in three successive reports of the Audior-General. It is a charge that the Government has not heeded. Thus, the people of Victoria still do not know what the total indebtedness of this State is or what provision there is for debt servicing. The Government has not done that work. The Opposition has therefore been forced to do the Government's work for it and to do the necessary calculations to show the frightening magnitude of the public sector debt of Victoria, and the way in which that debt has increased so dramatically and alarmingly during the term of the Cain Government.

To do this requires the bringing into account of a number of factors that have not, so far, been clearly shown in the Budget Papers relating to debt. The work that we have done has shown that the figure of $25 000 million, or $25 billion, which I estimated as being the minimum the last time I spoke on the subject, was a substantial underestimate of total public sector liabilities.

The work the Opposition has done shows without doubt that the total liabilities of this State now substantially exceed $35 000 million. That figure has not previously been quoted but it is a figure that I intend to establish beyond a shadow of a doubt.

The information I will produce will show that, even at that figure, a number of items have not been taken into account. That $35 billion represents an increase in liabilities from $15·8 billion when the Government took office. In other words, the increase in debt has been at least 121·6 per cent in a mere four years. That is a frightening fact. I will show that this represents, even at the conservative estimate of $35 billion, the staggering debt of $8413 for every man, woman and child in this State. It represents a debt of $33 652 for the average family of four. That is an even more frightening sum. It means that debts are being stored up for the future at an alarming rate. We will be leaving our children and grandchildren to pay for the profligated expenditure of today. It means that Victoria has been living beyond its means and mortgaging the future.

It also means that the day of reckoning is not very far away. Very soon, the position will be reached where over half of the Current Account expenditure of this State will be committed to debt servicing and the meeting of superannuation payments. That is no way to run a business and it is certainly no way to run a State. The situation ought to alarm not only every member of Parliament but also every responsible citizen in the State and every person who has concern for where the State is headed. The figures show that it is going down the road towards bankruptcy.

I have prepared table I, which I have discussed with the President and with the Minister and which shows that calculation. I seek leave for its incorporation in *Hansard* without reading it.

Leave was granted, and the table was as follows:

TABLE I

VICTORIA'S PUBLIC SECTOR LIABILITIES

	1981–82	1984–85	1985–86	*Percentage change* 1981–82— 1985–86
	$m	$m	$m (*a*)	
1. ∫ Under the Financial Agreement with the Commonwealth	3930·5	4385·1		
\ Under other Agreements with the Commonwealth	1136·8	1335·8		
	5067·3	5720·9	5976·8	+17·9
2. Semi-Government Authorities	7982·3	18311·1	19674·3	+146·5
3. State Insurance Office	338·9	1708·4	2500·0	+637·7
4. Workers Compensation	Nil	245·8	245·8	
5. State Development Account	Nil	387·1	461·7	
6. Capital Works Authority	Nil	87·3	365·7	
7. Borrowings on behalf of the State—Alcoa Portland Project	Nil	401·8	551·8	
8. Special Public Sector Leasehold Commitments	Nil	1211·0	1111·5	
9. Overdue Payment of Accounts by Departments (*a*)	30·0	165·6	165·6	+452·0
10. Public Sector Superannuantion—Unfunded Liabilities (*a*)	2400·0	3600·0	4000·0	+66·6
	15818·5	31839·0	35053·2	+121·6

Notes: (*a*) Estimates

The Hon. A. J. HUNT—I also present appendix A, which explains the sources of the figures and the basis of their calculations, and appendix B which outlines a number of issues that are not taken into account in the figure of $35 billion to which I have referred. Once again, I ask leave for the documents to be incorporated in *Hansard.*

Leave was granted, and the appendices were as follows:

APPENDIX A

VICTORIA'S PUBLIC SECTOR LIABILITIES

SOURCES FOR TABLE I

1. Under the Financial Agreement and Other Agreements with the Commonwealth

1981–82 and 1984–85 figures are quoted from Treasurer's Statements for those years.

1985–86 figure is the 1984–85 figure plus estimated 1985–86 Commonwealth loan raisings undertaken on behalf of Victoria, as shown by the Budget Papers.

2. Semi-Government Authorities

1981–82 and 1984–85 figures are quoted from the Treasurer's Statements for those years.

1985–86 figure is the 1984–85 figure plus estimated 1984–86 "global limit" borrowing allocations for the Semi-Government Authorities, as shown by the Budget Papers.

3. State Insurance Office

1981–82 and 1984–85 figures are quoted from the Auditor-General's Second Report for 1984–85.

1985–86 figure is projected from that base.

Workers Compensation

1984–85 figure is the accrued Government liability to State Insurance Office for workers' compensation for Government employees in respect of claims arising prior to WorkCare.

	$m
Net Present Value as actuarially calculated for State Insurance Office	341·6
Less provided for in accounts	95·8
	245·8

1985–86 figure assumes no increase.

5. State Development Account

1984–85 figure is quoted from the Treasurer's Statement for that year.

1985–86 figure is the 1984–85 figure plus estimated 1985–86 State Development Account borrowings, as shown by the Budget Papers.

6. Capital Works Authority

1984–85 figure is quoted from the Treasurer's Statement for that year.

1985–86 figure is the 1984–85 figure plus $33 million of 1984–85 approved borrowings to be settled in 1985–86, together with estimated 1985–86 Capital Works Authority borrowings, all as shown by the Budget Papers.

7. Borrowings on behalf of the State–Alcoa Portland Project

1984–85 figure is quoted from the Treasurer's Statement for that year.

1985–86 figure is the 1984–85 figure, plus estimated 1985–86 Portland Smelter Unit Trust borrowing, as shown by the Budget Papers.

8. Special Public Sector Leaseback Commitments

1984–85 figure is quoted from the Auditor-General's first report for that year, and relates to sale and lease back of assets, and the long-term lease–purchase of major equipment.

It does not include provision for future liabilities under conventional leasing agreements in respect of other buildings and equipment.

1985–86 figure is directly calculated from the information contained in the same Auditor-General's Report.

11. Overdue Payment of Accounts by Departments

1984–85 figure based on review of 20 departments conducted by the Auditor-General.

The Auditor-General identified $55·2 million worth of accounts where payment was eight weeks or more overdue.

These 20 departments accounted for approximately one-third of Ministry program expenditures in 1984–85.

The Auditor-General's sample figure of $55·2 million has therefore been trebled to $165·6 million to provide the 1984–85 estimate for all departments of accounts overdue by eight weeks or more.

1985–86 figure assumes no increase.

1981–82 figure was as estimated by Ministers of outgoing Government.

Public Sector Superannuation—Unfunded Liabilities

The figure for 1985–86 is the Government's own figure based on actuarial advice.

Remaining figures have been calculated from that base.

APPENDIX B

COMPONENTS OF VICTORIA'S PUBLIC SECTOR LIABILITY EXCLUDED FROM TABLE I

The total Victorian public sector liability shown in table 1 significantly underestimates the real total. The following components have been excluded from the table:

1. Conventional public sector leasing commitments.

2. Public sector liabilities attributable to normal financial arrangements such as ordinary deferred liabilities, overseas trade credits, security deposits and other repayable front-end capital contributions.

3. Contingent liabilities in respect of guarantees issued by the Treasurer to bodies other than those involved in the Portland Aluminium Smelter project (approximately $370 million in 1984–85).

4. Liabilities attributable to Local Government (approximately $800 million in 1984–85).

5. Liabilities attributable to Water Authorities (approximately $385 million in 1984–85).

The Hon. A. J. HUNT—I further submit table II, which shows the breakdown of the figures on a per capita basis and the way in which this has increased since 1981–82 and I seek leave to incorporate that table in *Hansard.*

Leave was granted, and the table was as follows:

TABLE II

VICTORIA'S PUBLIC SECTOR LIABILITY IN PER CAPITA TERMS

1981–82	1984–85	1984–86	*Percentage change* 1981–82–1985–86
$	$	$	
3960	7725	8413	+112·4

Notes: (*a*) Population estimates for Victoria have been obtained or extrapolated from ABS population estimates.
(*b*) The monetary estimate is conservative as explained in Supply debate.

The Hon. A. J. HUNT—I am grateful to the House for its indulgence. Allowing those papers to be incorporated has certainly saved me at least half an hour of verbal explanation.

Despite the fact that full notes are given as to the source of the information, perhaps honourable members would desire me briefly to discuss the items. The figures relating to the financial and other agreements with the Commonwealth are found at page 187 of the Treasurer's Statement for 1981–82 and at page 191 of the Treasurer's Statement for 1984–85. I am prepared to give page-by-page references on the matters referred to in the tables and appendices that have been incorporated in *Hansard,* if that is desired, or I could make them available to any honourable member on request. I have before me the Budget Papers and other documents from which my figures are drawn, and, upon request, I shall give precise page references to any honourable member who is interested.

I move to item 3 of appendix A, which relates to the State Insurance Office. Honourable members will see in that appendix item that the figures for 1981–82 and 1984–85 are as quoted in the Auditor-General's report for the last financial year. The 1985–86 figure for accrued liabilities of the State Insurance Office is projected from that base at $2500 million. The calculation I made came to $2819 million, allowing for a rate of increase of the kind that occurred in the previous year, plus inflation. However, I have discounted that calculation because of the fact that premiums have been raised with operations during

the current year. Thus the figure of $2500 million that has been shown can readily be seen as a conservative figure. The indebtedness may well be greater than is shown.

I now turn to item 4, which relates to workers compensation. Honourable members will see that the calculation for 1984–85 and the estimate for 1985–86 both stand at $245·8 million. For 1984–85 that is an actual figure. With WorkCare pending, as it was at the end of June last year, the State Insurance Office believed it essential to calculate the liability of the Crown in respect of work-related accidents or illnesses that had occurred to Government employees under the old workers compensation scheme. The office engaged a leading Melbourne firm of actuaries to ascertain that indebtedness. The then value of claims that had already arisen under the workers compensation scheme and were payable by the State was calculated by the actuaries at $341·6 million. That sum was not, however, provided for in the accounts, which allowed only for an amount of $95·8 million. That meant that this State had a hidden debt of $245·8 million as at 30 June last in respect of insurance claims that had been incurred in respect of Government employees but had not been met by the Crown. At that stage, there were still two more months of workers compensation claims arising under the old scheme in this financial year, before WorkCare came into operation. No one knows how much they amount to.

I have given the Government the benefit of the doubt. I have assumed—and it is certainly a favourable assumption from the Government's point of view—that any further moneys paid by the Government have at least met the additional claims that have arisen. They may not have done so, but I have assumed that, as at 30 June this year, the indebtedness in respect of workers compensation insurance will be no greater than as at 30 June last year. That assumption may well be false and it may well be a greater amount, but one can reasonably be certain that the accrued liability representing the present value of future claims will be at least the amount that it was last year, which is $245·8 million.

I now turn to item 5 of appendix A, which relates to the State Development Account. I should like to say at this point that the Government has left out indebtedness on the State Development Account as being an inter-Governmental debt. The Government has not shown it as a debt, and does not regard it as a debt.

Let us assume that the Melbourne and Metropolitan Board of Works has $100 million set aside for refurbishment of the sewerage system—and the sewerage system certainly needs it—and that that money is borrowed by the State Government through the State Development Account to hide what would otherwise be the current deficit. Let us assume that that capital is applied to the Current Account or even to capital by the State. The money is spent. When the Board of Works wants to use that $100 million, the State has to find it and repay it. The State will, in fact, have already expended the money and will face a liability for repayment. The fact that it is an inter-Governmental liability does not make any difference. It does increase the amount that the citizens of this State have to find in the long run. There is a debt on the part of the State in that case, and it is for that reason that I show this as part of the total State indebtedness—as, indeed, it should be shown. The figure represents the 1984–85 figure shown in the Budget Papers, plus $74·6 million for new borrowings shown by those papers to be incurred this year.

I turn to item 6, which relates to the Capital Works Authority, that phoney organization established by this Government and purporting to be established by Order in Council to obtain extra borrowings outside the Australian Loan Council limit, pretending to be a statutory authority when, in fact, it is just a front for the Treasurer, a colourable device. Last year's figures are shown in the accounts I have presented.

A careful examination of the Budget Papers shows that, in addition to the amount of $87·3 million shown as owing as at 30 June last, $33 million was negotiated under the terms of last year's borrowing arrangements but it was not paid over to the authority until early in the current financial year. Further borrowings of $245·4 million were authorized in the Budget Papers this year. That brings about a new total indebtedness of $365·7 million at the end of this financial year.

In reference to item 7, I say that the State has, in the case of the Alcoa Portland project, adopted a device very similar to that of the Capital Works Authority. It established the Portland Smelter Unit Trust to undertake the State's role and commitments under the agreement with Alcoa. The sole unit holder in the Portland Smelter Unit Trust is the Treasurer of this State. The unit trust is purporting to be a different legal entity but in fact it is merely the Treasurer borrowing on behalf of the State. The claim that this is a commercial body that has nothing to do with the Government, is quite apart from Government finances, and is borrowings for itself, is therefore seen to be the fraud that it is.

It is purely a colourable device, as exists with the Capital Works Authority. The so-called Portland Smelter Unit Trust borrowings are Government borrowings in anybody's language. Although the borrowings have been processed through the Portland Smelter Unit Trust, they are, in any event, guaranteed by the Government. The Government is the real borrower.

The table that I have prepared shows the figure for borrowings as it appears in the Budget Papers for 1985–86, plus $150 million authorized for the borrowings under the Budget this year.

I turn now to item 8 of appendix A—special public sector leasehold commitments. The item relates to the terms of sale and lease-back arrangements covering trains and various other assets and to the lease/purchase of major computer equipment for the Government. In effect, the latter amounts to a hire purchase agreement but is called a lease/purchase agreement. The explanations of those transactions are contained on pages 62 and 63 of the Auditor-General's report for the year 1984–85. On page 67 the details of the transactions are set out in table form.

Where the State sells assets which it owns to raise money, and then leases back those assets under a long-term leasing agreement, that is just the same, in anybody's language, as mortgaging the assets. It is an extra way of obtaining finance but it means an extra indebtedness for the State.

The figure as at 30 June last year shows that the amount owing was $1211 million, and with payments in the current year of $99·5 million, the balance payable under the agreements will be $1111·5 million, or at least it would be if there were no interest payable. Of course, there has been interest charged. Honourable members have not been told, and we have not been able to ascertain, how much interest has been paid in the current year on the amount owing. It may be that the payments of $99·5 million represent no more than paying the interest bill. The Opposition does not know; the Government will not tell it.

I have acted conservatively and favourably towards the Government by assuming that the amount is a capital repayment, when clearly it is not entirely so. It can thus be seen that the figure of $1111·5 million is once again a conservative figure. The figure must be more than that, although no honourable member knows precisely how much.

I turn now to item 9 of appendix A covering the overdue payment of accounts by departments. My colleague, Mr Reid, referred to that issue earlier. On pages 86 and 87 of the Auditor-General's report for last year, honourable members will find details of the review of twenty departments conducted by the Auditor-General. He found that there were $55·2 million worth of accounts overdue for eight weeks or more in those twenty departments. In other words, those accounts were eight weeks or more outside normal credit terms.

I have calculated that the total turnover of the twenty departments was $3·5 billion, out of a total budget of $10·7 billion. Therefore, those twenty departments represent 32·7 per cent of the Budget sector. I have been generous to the Government once more in the calculations by multiplying the Auditor-General's sample by a factor of three. I have taken it as if it were one-third, although it is less than one-third. I should have multiplied by

more than three, but I have multiplied by a factor of only three to reach a figure of $165·6 million. The figure may be much worse than that.

Mr Reid did considerable work with respect to the Department of Conservation, Forests and Lands where the amount owing for more than six weeks outside normal credit terms was $18·4 million. That department represents only 1·6 per cent of the Budget sector. If one were to extrapolate at that rate, the outstanding debts beyond normal credit terms would be more than $1000 million. I have, however, extrapolated only from the Auditor-General's sample of twenty departments, although it is clear that the actual indebtedness in respect of overdue and unpaid accounts must be more than $165·6 million, as shown in the documents that I have produced.

I turn now to public sector superannuation. Grave concerns are held about the rate at which the liability is increasing. The Opposition found it difficult to obtain precise information on this matter. If one looks at the Public Bodies Review Committee report one finds that in 1982 in all of the many public sector superannuation schemes there were 180 000 contributors. I am aware that that figure has increased considerably. It has increased for two reasons, firstly, because the public sector itself has increased by more than 35 000 persons over four years and, secondly, because the rate of entrance of contributors to the various schemes has increased.

The cost has increased, too, because the over-all increase in public sector salaries has been substantially greater than the consumer price index increases and pensions increase accordingly. The cost of the scheme has further increased because of increases in benefits. Four major factors have brought about a considerable increase in costs over four years and a considerable increase in the unfunded liability that exists in respect of those schemes.

My advisers and I have had some difficulty in coming to grips with accurate figures, but we took a conservative approach and treated the present average value of the future entitlements of contributors as only $25 000. We multiplied the figure by only the 180 000 shown in the 1982 Public Bodies Review Committee report, although the number of contributors is much higher now. That calculation resulted in a figure of $4·5 billion. We were anxious to check that figure so we took actuarial advice. We received that advice from two sources and the estimates in both cases were between $4 billion and $4·5 billion.

By inquiring around the traps we found that the Government had done an estimate of its own, which it had never disclosed to the public. That estimate was $4000 million. Our figures were certainly within the ball park. Similar figures have been obtained from two different sources, which is encouraging. One of the sources claimed the figure was for the State superannuation scheme and another said that it was believed the figure covered the entire public sector superannuation liability of the State.

I do not know who was right. The Opposition knows that the Government has had an estimate of $4000 million. That is the present value of future unfunded entitlements to superannuation in the public sector in the State. The Opposition knows that its original calculations were not far from the mark in saying somewhere from $4 billion to $4·5 billion. Again, the Opposition has adopted the most conservative of those estimates and has showed a figure of $4000 million.

I have said that this is a frightening position and, indeed, it is cause for grave concern because the time is not too far away where the burden of debt servicing and of meeting unfunded superannuation will be crippling this State. It must mean either a very substantial increase in taxes or a reduction in services to the people of this State unless the Government merely rolls over all debts and leaves them to future generations to pay. That is what the Opposition suspects the Government is doing. It is merely postponing the liabilities arising from its profligacy for the future generations to meet.

The Opposition asks the Government to do as the Auditor-General has asked it to do. The Opposition asks the Government to examine the figures. If it disagrees on any figure at all, the Opposition challenges the Government to make plain its basis of costing and to

be frank with the Parliament, the people of the State and the Auditor-General who has been asking for the information for three years.

Although the Opposition has provided a starting point it realizes it does not cover everything. The Opposition knows there is even more indebtedness. An honourable member behind me interjected and said that the Auditor-General resigned in disgust. It would not surprise me if that were the case for, indeed, the Government has thumbed its nose at the Auditor-General and has taken no heed of his entreaties to tell the public what is going on. The public is entitled to know the cost.

Before concluding my remarks, I point out that the figures are conservative for further reasons, as appear in appendix B. The table of liabilities does not include a number of items I have set out in that appendix, nor does it include the fact that the Government has absorbed all trust accounts into the Budget sector and has now used the money to avoid a deficit. The Government nevertheless must find those funds sooner or later for the purpose for which they were originally provided.

The Government has also taken specific purpose Commonwealth payments into the Budget sector and, in some cases, those payments have not yet been used for the purposes for which they were provided. The Government has simply used them to stop the deficit from becoming larger. Those funds, again, must be found sooner or later for the purposes for which the Commonwealth provided the funds. In the time available, the Opposition has been unable to attain accurate figures on these issues so, again, it can be seen that the total figures are extremely conservative, indeed.

However, the sum of $35 billion is a very frightening one. A debt of that magnitude per head, as I have indicated, should cause concern on the part of every family in the State. The Cain Government is not the responsible Government that it claims to be. What is shown is a history of financial irresponsibility. The irresponsibility has been of such magnitude that the Government does not deserve the passage of these Bills. Nevertheless, the Opposition has given repeated undertakings that it will not use its numbers in the Upper House to block Supply. Therefore, with some reluctance, the Opposition will not vote against the Bills.

On the motion of the Hon. R. J. LONG (Gippsland Province), the debates were adjourned.

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

STATE ELECTRICITY COMMISSION (AMENDMENT) BILL (No. 2)

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

Discussion was resumed of postponed clause 22 and of Mrs Varty's amendment:

Clause 22, lines 12 and 13, omit "this power of delegation" and insert "the power of sub-delegation".

The Hon. R. I. KNOWLES (Ballarat Province)—I seek leave to withdraw the amendment moved by Mrs Varty and to replace it with the amendment which has now been circulated and which would have the effect of simply deleting the words "including this power of delegation". I express the Opposition's appreciation to the Minister for reporting progress so that discussions between the parties could occur. As the Opposition understands it, this is a satisfactory arrangement to the Government.

By leave, the amendment was withdrawn.

The Hon. R. I. KNOWLES (Ballarat Province)—I move:

Clause 22, lines 12 and 13, omit ", including this power of delegation".

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

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

CONTRACT CLEANING INDUSTRY (LONG SERVICE LEAVE) BILL

The debate (adjourned from the previous day) on the motion of the Hon. D. R. White (Minister for Health) for the second reading of this Bill was resumed.

The Hon. HADDON STOREY (East Yarra Province)—I thank the House for its——

The Hon. D. R. White—Indulgence.

The Hon. HADDON STOREY—For want of a better word! The Bill is important because it illustrates yet again an attempt by the Government to interfere with the ability of people to conduct their arrangements as they see fit, and it imposes enormous burdens on people in an industry in a way that will add significantly to their oncosts and make it difficult, if not impossible, for them to conduct their business. It is another example of the Government yielding to the pressures of the trade unions and imposing burdens on employers.

The Bill will introduce portable long service leave in the contract cleaning industry. That will be achieved by imposing a burden on all employers in the industry and requiring them to make contributions to a fund that will ultimately be used for payment in respect of long service leave; but it deals with such a small percentage of those in the industry—and it is not wanted by the industry—that it will interfere grossly with the way in which the industry operates.

The Opposition believes the Government and its Ministers have been set up. They have been imposed upon by their trade union masters and have introduced this Bill to give effect to the demands of those unions. It is interesting that this proposition had been put to Governments and Ministers before and has always been rejected. It was put to the Liberal Party when it was in government and was rejected by the then Minister. It was subsequently raised after the Labor Government came to office and was again rejected by the then Minister for Labour and Industry, the Honourable Rob Jolly. I understand that it was subsequently rejected by the honourable member for Niddrie when he held that Ministry. The Opposition understands that it was only when the Minister for Consumer Affairs was acting as the relevant Minister that he acceded to this request and got the proposal through Cabinet. All of those former Ministers recognized that this was an intolerable intrusion into this industry and an intolerable imposition on all persons in the industry and ought not to be introduced.

Who is asking for this extension of long service leave arrangements? The relevant employers do not want it and have not asked for it. The Government says that it is supported by the Association of Cleaning Contractors, but it is essential to understand the position of employer groups in relation to the Bill.

The national policy of the Association of Cleaning Contractors is opposed to this type of proposition. The proposition has apparently been supported by the Victorian branch of the association, which does not in any way represent the bulk of employers in the industry. The bulk of them are represented by the Victorian Employers Federation, and it is clear that the federation is adamantly opposed to the Bill.

I shall make one or two references to a letter from the Deputy Executive Director of the Victorian Employers Federation to the honourable member for Hawthorn in the other place, the Opposition spokesman on labour and small business. The letter says that a meeting of Victorian Employers Federation contract cleaning industry members was held on 22 April to consider the Bill and that that meeting, which was well attended, expressed strong opposition to the Bill and urged the Government to reconsider the imposition of

the resulting burdens on an industry which operates on marginal profits. The letter then set out all of the reasons why those employers oppose the Bill; there are many of them. It is not necessary for me to go through them in detail but one or two highlight the failure of the Government to consider the implications of the Bill.

For instance, a survey of the contract cleaning industry during 1983 by employers and the union demonstrated that approximately 95 per cent of employees do not remain in the industry for ten or more years. These statistics clearly show, as pointed out in the letter, that there is no demonstrable need for the Bill. The measure will impose a burden on all employers in the industry for the sake of the approximately 5 per cent of employees who may remain in the industry for the requisite ten years or more. The 2·5 per cent levy will be an unnecessary charge on business.

The federation points out that the overwhelming majority of cleaning contractors are totally opposed to the Bill. The purpose of long service leave is to provide leave for employees who have given long and conscientious service. The very notion of it is that continuity of service leads to the view that somebody who has given service over a long period should be entitled to this break. To introduce portability of long service leave departs from that principle; it should be introduced only where it is entirely appropriate to an industry.

The contract cleaning industry is not such an industry. It is comprised predominantly of small contractors with small profit margins, and it is casual in its nature. The majority of employees work 17 hours a week in the industry and, as I have already pointed out, the overwhelming majority of them do not remain in the industry for any considerable period—certainly not for the ten years required.

If the Bill were to pass into law it would establish a new principle for the industry and there would be no argument against introducing similar legislation to affect all industries that involve contract workers and casual employees who move about frequently from employer to employer.

There is no similar legislation in the other States and if this Bill were to become law in Victoria, not only would there be a tendency for its implications to spread into other industries in Victoria but it would also create a precedent to be adopted in other States.

The Opposition believes the former Ministers showed good sense because they understood that small business must thrive in our community. It is a major employer of labour and a major contributor to the health and future prosperity of our State.

One of the most difficult factors with which small business has to cope is add-on costs. These impose an enormous burden on small business, which means that the margin that will enable a small business to remain profitable is very small. In *The Australian* of 10 April there was an article dealing with on costs in business. It was headed, "Labour on-costs a menace: CAI". The Confederation of Australian Industry is reported in that article as indicating the alarming extent to which add-on costs have risen in the community. It states:

> The preliminary results of the CAI annual survey show that labour on-costs rose from 53·1 per cent to 55·4 per cent as a proportion of total private sector wage payments in 1984–85.
>
> The CAI's senior research officer, Mr Steven Kates, said the preliminary results indicated that private sector employers were now paying about $500 million a year in termination and redundancy payments.

That is a substantial impost on small business and, as a consequence of the passing of the Bill that would be another add-on cost to this sector of small business which, as I said earlier, would then flow on to other industries.

Industry cannot afford this. It is inappropriate for the reasons that I have given to introduce this measure to apply to an industry in which only a small percentage of employees remain for any length of time, and those who do, do not remain with the same employer over that period of time.

Consequently a few selected people would benefit because of the pressure imposed by the trade union upon the Government. The Bill would be a pacesetter and it would have a detrimental effect on the future prosperity of this issue.

I have spoken with the Victorian Employers Federation which holds views similar to other employer organizations. I shall give an example of the attitude of these employers as there is not a need to quote from all of the organizations. The Melbourne Chamber of Commerce wrote a letter to the honourable member for Hawthorn, Mr Gude, dated 18 April 1986. It stated, *inter alia:*

> We would like to state that the legislation will increase the cost of an employer operating a cleaning business. Of course, in turn, these additional costs would be passed on to all businesses further increasing the cost of operating a business.

I shall quote from a letter dated 22 April 1986 from Mr K. C. Crompton, Director of the Australasian Chamber of Manufactures, to the honourable member for Hawthorn. It reads:

> I wish to confirm that the Australian Chamber of Manufactures opposes the Contract Cleaning Industry (Long Service Leave) Bill which is currently before the Victorian Parliament.

The letter then goes on to give similar reasons to those I have expressed earlier.

The Minister has introduced this Bill to repay his own trade union, which will enable him to have his way on this. The measure will place an imposition upon business in this State, which it can ill afford and which will be to the detriment to the State as a whole.

In those circumstances, the Opposition considers that the Bill should be defeated and that the Government should recognize that it should not introduce proposed legislation of this type if it wishes to retain the image of providing for business in Victoria. The passage of a Bill such as this would have the opposite result and it would place Victoria at a disadvantage with the rest of Australia.

The Hon. C. F. VAN BUREN (Eumemmerring Province)—I support the Bill. I am not surprised by the attitude of the Liberal and National parties. They have been most consistent in opposing legislation that improves the working conditions of employees. The Liberal and National parties do not support the workers.

With regard to the comments of Mr Storey about the trade union movement working for these people, I suggest that when there is agreement between the union and employers on proposed legislation the Liberal Party should consider supporting the Bill.

I intend to point out the objects of the Bill for the group of employees working in the contract cleaning area. A cleaner may have as many as twenty years' service with one employer but he is not entitled to long service leave.

Because of business changes employees could work for years but they would not qualify for one day in long service leave. If the Opposition believes that is acceptable, it should look again at the matter. It is a scandalous and outrageous situation that a worker who has fulfilled the usual requirement for long service leave will not be entitled to those long service leave benefits. This is an injust situation and it will be remedied only by applying community standards to those workers, which is precisely what the Bill aims to achieve.

I congratulate Mr Ken Williams of the Industrial Relations Commission who conducted an inquiry into long service leave problems. He is well respected by the union movement and by employers. One of the key elements of Mr Williams's report was the setting up of a register. As honourable members would be aware, in the building and construction industry, cleaners are paid cash in hand.

The Hon. Haddon Storey—Did he work for this union?

The Hon. C. F. VAN BUREN—He was appointed to do a job with the Industrial Relations Commission.

The Hon. Haddon Storey—Did he work for this union?

The Hon. C. F. VAN BUREN—That has nothing to do with it. The honourable member would be aware that those who work for the bosses go to the Arbitration and Conciliation Commission to seek long service leave benefits.

I am sure honourable members opposite will support the portability of long service leave. In government, the Liberal Party agreed with the principle of the portability of long service leave. I shall quote from *Hansard* of 11 December 1974 with regard to long service leave portability. Mr Rafferty, the Minister for Labour and Industry at that time, said:

> It provides for long service leave for casual employees in the building and construction industry. . . .

The Hon. B. P. Dunn—What year was that?

The Hon. C. F. VAN BUREN—That occurred on 11 December 1974. That is what the Opposition said when in government. Mr Ramsay, in a second-reading speech on the Building Industry Long Service Leave (Amendment) Bill on 25 November 1981, stated:

> Generally, long service leave relates to length of service with a particular employer. However, because of the nature of employment in the building and construction industry, most workers are unable to build up a record of service with the one employer. Thus a worker could be employed within the industry for twenty years or more and never become entitled to long service leave . . .

The Building Industry Long Service Leave Act 1975 was extended to cover persons covered by the Construction and Maintenance Award 1978. On that occasion the Opposition, when in government, supported the view that is now being put. Further amendements were made in 1982, 1983 and 1985. On those occasions the Opposition supported the principle of portability of long service leave.

If the Opposition is consistent and takes a principled approach to the Bill, it will have no hesitation in supporting the Bill. The Bill has the full support of the industry, the Association of Cleaning Contractors of Australia, which represent approximately 80 per cent of employers in the industry. The Victorian Employers Federation, which represents approximately 20 per cent of employers, mostly made up of self-employed cleaners, opposes the Bill. The Federated Miscellaneous Workers Union supports the Bill and I see no reason for the attitude of the Opposition to the Bill. I commend the Bill to the House.

The House divided on the motion (the Hon. R. A. Mackenzie in the chair).

Ayes	20
Noes	21
Majority against the motion . .	1

AYES	NOES
Mr Arnold	Mr Baxter
Mr Henshaw	Mr Birrell
Mrs Hogg	Mr Chamberlain
Mr Kennan	Mr Connard
Mr Kennedy	Mr de Fegely
Mrs Kirner	Mr Dunn
Mr Landeryou	Mr Evans
Mrs Lyster	Mr Granter
Mr McArthur	Mr Grimwade
Mrs McLean	Mr Hallam
Mr Mier	Mr Hunt
Mr Murphy	Mr Knowles
Mr Pullen	Mr Lawson
Mr Sandon	Mr Long
Mr Sgro	Mr Reid
Mr Van Buren	Mr Storey
Mr Walker	Mrs Varty
Mr White	Mr Ward
Tellers	Mr Wright

AYES		NOES
Mrs Coxsedge		*Tellers*
Mr Crawford		Mr Macey
		Mr Miles
	PAIR	
Mrs Dixon		Mr Guest

NATIONAL PARKS (AMENDMENT) BILL

The debate (adjourned from earlier this day) on the motion of the Hon. J. E. Kirner (Minister for Conservation, Forests and Lands) for the second reading of this Bill was resumed.

The Hon. R. I. KNOWLES (Ballarat Province)—The Minister for Community Services, in her second-reading speech on behalf of the Minister for Conservation, Forests and Lands, outlined the purpose of the Bill. The Opposition supports the measure, which will establish three new parks, substantially enlarge four parks and redraw the boundaries of one park which Parliament had previously enacted but the Government had not proclaimed.

The parks have all been recommended by the Land Conservation Council following earlier studies. The Liberal Party has always supported the Land Conservation Council undertaking such studies and was responsible for establishing the council.

The Minister indicated the philosophy behind the establishment of the council. The Opposition has always supported the concept of an independent objective assessment being made of areas of Crown land and the designation of and appropriate management structure being put into place.

The contrast between this Bill and the National Parks (Alpine National Park) Bill debated two weeks ago in this House is stark. The Land Conservation Council carried out an assessment of the areas referred to in this Bill without specific Government direction. The council was asked to review the alpine area in accordance with the policy of the Labor Government. The approach taken by the Opposition on this Bill and the approach taken on the earlier Bill reflect that distinct difference.

One of the areas that has been designated to be a national park is the Avon wilderness area. It is important to recognize the significance of the proposal. The Big Desert is the only other identified wilderness area in Victoria. Therefore, the Avon Wilderness Park will be an important and significant area for Victorians.

Another important aspect of the Bill is to recognize the fact that it will redraw the boundaries of the Cobberas–Tingaringy National Park. When the park was previously canvassed, it was a much larger area but it was never proclaimed because mineral exploration rights were being undertaken in part of the area. The Government has withdrawn that mineral exploration area from the park, and that is a significant step.

The Government has decided, as a matter of balance and judgment, that there is a strong prospect of significant minerals being found in that area and, therefore, it should not be proclaimed a national park. The Opposition acknowledges and supports that distinction because one of the difficulties that can occur in debates is that honourable members fail to recognize that judgments must be made.

Prior to the last election the Opposition supported the policy of the Land Conservation Council reviewing a specific area and preparing a socioeconomic statement on the impact of its proposed recommendation.

The Government has recognized the valid points of that argument concerning this park. The Opposition believes the same process should apply to all future studies of other areas by the Land Conservation Council. That would come into play and be particularly

significant as the council continues to examine the east Gippsland area. However, the Opposition believes that investigation is similar to the proposed alpine park where the Government issued a direction to the Land Conservation Council to review the area.

The Bill will amend the National Parks Act in a number of areas. It will increase the membership of the National Parks Advisory Council from six to eight. The Opposition supports that proposal and is delighted that the Government accepted an Opposition amendment in another place to ensure that one of those two additional people resides outside the metropolitan area.

Clauses 7 and 8 raise questions that the Opposition wishes to pursue with the Minister. The Opposition is not certain about the rationale for clause 7 which, on my reading, simply proposes to rearrange the words. The principal Act states:

> the Minister may enter into an agreement with the public authority.

Those words are substituted by:

> the Minister and the public authority may enter into an agreement.

I seek some explanation about the significance, if any, of the clause.

Clause 8 will amend section 19C (2) of the principal Act and the Opposition also has some concern about supporting this clause. The genuine concern of the Opposition is that it may allow the Minister to achieve the objectives contained in the National Parks (Alpine National Park) Bill which was rejected by this House a fortnight ago.

The Opposition will further pursue the matter in the Committee stage if it does not receive a guarantee from the Minister that the Government has no intention of flouting the will of Parliament. Parliament should determine what areas will be designated as national parks and it is inappropriate and wrong for the Government to seek to change the status of a specific area of the State without the approval of Parliament. The Opposition seeks from the Minister a clear undertaking that that is not the Government's intention and that it will not pursue that course.

The Minister also stated in her second-reading speech that there will be some phasing out of grazing licences in the Cobberas–Tingaringy National Park. I have been advised that that is generally agreed to by the people affected but there is a difficulty because of the rearrangement of the boundary. The boundary does not follow geographical contours and has the potential to create some problems for those people with grazing licences adjoining the park.

My understanding is that the Governor in Council will permit grazing to continue, but I seek from the Minister a specific assurance that people with grazing licences will be able to continue to exercise the rights they have under those licences. It might be of assistance to point out that this issue can be approached from a number of angles.

The Liberal Party has made its policy on grazing abundantly clear. Although the Government, in its rhetoric, claims that it is not opposed to our policy, there is real concern in the industry that it is adopting a different policy for the pricing of licences.

Prior to the last election, the Premier made play of the fact that taxes and charges would not increase beyond the increase in the consumer price index. However, when one examines the fee set by the Government for those licences, one finds an astronomical increase.

The Hon. J. E. Kirner—It is 50 per cent in some cases.

The Hon. R. I. KNOWLES—Is the Minister saying that that is the maximum?

The Hon. J. E. Kirner—No, that is the increase in some areas on a totally reconstructed basis for calculating the licences.

The Hon. R. I. KNOWLES—For those who hold licences, it is the bottom line that they are interested in. The Minister, by way of interjection, said that in some cases the

licence fees have increased by 50 per cent. I can give the Minister some specific examples that show increases above that level. In fact, one increase is in the range of 300 per cent. Others have been increased by more than 100 per cent. I have specific examples with me, but unfortunately I cannot locate them at the moment. As the debate continues, I shall bring them to the Minister's attention if she disputes my figures.

The Opposition supports the principal measures in the Bill. We have queries about clauses 4, 7 and 8 and we seek a specific undertaking from the Minister that will ensure that grazing licences currently held by people who have areas of land adjoining Cobberas–Tingaringy National Park will not be disadvantaged and will have their positions guaranteed despite the passage of the Bill through the House tonight.

The Hon. D. M. EVANS (North Eastern Province)—The Bill is interesting in that it contains a number of different provisions some of which the National Party agrees with and some we would quarrel with. However, it would be more appropriate to make our views more clearly known by way of amendments during the Committee stage. We have made our over-all views known in a number of debates on national parks in this House. We have made it clear that extensive national parks that take up a substantial area of the State are not relevant land management measures for 1986 and particularly since the various departments concerned with land management have been constituted in the Department of Conservation, Forests and Lands.

Regardless of whether areas concerned in the Bill are national parks, State parks or public land, they are managed by the same agency through the eighteen regional offices in the State. The National Party has made its views on this issue clear. Some areas of the State should be classified as national park areas but it would be a specific classification. If there are too many parks, the principle is watered down.

I was taken with the comments of Mr Birrell a few days ago when a similar Bill was before the House. He stated that the problem with the Bill was that inappropriate areas were proposed for inclusion in a national park.

The Hon. J. E. Kirner—Which areas, or was this just ideology?

The Hon. D. M. EVANS—I shall come to that. If too large an area is included in a national park it becomes something of a nonsense. Currently 5·1 per cent of the State is national parks, and that is almost 15 per cent of public land. The Bill proposes to increase the area of national parks to 5·9 per cent.

Other areas are now being investigated by the Land Conservation Council and the normal pattern recommendations from that body is to have a bit each way; to give some to national parks, some to other land usages and leave some as it is. We expect more recommendations for additional areas of national parks from that body. If we continue to turn more of our public land into national parks, eventually a new classification will be needed and the National Parks Act 1975 will require major amendment.

National parks and other parks are the two classifications in that Act and the Schedule to the Act describes State parks. We accept that the national park classifiction is a special area as defined in the Act and we need relatively small areas to be placed in that category. If we were to extend and have another different category and call it "State parks", the problem would be easier for us to deal with if we include in the definition of the responsibilities of management of a State park that it should be managed as a multiple use area with some concentration on conservation values. That would bring a more realistic approach to the situation. I asked the Minister on another occasion whether such a proposition was under investigation by the Government. I had hoped that the Minister would answer, "Yes", but to my regret she answered, 'No".

Currently, the difference between national parks and State parks is merely cosmetic and far too much land is included in that category. It is a restricted management category. Many of the areas proposed in the Bill to be included in State and national parks will not change in character regardless of their classification.

I am aware of the concern in, for instance, the Bendigo area in relation to the proposed Kamarooka and Whipstick parks, where degradation and damage is being caused by four-wheel drive vehicles and motor bikes. Surely we do not need to declare an area a national park to control such degradation and damage. All that is needed is some control over vehicles that are using public land. That is the logic and the common sense behind the National Party's views on this issue.

I have set out in a number of speeches in this House the views and policies of the National Party. I have spelt those views out again tonight in brief form as a reminder to the House. It is getting late and there are other Bills to consider. The National Party is prepared to consider the other amendments as reasonable, although, with our colleagues in the Liberal Party, we have one or two concerns, especially about clause 8 and the ramifications of its amendments to the principal Act.

If the Liberal Party is prepared to move an amendment, the National Party will be happy to support it. If it is good enough to get an assurance from the Minister to take that, it is good enough to have it enshrined in the proposed legislation.

It is reasonable that the Mount Buffalo Chalet situation should be rationalized. It is an excellent area that has a long-standing history and the clauses in the Bill that refer to the Mount Buffalo Chalet should be supported.

The Hon. D. E. Henshaw—It sounds like multiple use.

The Hon. D. M. EVANS—It does, and I am pleased that I am talking Mr Henshaw around to that view.

I have made the views of the National Party as clear as I can in the briefest possible manner. I foreshadow a number of amendments during the Committee stage.

The Hon. B. T. PULLEN (Melbourne Province)—The Bill creates a number of additions to the national parks estate. It also creates a number of minor changes and additions with which no one would disagree. Even the National Party has indicated it does not disagree with upgrading some areas such as the Kinglake National Park.

It is pleasing to note that the Liberal Party is showing some signs of moving away from its entrenched opposition to the concept of national parks, which it indicated during debate on the alpine area. However, I find it somewhat difficult to understand the distinction given to scientific, ecological and other relevant criteria that usually apply to decisions on national parks and alpine areas as they are areas to which most reasonable people would accord the highest standards that could be applied to the national estate and to natural areas on this continent. This difference in attitude is a problem for the Opposition. I find it difficult in understanding it but I welcome the support of the Opposition for the proposed legislation. I could go further but, given the tenuous nature of the support from the Opposition, the Government should be thankful for the support it is getting on the Bill.

With regard to some of the principal additions, I should like to take up one important philosophical point which was incorrectly raised by Mr Evans. It was also raised by Mr Birrell in a previous debate in his attempt to justify the position of the Liberal Party on the alpine national parks.

It comes down to the view which some people have, that the criteria for national parks are "what looks grand", "what is spectacular" and "what is brilliant in the landscape". That is analogous to a point of view previously common in regard to the built national estate but now rapidly becoming outdated.

That is the view that for the built national estate the things that are important are only buildings such as Como House, that is, buildings that are grand. The more mature and considered point of view is that the point of preserving the built environment is that in part one is preserving the history of people who have lived in a particular area and the things they have done.

Hence, it is just as important in many ways to preserve examples, say, of corrugated iron or prefabricated houses in which workers lived in early times, which do not necessarily illustrate anything in terms of the outstanding nature of architecture but which illustrate, in a completely visual way and for historical records, examples of history.

The analogy I am drawing on is that, if one wants to understand the reasons for preservation and conservation, one has to look at the subject in a broad historical and social context, not just in the context of what appears to be grand, beautiful and spectacular.

The point can be illustrated in relation to the concept of wilderness and the idea that wilderness areas are not just related to the very rugged and difficult to enter areas. The areas are wilderness not just because people have been unable to penetrate them but also because they have been preserved from the impact of people and are relatively unchanged.

I should like to illustrate this by an example, and it is a fairly difficult situation in this continent to actually appreciate now. The example is not in Victoria but in Tasmania. For those who do not know it, I shall do my best to describe the area. It is the Upper Mersey Valley, which is now a park in Tasmania to the east of the spectacular Cradle Mountain–Lake Sinclair Park and it is characterized by the beautiful Walls of Jerusalem area. From the Walls of Jerusalem a series of lakes joined by cascades run down to the upper part of the Mersey Valley and then the Mersey Valley continues through to the main park. The bottom part of the area has a series of substantial waterfalls commencing with Junction Falls and a gorge, so it is cut off from the downstream end. At the top end it goes on to the glacial plateau.

It has never been easy access to anybody, whether for grazing or wood cutting. Although associated with basically a fairly bleak landscape, the Upper Mersey area is a sheltered valley of about 4 or 5 miles in length and about half a mile to 1 mile in width. Due to its particular sheltered nature and difficulty of penetration, although it actually contains a lot of grassland and has a meandering stream through it, it has never been cultivated.

When I first visited that area eighteen years ago, I found it surprising, after walking through the moor-like country, to enter an area of scattered eucalypt, open scrub and a meandering stream with non-eroded banks and so on, which was the sort of country that could be used for farming and grazing. It was surprising to find it in a pristine state. If it had been anywhere else, it would not have been left alone. It would have been seized upon, cultivated and changed. It is valuable as a rare example of the sort of country which has been preserved as a national park because normally such country has been opened up, cultivated and used. Such precious areas should be maintained for their character. Obviously it is also important to maintain areas of the more or less rugged nature.

The National Party has adopted the position that the areas that should be national parks are those for which eventually one cannot find any use. In a way we are lucky to have many areas left, because if people could have worked out a use for them early enough, they would not be available to us in a reasonable state to be preserved.

It is only when Governments begin to respond to people's views on conservation that action is taken to head off eventual exploitation. This is where I take issue with the remarks and the philosophy espoused by Mr Birrell. It is not just a question of having so-called "gems" or areas that have this simple criterion for qualifying in the national estate. It is important to have areas which are representative of the different kinds of vegetation and types and character in the State preserved for all time.

That is the reason why it is important to allow for areas of appropriate size and character. The Avon wilderness fits into that category.

The PRESIDENT—Order! The honourable member should relate his remarks to the Bill.

The Hon. B. T. PULLEN—I cannot see, Mr President, how when one is talking about the concept of a wilderness area and national parks that it is not entirely appropriate that I make these comments during the second-reading debate on a national parks Bill.

The Mitchell River National Park also fulfils these criteria but in different ways. It not only has special features, such as the Den of Nargun, which many people visit, but it also has examples of warm temperature rainforest that has been preserved from wild fires. It provides an example of vegetation that does not usually exist without that long-term growth regime.

Similarly the Tarra–Bulga National Park connects two areas. The Tarra Valley retains some of the vestiges of rainforest and provides some of the best examples of vegetation that was prevalent throughout most of Gippsland many years ago. It is now one of the few areas where one can get an idea of what that part of the State used to look like. The Cobberas–Tingaringy National Park will be a larger area of land and it is unfortunate that it is to be presented in this way. The park should be larger.

The Hon. R. I. Knowles—Are you suggesting the Government was wrong not to include that area subject to mineral exploration?

The Hon. B. T. PULLEN—No, I accept that aspect of the national park; I am referring to the fact that it should fall within the consideration of the over-all alpine park. I am, however, pleased that it has been included in the Bill.

Lastly, Mount Eccles National Park is an important geological area. The Bill will enhance its accessibility to the public and will take some of the pressure off the smaller area, which was frequently visited.

The Bill provides significant additions to the over-all State parkland. I am sorry that the National Party cannot support the measure in totality. I have examined the various aspects of the Bill carefully, as well as the relevant reports from the Land Conservation Council and other sources. I did not visit Nepean Park or Melba Gully Park but I am familiar with the areas that are the subject of substantial additions. I am satisfied the measure is adequate and I encourage the House to support it.

The Hon. N. B. REID (Bendigo Province)—I have no difficulty supporting the provisions contained in the Bill because it is based on recommendations of the Land Conservation Council, which body was not the subject of political direction.

I have had a longstanding interest in Kamarooka park and Whipstick park. The Minister for Conservation, Forests and Lands has probably seen the files and would be aware of the interest I have expressed over a long period through representations to not only the present Minister but also the former Liberal Party Ministers, the Honourables Jock Granter and Bill Borthwick.

Those two former Liberal Ministers were responsible for implementing the private land buy-back program that was carried out in the Whipstick park area. I am pleased that the former Liberal Government made considerable achievements to buy back land that was added to the Whipstick park. Over the years that area has increased, and this has added to its amenity.

The proposed legislation has the support of the municipalities surrounding the Whipstick park—the Shire of Huntly, the Borough of Eaglehawk, the Shire of Marong and also the Forest Park Advisory Committee. I am sure the people of Bendigo and its surrounding areas also support the measure.

The Minister would be aware of a small corridor that connects the proposed Kamarooka and Whipstick parks. I share the view of the Forest Park Advisory Committee that the corridor between the two parks be extended to provide better access to the area, which would benefit both parks and increase the community enjoyment of them.

The Minister has taken note of representations that she and I have received from the Victorian Field and Game Association about Brady's Swamp and Goose Neck Swamp. The Minister is well aware of those issues and has tried to sort out the difficulties. I think the matter has now been resolved to the satisfaction of the association. I thank the Minister and the officers of her department who helped to overcome the problem. Perhaps the Minister could enlighten the House on the eventual result, which I hope meets with the approval of all concerned parties.

The Hon. F. J. GRANTER (Central Highlands Province)—I also support the Bill. Like Mr Pullen, I carefully scrutinized the measure and examined exactly what extra parks were being developed. I was thrilled that the Whipstick and Kamarooka parks were being further developed because they are extremely interesting areas. As Mr Reid said, I, like the people in the Shire of Huntly, the City of Bendigo, the Borough of Eaglehawk and the Kamarooka surrounds, appreciate these areas.

The reports of the Land Conservation Council are interesting and are well done. The council is a body that has made a real contribution to the State. I was proud that it was established by a former Premier of this State, the Honourable Henry Bolte, many years ago.

When a Bill of this type comes before Parliament, I examine it to see what inroads are being made into the timber industry, which is extremely important for Victoria. I am pleased that there is probably little millable timber available in the areas covered by the recommendations of the Land Conservation Council. The Avon wilderness would probably be the only area where there is millable timber. It would be a shame to use that resource because it would spoil the wilderness area. On my calculations there might be approximately six months' timber resources in the Heyfield area, which at present is losing a large percentage of its millable timber.

Once one starts to cut into a wilderness area, it is ruined forever. Obviously that is the reason why the Land Conservation Council recommended that the Avon wilderness be preserved. I agree with the council.

As I have stated previously, approximately 40 per cent of Victoria's timber needs are imported from interstate or overseas. That is of concern to the timber industry and must be of concern to the Government. I respect the Timber Workers Union, and I have been involved with many negotiations with the union on a friendly basis.

The Whipstick area was settled many years ago. That is a shame. A number of small farms are situated in the area, but they are not very productive. Some of them have been purchased on a buy-back program, and the Minister may comment about whether that program will continue. I hope it does because the area should be preserved.

The Hon. B. W. Mier—We bought back Myrtleford.

The Hon. F. J. GRANTER—That is where the recent timber exposition was held, with which Con Lempke was involved. That was an important event for Victoria.

The other wilderness area in Victoria is the Big Desert, which is a fascinating area. I have had many trips to the Big Desert as well as the Little Desert. It worries me when fires break out in those areas because they are devastating and difficult to put out.

I agree with the provision regarding Gellibrand Hill Park, and I note that it is in the province represented by the Minister for Health and Mr Landeryou. It is quite close to the province I represent and is another area that should be preserved for the people of Victoria, especially those in the metropolitan area.

I commend the Bill to the House. It has the support of members of the Opposition and will have the support of the people of Victoria.

The Hon. R. J. LONG (Gippsland Province)—I support the Bill, but I would hate the Minister for Conservation, Forests and Lands to get the idea that I and many of my collegues will continue to support the creation of national parks.

The Hon. J. E. Kirner—Only if the Land Conservation Council recommends it.

The Hon. R. J. LONG—Other criteria are attached to that. I make it clear that I believe the worst advertisement for a national park is for it to be badly managed. I fervently believe the $13 million the Government is making available for national parks is not enough to properly manage them. I fear for the future of national parks in this State unless the Government increases the funds available to them.

The Hon. R. S. de FEGELY (Ballarat Province)—I shall refer to an area near the province I represent—Goose Neck Swamp and Brady's Swamp. Over the years, that has been an important area for the breeding of wild life, especially duck. That has been a great attraction for the Victorian Field and Game Association, as Mr Reid mentioned.

I commend the Minister for establishing a new boundary. Part of the area that was not included in the park has been taken into it and a portion of the south part of Goose Neck Swamp has been removed. The boundary is now a straight line and that will enable people to be aware of where the boundary exists; that was difficult in the past.

No doubt, people involved with field and game activities were disappointed about losing Goose Neck Swamp. However, they will have the opportunity of carrying on their activities at Brady's Swamp, and that has sorted out the matter to the satisfaction of all.

I support the wilderness area in Gippsland.

The Hon. W. R. Baxter—Burn out the whole of Gippsland!

The Hon. R. S. de FEGELY—We have had fire for ever and a day and we shall continue to have it. The fact that fires occur will not make much difference to what presently exists. I am not concerned about that, and I commend the Bill to the House.

The motion was agreed to.

The Bill was read a second time and committed.

Clause 1 was agreed to.

Clause 2

The Hon. J. E. KIRNER (Minister for Conservation, Forests and Lands)—I express my delight that the Liberal Party has returned to a bipartisan approach on Land Conservation Council recommendations and proper balancing of the future of national parks. This is an important vote for the future of national parks in Victoria, and I am especially gratified that all members of the Liberal Opposition support the Avon wilderness.

As honourable members know, there is currently only one wilderness declared in Victoria—the Big Desert. It is intriguing that Mr Dunn is prepared to support the Big Desert, that is situated in his area because he recognizes its value, but is not prepared to support the same type of area—with different ecological values but with the same importance—in Gippsland.

It is fascinating that one of the arguments used is fire. If there is any threat by fire, that threat would be greater in the Big Desert than it would be in the Avon Wilderness Park. If Mr Dunn is embarrassed, he should be!

The Hon. B. P. Dunn—You would never embarrass me.

The Hon. J. E. KIRNER—Mr Dunn is not embarrassed by me; he is embarrassed by his own decision and the publicity attached to it.

It is refreshing to hear members from both sides of the Chamber restate the importance of national parks and Land Conservation Council recommendations. It is refreshing to

hear the view stated that all the parks to which the Government has recommended extensions, as well as the declaration of wilderness, will be supported by the Liberal Party.

The National Party has foreshadowed amendments with which I shall deal when they are moved; suffice to say I believe their's is a pathetic and troglodytic approach to the future of national parks. Mr Knowles asked for some assurances which I am pleased to give, and thank both Mr Knowles and his colleague in another place, the honourable member for Evelyn and shadow Minister for Conservation, Forests and Lands, for their willingness to work through these issues with my department.

Mr Knowles queried the implications of clauses 7 and 8 and asked for an assurance that they would not be used to get an alpine national park or any other national park, I assume, by the back door. I assure Mr Knowles that this amendment was designed to overcome a problem raised by the legal advisers to the Rural Water Commission when the commission wished to enter into an agreement for management of land at Lake Eildon adjoining Fraser National Park.

It has nothing to do with me as Minister entering into an agreement but gives the ability for an agency like the Rural Water Commission to provide the authority to enter into an agreement. I assure the Opposition that I have no intention of creating national parks or State parks by any method other than appropriate legislative methods.

The question of grazing on the Cobberas-Tingaringy National Park was also raised and, again, I am happy to assure Mr Knowles that the Land Conservation Council recommendation that grazing continue to be allowed is contained in the Order in Council relating to Cobberas-Tingaringy, and I am happy to provide him with a copy of same.

The issue of grazing fees was raised and I also acknowledge that there is a fair range in charging of grazing fees. Mr Knowles raised the question of some of the fee increases being exorbitant and outside the Premier's charges and taxes requirements, but in fact that taxes and charges requirement, as Mr Knowles knows, also includes a requirement for an adequate return to the State and provision for considering the basis of the charge.

Any fair-minded person will have to acknowledge that the fees of 40 cent a head that have been charged for grazing in some areas represent a negligible price and return to the Government. If Mr Knowles examines that commitment across the board he will find that it has been adhered to clearly, and one of the reasons the Government is now doing so well is because it is seen to meet its promises on taxes and charges.

Mr Reid raised the question of Kamarooka park and Whipstick park, as indeed did Mr Granter, and I am delighted to know that at least two representatives of that area understand that considerable importance is placed on protecting the Bendigo area by declaration of its status as a State park. The Bendigo region has very little public land—certainly very little that is included in the national parks and State parks schedule.

I am amazed that Mr Wright, who is often close to the pulse of the province that he represents, could believe that the push by the community and the support from the councils in those areas for the proper selection and protection of a State park in that unique piece of land is not supported by the National Party. It smacks of political pragmatism of the worst kind. If Mr Wright had time to go out of the House and do his homework, as he usually does, he would not support the ideological position that Mr Evans espouses.

The question I was asked on Whipstick park and Kamarooka park was whether the extension of the corridor was a continuing policy of the Government, and I assure both Mr Reid and Mr Granter, who showed his usual understanding of the community position and rural needs, that Whipstick park particularly is being included as an important priority in the land purchase priorities.

Both Mr de Fegely and Mr Reid asked me about the renegotiations and the future of Brady's Swamp, and I thank them for their congratulations, which I will pass on to my

department and to my excellent Director of National Parks, Don Saunders. Goose Neck Swamp also caused some concern.

It is in association with the Field and Game Association that the department has renegotiated some of the boundary which adds some of Goose Neck Swamp to the national park and removes some of Brady's Swamp from the national park. There is still some concern by the Field and Game Association about the issue of land purchased from its funds and the area that will still be available as a wildlife reserve, but the department is using its general purpose funds to compensate the association for its land.

I am delighted that in a one-liner Mr Long indicated his support for national parks—I am sure it will make an excellent press release. I am really pleased and thank the Opposition for its support of the Bill and look forward to discussing the National Party's unwarranted amendments when they are moved.

The clause was agreed to, as were clauses 3 to 9.

Clause 10

The Hon. B. W. MIER (Waverley Province)—I shall be brief. Mount Buffalo has one of the most splendid locations for a chalet anywhere in this country and I am heartened by this provision in the Bill for an agreement to be made on tenancy of land for use as the Mount Buffalo Chalet and for ski lifts and for ski tows. Those people familiar with Mount Buffalo will agree on the need for more accommodation and facilities to cater for the expectations of tourists wishing to visit the area.

Under the administration of the Victorian Tourism Commission I am sure first-class accommodation facilities will be provided for the citizens of Victoria and, as a result, Mount Buffalo will continue to increase in popularity.

I would also like to briefly make a point in response to a comment by Mr Knowles on taxes and charges. Because of the Government's policies and the confining of charges, a situation has developed where skiing facilities in that location are far cheaper than those provided on other mountains around the State and that enhances the occupancy rate of the chalet and the use of that area.

I am pleased to say that the charges for such things as ski lifts in the area are up to $10 less than in other areas. It is a splendid example of the Government's policy being implemented.

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

Schedule

The Hon. D. M. EVANS (North Eastern Province)—As I indicated in the second-reading debate, and for good reason, and to follow through consistently and logically the National Party's policy on management of public land in Victoria, it is our view that within the schedule a number of areas are inappropriate to include in the national park and State park category.

The National Party accepts that there should be some areas specifically designated under the current 1975 Act as national and/or State parks. There should be a specific classification. It is a more restricted land use and, as I have stated on behalf of the National Party, the least useful areas in this State are those that have the most restricted use.

Secondly, it is possible, if the Department of Conservation, Forests and Lands manages all areas of land according to their special characteristics, soil type, aspects such as southerly, northerly or westerly, rainfall, the topography and the type of rocks that may be present, it is not necessary to provide a restricted land use.

The Hon J. E. Kirner—It is not restricted; it is protected.

The Hon. D. M. EVANS—It is restricted. If the Minister looks at the Act she will see that a restriction is written into section 18 of the principal Act in both categories of national parks and other parks. A State park is defined in the schedule, as I have indicated.

It is time to give serious consideration to the way that land use management is heading. The Committee is saying that perhaps only a few areas are appropriate to become national parks and, next time there is an inquiry with the Land Conservation Council, a few more will go in and eventually we will have not 5 per cent of public land but 10 to 15 per cent of the State and at the same time the Minister will still be saying it is only a little bit more, not much more. "Let's tie a bit more up." Some honourable members will say "It won't matter, it's not in my area". It is time that the State recognized that all areas of public land can be protected by a proper management plan under the one Department of Conservation, Forests and Lands. That is why the National Party agreed with the principle of the constitution of one department when it was raised in the House late in 1982. I well recall that the then Minister, Mr Evan Walker, stated that the National Party's comments on that issue were significant and I believe that was so.

In conformity with our policies, the National Party intends to move five amendments that will remove from the schedule significant areas of public land that should not be in the State park category because those areas can be managed properly in some other manner. The National Party intends to leave in the State park ambit, the Cobberas–Tingaringy area because of an important principle and, that is that in 1981, this House passed an Act of Parliament that included 140 000 hectares in the Cobberas-Tingaringy National Park. It now realizes that it made a mistake and this Bill has been introduced to rectify that mistake.

An area of land in that park was inappropriately included and now Parliament seeks to take it out and that is the precise reason why this amendment will be supported by the National Party.

We must be careful that we do not appropriate areas for a national park that cannot be managed properly by other means and with a better result for the community. Some areas of the State will never have any exploitation commercially for timber, grazing or any other purpose; they are just not suitable for it.

I have stated in the Chamber previously that certain areas of timber need to be set aside.

The Hon. J. E. Kirner—There is no timber and no grazing in this lot and you know that.

The Hon. D. M. EVANS—They should be set aside as an example of timber, in the same way that specific sites in parks in America are set aside for preservation. But one cannot set the whole State and all the public land aside, and that is the point that we are trying to make.

Therefore, I move:

1. Schedule, Part A, item (*c*), omit this item.

It refers to the Mitchell River National Park, an area of 11 700 hectares in east Gippsland. It is our view that that area of land can be effectively managed by the Department of Conservation, Forests and Lands. The Minister should not sit there tapping her fingers. I had to listen to her.

The Hon. J. E. Kirner—I don't mind you tapping your fingers.

The Hon. D. M. EVANS—That is a significant increase in the area of national parks in this State and, in our view, it should not be included in that restricted land use category.

As I have said before, a category of land should be established drawing attention to certain natural features and natural requirements but still allowing multiple use of the area of land with appropriate land management.

Until that takes place, the National Party cannot agree to the principle of constantly tying up additional areas of land.

The Hon. R. I. KNOWLES (Ballarat Province)—The Liberal Party opposes the amendment. I found it interesting that Mr Evans, in moving that amendment, indicated that the National Party was not opposing the reference to the Cobberas–Tingaringy National Park because that was actually reducing in size whereas this proposal is incorporating an existing national park area.

The Liberal Party has contacted all parties that have an interest in the area and they have nothing but support for the proposal embodied in the Bill. So far as I have been able to establish, there is no commercial or economic value on any of the resources in this area.

However, it does encapsulate a number of significant geological features, which, under the definition of a national park, ought to be so designated and managed accordingly. For those reasons, the Liberal Party is opposed to the amendment moved by Mr Evans.

The Hon. J. E. KIRNER (Minister for Conservation, Forests and Lands)—The Government also opposes the amendment. I find it interesting that Mr Evans set certain criteria for supporting and not supporting the creation of national parks and State parks.

The first point Mr Evans raised about the Mitchell River National Park and other parks that he intends to try to exclude from the Bill is that there is really no point in preserving, under what he calls restrictive and what I call protective, categories.

If ever there were an example of the value of ensuring that certain special areas related to our cultural, natural and scientific heritage are preserved in national or State park categories it was, in fact, the action taken by the Premier of Queensland, Sir Joh Bjelke-Petersen, when he attempted to sell off to a private developer Lindeman Island, which was, of course, classified as a national park. The only thing that stopped him—as Mr Evans well knows—was the fact that that island was classified as a national park. There is no way that any politician, regardless of what side of the Chamber she or he is on, could undermine that without doing so under the public eye.

That is one of the reasons why the Government opposes the amendment in this case. The other reason has been well covered by Mr Knowles—that is, that Mr Evans's criterion was that the areas have to have special scientific or natural significance. Anyone who has visited the Mitchell River National Park and the Den of Nargun, which is included in that park, would recognize that it has significant qualities. If one wishes to protect the significant qualities of areas such as the Den of Nargun, one must have a buffer area around them.

The purpose of extending the size of the Mitchell River National Park is to provide a buffer area around the very important semi-circular cavern, with its stalactite area, in that park. The Government opposes the amendment.

The Committee divided on the question that Part A, item (*c*) proposed by Mr Evans to be omitted stand part of the schedule (the Hon. G. A. Sgro in the chair).

Ayes	35
Noes	5
Majority against the amendment	30

AYES	NOES
Mr Arnold	Mr Baxter
Mr Birrell	Mr Dunn
Mr Chamberlain	Mr Wright
Mr Connard	*Tellers*
Mrs Coxsedge	Mr Evans
Mr Crawford	Mr Hallam
Mr de Fegely	
Mrs Dixon	
Mr Granter	

AYES	NOES
Mr Grimwade	
Mrs Hogg	
Mr Hunt	
Mr Kennan	
Mr Kennedy	
Mrs Kirner	
Mr Knowles	
Mr Landeryou	
Mr Lawson	
Mr Long	
Mrs Lyster	
Mr McArthur	
Mrs McLean	
Mr Macey	
Mr Mier	
Mr Miles	
Mr Murphy	
Mr Reid	
Mr Sandon	
Mr Storey	
Mr Van Buren	
Mrs Varty	
Mr Walker	
Mr Ward	
Tellers	
Mr Henshaw	
Mr Pullen	

The Hon. D. M. EVANS (North Eastern Province)—I move:

2. Schedule, Part A, item (*e*) omit this item.

This amendment relates to the Mount Eccles National Park. The National Party's proposition is that the area can be more adequately and properly managed in the best interests of the community under the current management of the Department of Conservation, Forests and Lands, without placing the area in question in a separate category. The proposed park covers more than 5000 hectares. I understand one of the major reasons for its proposed inclusion in the proposed legislation is that there are many rocks and lava flows in the area.

I am sure the rocks and so forth will not be subject to considerable damage, nor do they require the management proposed. As a matter of principle it is the National Party's view that it is necessary to confine national parks to a specific area. Therefore, it looks forward to honourable members supporting the amendment.

The Hon. R. I. KNOWLES (Ballarat Province)—For similar reasons that I gave on the previous amendment, the Opposition will not support this amendment. The particular land features to which Mr Evans referred are the reasons why the area earns the designation it has under the Bill. The Liberal Party has contacted all the groups involved, including municipalities in the area, and the response received to the requests for attitudes has indicated support for the proposal embodied in the Bill. Accordingly, the Opposition will not support the amendment.

The Hon. J. E. KIRNER (Minister for Conservation, Forests and Lands)—The Government opposes the amendment. The criterion Mr Evans has suggested in support of his amendment is the reason why the Mount Eccles National Park is being included in the Bill. The range of volcanic features in the expanded park is of national geological significance, and one feature is of international significance according to the geological society of Australia. Therefore, the area requires protection.

My department has contacted the Shire of Portland, the Shire of Minhamite and the Shire of Dundas, and not one of those shires has expressed any opposition to the proposal. It is correct that the Shire of Portland will discuss the matter at a council meeting tomorrow,

but the matter has been before those councils since the first Land Conservation Council recommendations were made in 1981 and 1982.

Frankly, I am amazed that Mr Roger Hallam, who has a reputation in that community of being interested in its future and heritage, is not supporting such a significant addition to the heritage of that area. The Government opposes the amendment.

The Hon. D. M. EVANS (North Eastern Province)—For a minute the Minister almost persuaded me to withdraw the amendment, particularly when she said that the councils in the area had expressed an opinion and that Parliament should abide by that opinion. I wonder whether the Government will apply the same principle with the proposed amalgamation and restructuring of local government! If she will assure me that she will do so, I shall withdraw the amendment. She cannot receive a fairer offer than that!

The amendment was negatived.

The Hon. D. M. EVANS (North Eastern Province)—I move:

3. Schedule, Part A, page 5, item (*f*) after the line ending 'N.P. 32/2" ' insert—

"Notwithstanding the declaration of this Land as a park, grazing under licence from the Minister subject to the terms and conditions in the licence may be carried on.".

I am certain this amendment will be accepted because everybody has agreed with the proposal during the second-reading debate. The proposal relates to grazing in the Cobberas-Tingaringy National Park and proposes that provision for grazing in the proposed area should be written into the schedule. The Minister has already indicated that this provision is incorporated in an Order in Council.

If it is an Order in Council it can be better included in the schedule to the Act. The National Party considers that grazing, properly handled and under proper licence and control, is a good management tool that can assist, particularly in fire control, and make the area more attractive and in keeping with the concept of well-managed public land. Therefore, I look forward to support for the amendment from both the Opposition and the Government.

The Hon. R. I. KNOWLES (Ballarat Province)—The Opposition does not oppose the intent of the amendment. I raised a query on the matter during the second-reading debate and the Minister responded by recording in *Hansard* what the Order in Council states. Therefore, the amendment is superfluous. The Order in Council makes it plain that grazing will be permitted.

The concern I have is not whether grazing will continue, but what the licence fees will be. The Minister has not adequately answered that query. The amendment does not achieve any satisfaction in terms of the conditions that will be imposed. The Opposition supports the intent of the amendment, which is reinforced by the Order in Council.

The other point is that the amendment sets a precedent for including a host of conditions in the Schedule to cover all national parks. To do that could create difficulties. It is not a matter of allowing grazing or any other activity, but restrictions must be observed.

Those issues can be better covered in an Order in Council than by including the restrictions in legislation. I make it abundantly clear that the Liberal Party is committed to the continuation of grazing in the area. The Minister has given a watertight guarantee, and I invite her to reinforce that commitment. Provided that occurs the Opposition shall support the proposed legislation.

The Hon. J. E. KIRNER (Minister for Conservation, Forests and Lands)—I reiterate my earlier assurance to Mr Knowles that the Order in Council declares that grazing will continue in the Cobberas-Tingaringy National Park. That is clearly stated in the Order in Council. That is the appropriate place to reflect the conditions, not in the schedule. The schedule is the place to define the areas and the boundaries of the areas. It is inappropriate to introduce the conditions that should be in the form of regulations into the schedule.

The further point Mr Knowles raises is important. I neglected to answer it fully in my remarks on clause 2. He referred to the future setting of fees for both bush and alpine grazing. The old system for bush and alpine grazing was a maze of inconsistencies. The Government has moved towards creating a uniform system. I assure Mr Knowles and Mr Evans that there will be no further increases in bush and alpine grazing fees without full consultation with the Victorian Farmers and Graziers Association and the mountain district cattlemen, as a group within the association. I understand consultation is proceeding with the full consent of all parties. The Government opposes the amendment.

The Hon. D. M. EVANS (North Eastern Province)—I am fascinated by the arguments that have been advanced by the previous two speakers. Earlier in the debate the Minister pointed out clearly that the only reason Lindeman Island in Queensland was "saved" was because any change to its status had to be publicly made through Parliament. Without casting any disrespect on Orders in Council, they are a far less public means of dealing with the matter. They are dealt with as internal matters within the Government. An Order in Council is a recommendation of the Government that goes through a formal procedure. It is not public as is the forum of Parliament.

Therefore, the opportunity for the public to be informed and take a clear and definite part in the decision-making process is less clear and obvious to them. An Order in Council can be more easily changed with less likelihood of the public becoming aware of it than if the matter goes through Parliament—that is precisely what happened in Queensland. If the Minister wishes to be consistent with her previous argument, she should support the amendment.

It is also fascinating that the Minister does not believe it is necessary to include grazing in the schedule. However, in the very section of the schedule on which I wish to make an addition, there is specific mention of logging. Even though conditions are placed upon logging, it is placed in the schedule and I cannot understand the logic of the Minister's argument. The amendment is sensible and I ask the Committee to consider having grazing publicly recorded in the schedule so that it will be clear and will require direct action of Parliament in the full light of day if it is to be changed. This would be consistent with similar guarantees given to the timber industry in this case.

The Hon. R. I. KNOWLES (Ballarat Province)—The Minister has gone most of the way. I seek a guarantee that the Order in Council currently in place will not be changed so that the current arrangements will be in place for the foreseeable future. My understanding is that if the Minister is prepared to give that guarantee, those who are affected will have their requirements satisfied with respect to access for grazing purposes.

Unfortunately, the Committee is not able to provide the real assurance that those people need and that is the cost that they will have to pay to exercise those options. It is not a matter that can be established in this debate, but that is the concern of the people who wish to use grazing licences. It is not the changing of Orders in Council that is the problem, it is that these people will be priced out of grazing licences. I seek a commitment from the Minister that the Order in Council will remain in place and not be changed.

The Hon. J. E. KIRNER (Minister for Conservation, Forests and Lands)—The amount of grazing in Cobberas–Tingaringy National Park is small and I am prepared to give the guarantee that the Order in Council will remain as it is.

The amendment was negatived.

The Hon. D. M. EVANS (North Eastern Province)—I move:

4. Schedule, Part B, Item (*d*), omit this item.

The amendment refers to the deletion of an area of some 6000 hectares of new State park which, in the Act, is called "other parks" and which has a restricted land use management. I have already canvassed the reason and that is that it is not necessary for the proper and correct management of the land as it is an area of public land under the direct control and

responsibility of the Department of Conservation, Forests and Lands and can be managed without this declaration.

I understand that one of the major concerns of the public is the problem of erosion caused by four-wheel drive vehicles and trail bikes. As I said in this debate—and as I have said recently during previous debates in this place—it is time that the State, the Government and the Department of Conservation, Forests and Lands established some clear guidelines and legal definitions about what those vehicles can do on public land. They are the most damaging problem we have.

Recreational four-wheel drive vehicles with winches on the front are driven around by macho idiots who want to see how they can tear up the countryside. If we have to declare a national park to do so and leave the rest of the public land in the State unprotected, the Government, the Minister and the Parliament are not playing their part and assuming their responsibilities.

I note that in an earlier part of the Bill fossicking will be preserved. There are a number of restrictions of which the public, including the people of Bendigo and the surrounding areas, are not aware at this time. There will be restrictions on a number of public recreations in that area.

The Hon. J. E. Kirner—You support bulldozing, do you?

The Hon. D. M. EVANS—No, I do not, unless it is necessary. The Minister is trying to insinuate that the National Party wants it everywhere. That is really stupid.

There will be restrictions on the public's ability to use this recreational area. The Minister is aware of that and hence her sensitivity. There will be restrictions on hunting and things of that nature.

The Bill contains a reference to fossicking. There is no doubt that that will be removed and, for the whole of the public areas of the State, there could be some degree of control over the use of four-wheel drive vehicles and other vehicles. It seems that, once again, another substantial area of this State is to be placed in the national park category with more restricted use when it could be managed equally well and with a better scheme by leaving it to the Department of Conservation, Forests and Lands.

The Hon. R. I. KNOWLES (Ballarat Province)—The Opposition does not support the amendment. The park was recommended by the Land Conservation Council. It has the capacity to meet recreational needs. One of the things that it is important for the Committee to understand is that designation as a State park increases the chances of the management of the area being upgraded and provides an opportunity for better management of the land.

The Liberal Party has contacted all the groups who are concerned about this area and they have had nothing but a genuine support for the proposal.

The Hon. N. B. REID (Bendigo Province)—I support the comments made by Mr Knowles because there is a lack of land for recreational purpose in the Bendigo area and it has taken a long time for this area to be reinstated to its present condition. I am amazed that the National Party, especially Mr Wright, would support the actions taken by Mr Evans. I have made contact with the Borough of Eaglehawk and the shires of Marong and Huntly and the proposal that both areas be incorporated as State parks has the support of all those municipalities. I support the measure.

The Hon. D. M. EVANS (North Eastern Province)—I am amazed that Mr Reid has not told people that some of the recreational opportunities in the area, under the definition "other parks" will not be available. I am sure he has read the Act and I shall remind him of section 18 of the principal Act if he so wishes.

I suggest that Mr Reid read section 18 of Division 2 of the Act, which deals with other parks. It sets up a very restricted land use management regime, similar to that of a national park. I suggest Mr Reid should read it.

The proposal in the Bill has the capacity to substantially reduce public enjoyment of that area. I recently discussed the matter with a member of the Field Naturalists Club in Bendigo. Like Mr Reid, he had not examined the amendment carefully and he was a little bit cross about it. After I had spoken to him for 5 or 10 minutes and explained the National Party's position and the reason why we are taking this action, he said, "I think you are right"; so all one needs is to understand. He had the advantage of being a bit smarter than Mr Reid. I can understand the trap into which Mr Reid has fallen.

I was also interested in his comment that the land that was under the previously dreadful exploitative management with the bulldozers coming in, as referred to by the Minister, has improved greatly and is a pretty good area that is being managed fairly well now.

What the Government is proposing tonight and what Mr Reid is agreeing to will lead to a reduction in the recreational areas that are available to Mr Reid and his hunting and shooting friends. If Mr Reid had agreed with me in opposing four-wheel drive vehicles and motor bikes tearing the insides out of the land, I would have welcomed his support. I cannot understand why he is not supporting the National Party's excellent amendment.

The Hon. K. I. M. WRIGHT (North Western Province)—I support the amendment moved by my colleague. I have contacted interested parties around the areas concerned and I am appalled at the lack of knowledge of the area delineated. I know that the Minister has indicated to the Committee that the delineated area follows fairly closely the recommendations of the Land Conservation Council, but I found that even the municipalities demonstrated a lack of knowledge of the precise areas concerned. I suggest to the Minister that, on future occasions, if any further State or national parks are to be legislated for, it is important that the municipalities, in particular, and other groups have precise and accurate maps concerning the proposals.

As the National Party spokesman on this subject, Mr Evans was, as usual, quite open and frank about the matter and issued a press release which was prominently written up in the *Bendigo Advertiser* about ten days or a fortnight ago. As a result of that publicity, I received only two phone calls—one for and one against.

By interjection, honourable members seem to be indicating that I, as a local member, will somehow be inundated with protests about the position adopted by the National Party. I believe the interjectors are sadly mistaken.

I conclude by expressing support for the amendment moved by my colleague and ask the Minister to comment on the other matter I have raised.

The Hon. J. E. KIRNER (Minister for Conservation, Forests and Lands)—The Government opposes the amendment. Once again, Mr Evans's argument does not stand up to his own criterion. The Whipstick and Kamarooka State parks—it is difficult to separate them for the purposes of the definition—contain the best examples of unique Whipstick Mallee scrub and box ironbark as well as other rare plant species. They deserve the protection of the Bill.

This item has the full support of the Bendigo community. I note that Mr Wright, who is usually quick to quote the letters he has received from councils and individuals, has not quoted anyone in opposition to this provision, because he cannot.

The Hon. K. I. M. Wright—They would contact me only if they were opposed to the position of the National Party.

The Hon. J. E. KIRNER—They will have noted that, on this issue of an important piece of land to the Bendigo community, the National Party has no vision and no principle.

The issue of consultation raised by Mr Wright is well known to me. The whole issue of Kamarooka and Whipstick has been well canvassed through the Land Conservation Council. I have had meetings with the interim planning authority for Bendigo, which has expressed support not only for the declaration of the park but also for its extension.

The amendment was negatived.

The Hon. D. M. EVANS (North Eastern Province)—I move:

5. Schedule, Part B, item (*e*), omit this item.

The arguments I advanced on amendment No. 4 relate equally to amendment No. 5, except that I point out that both the Whipstick and Kamarooka areas are already, as I understand it, public land so that the Bill will not create more public land in the Bendigo area, regardless of what we do. I repeat that the arguments I advanced on amendment No. 4 are equally cogent in respect of amendment No. 5, and I ask the Committee to support it.

The Hon. R. I. KNOWLES (Ballarat Province)—The Opposition's arguments in response to the amendment are the same as those that it advanced on amendment No. 4. The only additional point I make on the Whipstick area is that the people whom the Opposition contacted enthusiastically endorsed the proposal.

The Hon. N. B. REID (Bendigo Province)—I support the remarks made by Mr Knowles. I spoke with Councillor Willi Carney, a member of the Forest Park Advisory Committee, who was most supportive of the actions of the Government on this issue. In fact, he has been a long time supporter of the Liberal Party, when in government, purchasing back private land to add to the Whipstick area. The proposal has the united support of that advisory committee and of the municipalities that surround it.

The Whipstick park area has many unique features that are worthy of preservation and protection, and I commend the Government's actions in this matter.

The Hon. J. E. KIRNER (Minister for Conservation, Forests and Lands)—The Government opposes the amendment. In some ways, the Whipstick area is even more important than the Kamarooka area in the sense of both its natural and its historic features. No one was talking about creating public land, as Mr Evans well knows, although perhaps the extension of the Whipstick park may be said to be an extension of the area. Again, it is the protection of public land that is dealt with.

On the issue of recreation and open use by the community of an area like the Whipstick park, the Government is committed to the setting up of an advisory committee under the National Parks Act with power to advise me on the management of the park. That advisory committee will include all categories of users of the park as well as persons associated with the National Parks Service.

In terms of recreation, the issue of gold mining was raised. Fossicking, which is recreational mining activity using hand tools, as distinct from bulldozing, which has a quite different impact on the land, is provided for.

The Hon. Robert Lawson—Don't forget the eductor dredges!

The Hon. J. E. KIRNER—I shall not. Fossicking is provided for in areas within these two parks. The important matter of four-wheel drive vehicles and trail bikes was addressed by Mr Evans. One significant feature in creating a State or national park is that one is able to do what Mr Reid and Mr Evans have congratulated the Government on doing in the Grampians, that is, developing a proper management plan and resourcing it according to national and State park standards.

The National Party would deny the people of Bendigo a properly declared and managed park. The Government opposes the amendment.

The amendment was negatived.

The Hon. D. M. EVANS (North Eastern Province)—Amendment No. 6 circulated in my name refers to an area in Gippsland of 40 000 hectares which, if the previous comments

made are stood by, has seen very little activity at all up to now; and from what I am told it is likely to see very little activity from man in the future.

There does appear once again to be a headlong rush to put more and more of the State's land in the restricted use category and the National Party considers this is not only unreasonable but also is unnecessary and it should be called to a halt by action within the Parliament.

There has been criticism of the National Party's attitude—most of it uniformed and illogical—nevertheless, it intends to press forward with the policies that it has clearly indicated and which I believe are generally accepted by people, especially those in country communities and by thinking people throughout the State.

We have the capacity to manage our public land well in the State; we have a vehicle for that with the Department of Conservation, Forests and Lands. But one of these days someone will ask the questions: why should some land be treated better than other land? Should not all land be treated equally? Perhaps the department should be caring for all land?

I am concerned that the 40 000 hectares referred to in the Bill is another building block in the move to add more and more land to the restricted category, which will be reflected in the usage of the area.

I accept what Mr Granter has said but it is my understanding that it was seven months and not six. Somebody did tell me that it was twelve months but I accept seven months.

There could be some good reasons to have grazing as management control in some areas and the fact that it restricts any sort of commercial development means that is another way in which development will not be allowed. This will mean more money having to be spent from the public purse and less action from the Country Fire Authority in the fire situation and so forth. Nevertheless the National Party believes it is inappropriate to continue this headlong rush to put more and more public land into a sort of straitjacket to be declared a national park under the existing provisions of the 1975 Act. I, therefore, move:

6. Schedule, Part B, item (*f*), omit this item.

The Hon. R. I. KNOWLES (Ballarat Province)—The Opposition is more strongly opposed to this amendment than to any of the other amendments moved on this Bill. The Land Conservation Council, in reviewing those areas of the State, I understand has identified only two areas that meet the criteria of wilderness, one being the Big Desert in the north-east of the State, which the previous Government designated a wilderness, and the Avon Wilderness Park.

If one accepts the definition in the National Parks Act, these areas would be among the first to receive designation and protection under the Act. As Mr Evans has indicated, the Avon area has little or no commercial timber resources but in any event it is identified as a wilderness area and that ought to attract the interest and enthusiasm of the Committee. The Opposition believes the designation is most appropriate and it will not support the amendment.

The Hon. B. T. PULLEN (Melbourne Province)—In relation to this amendment, I believe the argument put by Mr Evans has encapsulated his arguments with regard to most of his amendments. It is clear that the National Party has not been able to sustain an argument about the lack of significance of any of these parks. The National Party has relied basically on a philosophical position and is setting its face against the very concept of conserving areas for national parks for the future. Furthermore, it is setting its face against the process established by the Liberal Party and operating now for some time after having a review of public land by the Land Conservation Council and the recommendations are being carried through by due Government process. The National Party is taking a stance on exploitation on these grounds alone. The Government is totally opposed to the National Party concepts and, on that basis, I oppose the amendment.

The Hon. D. M. EVANS (North Eastern Province)—The National Party does not do any of the things that Mr Pullen has said, although I appreciate the good arguments and discussion he has put on these issues during recent debates. The National Party has agreed to a number of the scheduled items that refer to the additions to national parks.

The Hon. J. E. Kirner—You have opposed all the major ones!

The Hon. D. M. EVANS—This is a special category, a smaller area, and that is where it should be retained—in a special area, not for everything under the sun, not for everybody and his dog. Mr Pullen put his finger right on the spot when he said that the National Party did agree the proposed area is too big and it takes up too much public land.

I do have difficulty with the Land Conservation Council. I believe the way in which it is constituted and operated clearly needs review and strong amendment—not that such a body should not exist; I believe it should—but there is need for restructure after the fifteen years that the council has been in existence. It is a matter of the representation of different points of view.

The last thing I wish to say on this matter is that I can see the existing areas of national and State parks being reviewed for their current suitability and for their value by the Land Conservation Council. I believe we should be serious about the Land Conservation Council and its operation.

The Hon. J. E. KIRNER (Minister for Conservation, Forests and Lands)—The last contribution by Mr Evans illustrates the depth to which the National Party has sunk—he cannot go much farther. He not only wants to refuse the most important provision of the Bill, and that is for the creation of the second wilderness in Victoria of 40 000 hectares, but also he wants the Government, through the Land Conservation Council, to review existing national parks and possibly open them up for exploitive activities. I believe that will be absolutely rejected by the Liberal Opposition. It ought to be seriously considered by the National Party unless it wants to go down the Joh Bjelke-Petersen track.

To come back to the Avon Wilderness Park, I do not believe there is a need to spell out for honourable members the concept of wilderness but it is important to have areas that are almost untouched by human activity for the protection of humans against themselves and for the protection of flora and fauna.

What I find interesting about the position taken by the National Party is that Mr Dunn, the Leader of the Party in this Chamber, is prepared to countenance a 113 000 hectare wilderness area as important and as protection of the ecological system that will be part of his children's heritage——

The Hon. B. P. Dunn—I am not parochial like that.

The Hon. J. E. KIRNER—Never have there been truer words spoken than that.

The Hon. W. R. Baxter—Mr Dunn said he was not parochial.

The Hon. J. E. KIRNER—One would have thought that the Gippsland members would be parochial and that Mr Dunn would allow them to have a 40 000 hectare area which would add to their children's heritage.

The amendment was negatived.

The Hon. K. I. M. WRIGHT (North Western Province)—The Minister for Conservation, Forests and Lands has missed the point of the argument put forward by the National Party. When an area is declared a national park or a State park, the management practices are changed. I visited the Terrick Terrick National Park with the Minister for Agriculture and Rural Affairs and discussed that area with the local people. Raising of cattle had occurred in that area for many years and that had kept the undergrowth down and prevented fires that would have burnt all the trees. It is important to consider that aspect. Giving an area a different name does not make much difference; it is the changed management practices that count.

The Minister for Conservation, Forests and Lands has no say in that management practice because that is the responsibility of the Minister for Planning and Environment. The Minister has not replied to an earlier inquiry about why the Bill was brought in by stealth. The community has not been told about the details of the Bill.

The Hon. J. E. Kirner—The recommendations were made in 1981.

The Hon. K. I. M. WRIGHT—The community does not know about the Bill and the people with whom I have spoken are stunned by it. The Minister ought to be the first person to admit that the community ought to know about it and that the Government should have placed advertisements in the local newspapers or had maps made available so the people concerned could have perused them.

The Hon. M. J. ARNOLD (Templestowe Province)—On a point of order, Mr Chairman, I understand that the matter had been resolved.

The CHAIRMAN—Order! There is no point of order. The Committee is discussing the schedule.

The Hon. K. I. M. WRIGHT (North Western Province)—I had almost completed my remarks which, first, concerned the management of the area, and, secondly, the efforts that had been made to inform local communities about the details of the Bill. The Land Conservation Council recommendations were made some time ago and local communities have forgotten about them.

The Hon. J. E. KIRNER (Minister for Conservation, Forests and Lands)—Two issues were raised by Mr Wright. The first issue raised by the honourable member shows his complete ignorance of the processes of administering a national park. The Department of Conservation, Forests and Lands is responsible for the management of national parks. Any State or national park under the control of my department has to have a fire management plan. The ability of the newly organized department to meet the fire mangement plan, better than it ever has before, was well illustrated by action that occurred during fires early this year when, in one week-end, 120 lightning strike fires occurred and, by the end of that week, they were all put out. Fire suppression and protection is an effective operation in my department.

The processes that take place for Land Conservation Council recommendations are quite lengthy. The council, which is the responsibility of the Minister for Planning and Environment, is required to go through a lengthy process of calling for submissions, putting out draft recommendations, receiving submissions and then making recommendations. After those processes, the Government makes its decision. The recommendations of the Land Conservation Council and the Government's decision have been in existence for two years. The Bill was given to Mr Evans and discussion items were made available. Departmental people were available to brief anyone who cared to be briefed some three weeks ago. Members of the Liberal Party made themselves fully cognizant of the Bill and contacted all interested councils and it had no objection to it. I am amazed that the National Party did not take a similar approach.

The schedule was agreed to.

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

The Hon J. E. KIRNER (Minister for Conservation, Forests and Lands)—I move:

That this Bill be now read a third time.

I thank the Liberal Party for its support and its bipartisan consideration of the Bill in line with the Borthwick submissions.

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

LOTTERIES GAMING AND BETTING (AMUSEMENT MACHINES) BILL

This Bill was received from the Assembly and, on the motion of the Hon. J. E. KIRNER (Minister for Conservation, Forests and Lands), was read a first time.

BIOLOGICAL CONTROL BILL

This Bill was received from the Assembly and, on the motion of the Hon. E. H. Walker (Minister for Agriculture and Rural Affairs), was read a first time.

The Hon. E. H. WALKER (Minister for Agriculture and Rural Affairs)—I move:

That this Bill be now read a second time.

In August 1983, the Australian Agricultural Council, which consists of agriculture Ministers from the Commonwealth, the States and the Territories, resolved that complementary Commonwealth-State legislation should be developed for assessing and approving, where appropriate, proposals for the biological control of any weed or pest species.

Biological control may be briefly described as being the release of a biological agent for the specific purpose of controlling a harmful organism. The released agent, referred to as an "agent organism", can take various forms: for example, it could be an insect, a rust or a fungus.

The biological control of pests and weeds is not some new procedure. In fact, biological control programs have been undertaken successfully in Australia at various times over a period of many years. Notable examples have been the control of prickly pear by insects and the control of rabbits by myxomatosis.

Although the undertaking of biological control programs in Australia has a long history, it has become apparent only in recent years that legislative action is desirable.

The need for legislation arose specifically when an injuction was obtained which had the effect of preventing the release of insects to control echium, which is a weed species commonly known as Paterson's curse or Salvation Jane. It became clear that there were no provisions in existing legislation to authorize the release of biological control organisms, nor was there an equitable means of resolving conflicting interests.

Occurrence of plant and animal pests may be confined to particular geographical locations or may be found in various parts of Australia. In any case, they are no respecters of State boundaries and it is clear that uniform complementary Commonwealth-State legislation is needed if an effective and systematic legislative scheme is to be achieved.

The Commonwealth was the first to enact biological control legislation and has been followed by New South Wales and South Australia. The Bill provides the legislative machinery to enable Victoria to participate in the joint Commonwealth-State scheme of biological control legislation.

It is essential to the integrity and uniformity of the joint scheme that each of the States enact legislation in substantially identical terms. Accordingly, the Bill conforms with the terms of a model Bill which was prepared with a view to its progressive adoption by the States.

Although action has been commenced under the Commonwealth legislation with a view to undertaking a biological control program in respect of Paterson's curse, it is important that it be recognized that the Bill is not aimed at any particular weed or pest. Rather, the legislation has been developed for the purpose of providing a mechanism for deciding whether any proposal for the biological control of a particular weed or pest would be in the public interest and whether the proposal should proceed.

I turn now to the main features of the Bill. The Bill establishes a Victorian Biological Control Authority, who will be the Minister for Agriculture and Rural Affairs. Similar authorities have already been established or are expected to be established in other States.

Although the Bill confers specific functions and powers on the State Biological Control Authority in the assessment and authorization of biological control programs, it is important to note that decisions in relation to important matters such as the release of biological control agents can be made only on the unanimous recommendation of the Australian Agricultural Council.

The Bill provides a mechanism to enable proposed biological control activities to be rigorously and equitably assessed, and to ensure that they are in the public interest. Provision is made for proposals to be published for the purpose of allowing public comment. Where further assessment of a proposal is called for, provision is made for the setting up of different forms of public inquiries to investigate and report on the implications of proposals. Only after all appropriate procedures have been completed can organisms be declared for the purpose of biological control activities, and then only on the unanimous recommendation of the Australian Agricultural Council.

Provision is made for making emergency declarations and for authorizing existing biological control programs, which may in some cases be subject to assessment procedures.

The Bill provides that no legal proceedings may be taken to prevent the release of a biological control agent after all the requirements of the Act have been met. There is also a provision preventing the institution of legal proceedings to recover damages in respect of any loss incurred or any damage suffered as the result of the release of a biological control agent in accordance with the Act.

However, proceedings may be instituted where the loss or damage was the result of the release having had a significant effect on organisms other than the target, there was a reasonable expectation of such an effect and the Biological Control Authority did not take this into account in making a declaration.

The Bill also provides an opportuntity for the question of assistance to any persons who could be adversely affected by a biological control to be addressed.

The Commonwealth-State legislation has been designed so as to avoid the necessity to duplicate advertisement and inquiry procedures where a biological control organism has been declared by another Biological Control Authority. Accordingly, provisions designed to avoid unnecessary duplication and to permit reciprocal arrangements are included in the Bill.

Finally, the Bill provides that any lawful biological control programs undertaken outside the legislation will not be rendered illegal. However, any program that is not considered and approved under the Bill would remain open to common law actions.

The Bill establishes rigorous procedures for evaluating proposed biological control programs and provides mechanisms to ensure that such programs are in the public interest. It forms an integral part of a joint legislative scheme which has the objective of ensuring that the administration and legal status of biological control has a uniform basis throughout Australia. I commend the Bill to the House.

On the motion of the Hon. H. R. Ward, for the Hon. R. I. KNOWLES (Ballarat Province), the debate was adjourned.

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

The sitting was suspended at 11.56 *p.m. until* 12.19 *a.m. (Friday).*

EMERGENCY MANAGEMENT BILL

The debate (adjourned from earlier this day) on the motion of the Hon. J. E. Kirner (Minister for Conservation, Forests and Lands) for the second reading of this Bill was resumed.

The Hon. F. J. GRANTER (Central Highlands Province)—This is an important Bill and it is disappointing that it has come on so late in the session. I realize that all parties when in government say that they will manage the show better than the previous Government. However, one always finds that on the last day or so of a session important Bills come on for debate. A change of Government does not change the management of the House.

Disasters have occurred in the past and they will continue to occur. The Minister's second-reading notes mentioned the Ash Wednesday bush-fire disaster of 1983 and all honourable members will remember that. Since that disaster, the Government has endeavoured to update emergency management and DISPLAN.

I was involved in the development of DISPLAN in 1982 and I am pleased to know that its basis is still the same. However, it is important that it is updated after a disaster has occurred. Following the Ash Wednesday disaster, another bush fire devastated the Maryborough area in 1983. Everyone in Victoria should be aware of bush fires and their potentially disastrous results. We can all plan to try to cope with disasters but we cannot prevent them.

DISPLAN came into operation to provide relief for personnel and to repair the property of those who suffer in the wake of disasters. The Local Government Department now plays a big part in the emergency services and the Government has rightly given to that department powers to act in a disaster because local government agencies are closest to people on the spot and provide assistance in conjunction with the police, the Country Fire Authority and the State emergency units.

State emergency units are developing throughout the State and are making a real contribution. They consist mainly of young men and women who are keen to improve their knowledge of assistance that can be rendered to people in a disaster. They are all volunteers and we should be proud of them.

The Bill should be a Committee Bill and that is the way I intend to treat it. However, I have underlined one or two areas of the Minister's notes about which I wish to comment at this stage.

The provisions covering the declaration of a state of disaster in the existing Act are retained in the Bill, as is the appointment of a Co-ordinator in Chief of Disaster Control. The powers of the Co-ordinator in Chief during a declared state of disaster are precisly defined. The Liberal Party has always believed that the Co-ordinator in Chief should be the Chief Commissioner of Police. The Government does not see it that way. The powers of the chief commissioner are well defined and he has a large part to play in any disaster.

Compensation should be available to all persons who serve as volunteers in disaster situations, whether it be a disaster involving fire, storm damage or any other situation defined in the Bill. Some time ago compensation was not readily available to State Emergency Service personnel. That was provided for in legislation enacted in the 1982 autumn session of Parliament.

The Bill has been debated in another place as late as today. It has been extensively amended by both the Government and the opposition parties. The Minister and my colleague, the honourable member for Portland in another place, and the National Party spokesman came to agreement on a number of areas. However, there are other areas in which the opposition parties have disagreed with the Government and amendments have been drafted and handed to the Minister. These amendments will be dealt with during the Committee stage. We trust the Government will recognize the wisdom of the opposition parties' suggested amendments and will adopt them.

The Hon. W. R. BAXTER (North Eastern Province)—It is necessary to deal with the Bill during this sessional period because a sunset clause was, quite properly, inserted in the State Disasters Act by this Parliament some years ago. That sunset clause comes into

operation on 30 June this year so it is necessary for the Bill to be debated now to enable DISPLAN and the emergency services to continue operation.

The National Party is not opposed to debate proceeding on the Bill. However, it is absurd that Parliament is dealing with such an important measure at this hour of the night. It has come from another place where substantial and significant amendments have been made. In fact, two whole clauses were totally replaced.

Honourable members do not have a copy of the Bill, we have a mock-up. I commend the people who have prepared the mock-up. It must have been a difficult task at short notice. It is also difficult for honourable members handling the Bill in this House to come to grips in such a short time with the importance of the amendments made in another place.

The amendments go to the heart of some of the objections which were expressed by both the Opposition and the National Party. I am not yet certain that the amendments made in another place have overcome the concerns which were expressed on the original Bill. Nevertheless, the National Party is bound to proceed with it and hopes that a decision made in the middle of the night is the correct one and is not found to be deficient during a major emergency because Parliament had dealt with it at a very odd hour under strained circumstances.

There is overwhelming concern, at least in the part of the State that I represent, that the responsibility that has been formally devolved upon and accepted by the Country Fire Authority is being suborned by others, in some cases by direct legislation and in some cases—for want of a better word—by stealth. However, it could perhaps more correctly be said to be happening in a process of empire building where organizations, which have been established and have become a part of the community and part of the Government apparatus, are having to justify their existence and, to some extent, are taking over areas that have been traditionally and expertly handled by the Country Fire Authority in the past.

If that trend continues, it is likely that the volunteer element, upon which the CFA has been based and built, could well be sapped. The enthusiasm of the volunteers may be sapped if they see their traditional responsibilities being undermined by persons who, they believe, do not have the expertise or sufficient experience.

I give just one example to the House of the serious bush fires that occurred in the Bright, Porepunkah and Mount Buffalo localities during the summer before last. Some attempt was made to take over even the most basic organization of the feeding of the volunteer firemen, which had been traditionally organized by the Red Cross and the Country Women's Association, and done with a great deal of efficiency, at minimal cost. A lot of volunteer labour was put into it and long hours were worked by women in that district.

However, an attempt was made by a public servant who came into the area to take over; he set himself up as the expert on that matter and set about ordering huge quantities of food, bringing in extra field kitchens from elsewhere and trying to marshal these ladies in a fashion to which they were not accustomed. As willing as they are to lend a hand in emergencies such as a major bush fire, they did buck considerably—not so much at the time, because it was not appropriate to make a protest at that stage. However, they did not forget the incident and since then it has been raised with me and others on many occasions.That is a problem that will exist if this continued muscling in on emergencies occurs by Government employees.

In a report prepared by a well-known CFA officer and volunteer for the Shire of Tallangatta he states that it is quite untenable that an organization trained and equipped for its specific combat role is not in charge of its operation. That is the fear I am expressing, that some attempt has been made to take away from the CFA control of its own operations.

The House will recall that this Chamber was instrumental in removing an offending clause from the State Disasters Act, which went down that track but the action of the

House did not appear to make much difference to the Minister's activities. He proceeded as if the remainder of the Act gave him all those powers in any case. Perhaps legally it did, but it certainly concerned firemen out in the countryside.

Mr Granter said that it is a Committee Bill, and in some respects that is certainly so, and I know he foreshadowed some amendments, and I foreshadow others. However, I shall deal with the measure somewhat sketchily, at least, at the second-reading stage, and say that I am particularly concerned at the definition of "emergency" which is included in the Bill. Under "Definitions" in clause 4 (1), emergency means "an emergency". That is a rather odd way to style a definition. The clause then goes on to state, *inter alia:*

> . . . due to the actual or imminent occurrence of an event which in any way endangers or threatens to endanger the safety or health of any person in Victoria or which destroys or damages or threatens to destroy or damage, any property in Victoria, including, without limiting the generality of the foregoing—
>
> (*a*) an earthquake, flood, wind-storm or other natural event; and——

That definition is so wide that, if leaving this building tonight, I happened to stumble down the front steps and injure myself, that could be termed an "emergency" under the Bill. That definition is too wide and I foreshadow an amendment during the Committee stage which, if agreed to, will redefine the definition to some extent so that it is perfectly clear that it does apply to incidents or potential incidents in the State which are likely to be damaging to either life or property.

I am also concerned at the reference to the State Disasters Council. The National Party does not accept with any degree of enthusiasm the Minister for Police and Emergency Services being the Co-ordinator in Chief.

The National Party would far prefer the Chief Commissioner of Police to be Co-ordinator in Chief because he has the expertise to do the job in the manner in which it ought to be undertaken.

The National Party is somewhat reluctant to give this sort of responsibility and power—which the Bill confers—to a Minister for Police and Emergency Services, who may be totally lacking in any knowledge of disaster control, bush-fire control or the like, especially if he comes from a city-based Government and he has had little experience in the country.

The National Party is aware that our friends in the Opposition are prepared to accept the Minister being the Co-ordinator in Chief. However, the Bill has been amended in another place to make the Chief Commissioner of Police the Deputy Co-ordinator in Chief of Disaster Control and any other officer appointed by way of delegation would be a senior police officer. That is the safeguard. At least there will be a good deal of input from the Chief Commissioner of Police, even though he does not hold the highest office, which the National Party believes he should.

The National Party is also concerned at the number of links in the chain of command. One has the Minister as Co-ordinator in Chief; the Chief Commissioner of Police as his deputy; the State Co-ordinator of DISPLAN, who is to be the Chief Commissioner of Police; his deputy; zone co-ordinators; regional co-ordinators and so on.

It might be necessary to streamline the passage of information from the disaster front to the Co-ordinator in Chief of Disaster Control. The information may travel through far too many hands before it is received at the highest level. I do not oppose the provision and I do not intend moving an amendment to it but simply spell out my concerns in that regard.

I am pleased that in another place clause 16 of the original Bill was replaced. The original clause referred to control of response to emergencies. Throughout the clause reference was made to control, whereas the purpose of the Bill is to provide for the management and organization of the prevention of, response to and recovery from emergencies, and elsewhere throughout the Bill it talks about co-ordination.

Concern was expressed to me that the original clause 16 would enable the Co-ordinator in Chief to control responses to emergencies from his office rather than co-ordinating the responses of the various agencies in the field, which is surely the intent of the Bill.

Clause 16 as it has been presented to the Chamber tonight deals only with the control of responses to fires. It establishes a procedure for the chief officers of the agencies involved, namely, the Country Fire Authority, the Department of Conservation, Forests and Lands and the Metropolitan Fire Brigades Board, to agree among themselves on who will be in charge of a certain operation.

If they cannot agree, the Co-ordinator in Chief of that zone or region may make a decision on who will be the chief officer. Whoever is appointed to that position is to exercise the powers and authorities conferred by the Country Fire Authority Act.

Clause 16 (3) overrides the provisions contained in sections 33 (2) and 93B (1) of the Country Fire Authority Act. Section 33 (2) provides for deciding who will be in charge of operations when the Department of Conservation, Forests and Lands and the Country Fire Authority are involved in fire suppression. It states:

> The powers and authorities conferred by this Act on the Chief Officer in respect of any district shall be exercisable. . .

Where there is danger of a fire occurring, where a fire is burning or where a fire has recently been extinguished—

> . . . in any part of the country area of Victoria (not being a fire protected area or a part of Victoria in which by reason of a determination made pursuant to sub-section (1) of this section the Forests Commission is solely responsible for the suppression of fires; or
>
> (ii) in any part of Victoria in which by reason of determination made pursuant to sub-section (1) of this section the Authority is solely responsible for the suppression of fires. . .

Obviously section 33 (2) (1) determines which of the two agencies is responsible for fire suppression in particular locations.

I am somewhat disappointed that clause 16 (3) overrides that section because it is important that when a fire is burning in an area under the responsibility of the Country Fire Authority but involves a small area under the responsibility of the Department of Conservation, Forests and Lands, the Chief Fire Officer of the Country Fire Authority should be in charge. The contrary should also apply. For example, the Department of Conservation, Forests and Lands should take responsibility when an outbreak of fire occurs in a forest area.

I do not suggest that that will not turn out to be the reality because I assume that these people are logical and sensible and will make the appropriate decision on who will be the chief officer. If they are unable to reach agreement, the Co-ordinator in Chief should make the decision in light of the provisions contained in section 33.

I considered moving an amendment to clause 16 to ensure that that occurred, but I decided against it because I believe the provision is worthy of a trial. If it does not work satisfactorily, I will certainly propose that the provision be brought before Parliament again to allow it to make a decision.

In light of the decision on the original clause 16, which dealt with the control of emergencies generally, and the substitution of another clause, which deals only with fires, I ask the Minister to explain what the practice will be in other sorts of emergencies. For example, in the case of a major flood the State Emergency Service, local municipal officers and another agency might be involved. The amended Bill does not set out who will be the chief officer and lead agency in that circumstance. I take it that it will be left in limbo and that common sense will prevail.

I do not doubt that in most cases common sense will prevail but in some areas there may a clash of personalities or a go-getter in the State Emergency Service could be in conflict over who will be the chief officer. I put the Minister on notice that that matter

might need to be addressed. As much as I disagreed with the original clause 16, the new clause may also be deficient in that regard.

Finally, the original clause 20 was replaced in another place by a far more satisfactory clause. It deals with municipal management and planning for disaster management and control and compels councils to take certain actions and to establish committees to plan for emergency management. The clause does not establish who might be appointed to the committees and what agencies will be represented.

Clause 20 (3) states that the membership of the committees will be determined by the councils. I do not object to that in principle, but it is important that the councils ensure that the committees involve all the local agencies in the disaster control. It is important that they have an input into the deliberations of the committees. If they were not involved, the system would not work.

I am concerned that the State Emergency Service, for example, might not be represented on the committees. It might simply be the result of an oversight, but it would be highly inappropriate for that service not to be represented. The Bill does not specify that. Sub-clause (2) gives the Co-ordinator in Chief power over the municipal emergency planning committees.

The Hon. M. J. Sandon—You do not want him to be dictatorial.

The Hon. W. R. BAXTER—No, I do not want the Co-ordinator in Chief to be dictatorial but perhaps clause 20 (2) could be construed so that he has that power. If he does, I object to it.

I now refer to the registration of emergency workers. I am aware that Mr Granter will propose an amendment to that provision which will go a long way to improving it. I ask who keeps the register. Clause 26 (1) states:

> The chief officer (however designated) of any agency to which DISPLAN applies may apply to the Co-ordinator in Chief for registration of any or all members, officers and volunteer workers of the agency.

That will be fairly time consuming and expensive to start with. The Co-ordinator in Chief has responsibility under that clause. I do not know what provision has been made for the Co-ordinator in Chief to accept that responsibility and carry it out. I know Mr Granter's amendment will lessen the burden of that task, but I shall be interested to hear from the Minister what thought has been given to how that will operate.

Clause 24 (2) (*b*) states:

> If it appears to the Co-ordinator in Chief that compliance by a Government agency with an Act or subordinate instrument, which prescribes the functions powers duties and responsibilities of that agency, would inhibit response to or recovery from the disaster, declare that the operation of the whole or any part of that Act or subordinate instrument is suspended; and

What impact will that have on the claims for compensation that may be made by registered workers? I am not suggesting there is any attempt to deny any of those people rights to compensation if they have been injured in those circumstances. However, I seek an assurance that the matter has been thoroughly canvassed and that by empowering the Co-ordinator in Chief to suspend any Act in time of emergency, Parliament is not inadvertently denying workers their due insurance cover.

The National Party has some deep reservations about the Bill. It believes the amendments made in the other place have gone a long way towards overcoming those objections. However, the National Party has had insufficient time to come to grips with the two major amendments, and I shall propose four amendments that will further improve the Bill.

The Hon. B. A. MURPHY (Gippsland Province)—I support the Bill, which is extremely important for city people. Most Victorians live in the city. I invite honourable members to imagine an aeroplane crashing in the heart of Melbourne. If there were not proper emergency planning, various municipal directors and other people would try to carry out

major emergency management procedures. The Bill provides for the Co-Ordinator in Chief to co-ordinate any such activities.

Under the Bill the Minister for Police and Emergency Services will be responsible for emergency procedures. The current Chief Commissioner of Police is an extremely capable man, but the Bill sheets home the responsibilty to the Minister.

The Bill is a result of the aftermath of the 1983 bush fires. Although there were good aspects in the way in which the fires were controlled, a lot of duplication occurred and activities were badly managed in some cases. Different fire brigades argued about what type of equipment should be used and in what area. That should not have happened and will not happen again.

The Bill provides for management of disasters such as earthquake, floods, explosions, plagues, epidemics and hijackings, sieges or riots. These days, the last mentioned actions must be planned for, but I hope they never occur.

The Co-ordinator in Chief will be the Minister for Police and Emergency Services. The person responsible for emergency management in this State should be the Minister. The role of the co-ordinator is to ensure adequate measures are taken by Government agencies. He will also be responsible for the State Disaster Council, which will advise the Co-ordinator in Chief. In case of emergency, the council will meet continually, but, more importantly, it will meet beforehand to advise the Minister what should be done in the case of emergency.

An important part of the Bill is the establishment of DISPLAN, which is a response plan to co-ordinate all Government agencies. The Chief Commissioner of Police will be the deputy co-ordinator, and this should make the National Party happy; it seems to like the Chief Commissioner of Police being in control of all types of emergencies. Another important aspect of the Bill is the role of municipalities. The Bill provides for the establishment of municipal planning committees.

The Bill is extremely important. I am sorry the National Party gets bogged down with what is happening in Manangatang and forgets where most Victorian citizens live.

The Hon. N. B. REID (Bendigo Province)—I have followed the evolution of the Bill since 1983 when it was introduced. It has been interesting to watch the way it has evolved and to see that many principles enunciated by me on behalf of the Opposition and by Mr Baxter on behalf of the National Party from 1983 until this time have been included in the Bill.

The Government has finally accepted some of the proposals put forward by the Opposition. One of the difficulties in reaching this stage has been the attitude of the Minister for Police and Emergency Services and the Government in accepting some of the proposals put forward by people who understand what emergency management is all about. I refer to people who are involved in the types of emergencies that have been experienced, such as the Ash Wednesday bush fires and the fires that occurred in the Maryborough and Avoca areas on 14 January 1986. The Government is finally recognizing that the expertise is available.

The present Minister has shown a willingness to interfere with the operations of emergency management. He did so during the Ash Wednesday bush fires and at the fires in the Maryborough and Avoca areas. The Minister has had problems in handling a number of issues in the emergency field. I refer to Operation Emergency, which lost $123 million. I shall not dwell on that, but that is one of the reasons why the Liberal and National parties have insisted that the position of Deputy Co-ordinator in Chief be held by the Chief Commissioner of Police. Irrespective of who is the holder of that office, the commissioner must go through a long period of training in disaster management. I have

the utmost confidence in the present chief commissioner of Police. The chief commissioner is in the best position to direct operations when a disaster occurs.

The chief commissioner has the facilities at his disposal. The Police Force is the only organization that has a Statewide network and force which is capable of responding in an emergency and its communications and trained personnel are at hand to meet any emergency.

The Opposition has changed its position slightly from that indicated by Mr Baxter. The original stance of the Opposition was that the Chief Commissioner of Police should be the co-ordinator of the emergency management function. I have been influenced to a certain extent by the similarity with the Federal Minister for Defence and the Chief of the Armed Forces in wartime situations.

Ultimately, the Minister responsible for emergency management in the State must be accountable to the Cabinet and to the people of Victoria. The Liberal Party's aim is to prevent the Minister, whomever it may be of whichever party, from interfering in the operations area in an emergency or state of disaster in Victoria because that is not in the best interest of Victorians.

For example, a Minister may have been elected to the Ministry only the day prior to the emergency or disaster and he would have that responsibility without any understanding of the Act and without the experience to carry it out. It is important to have the deputy's position filled by the Chief Commissioner of Police for that reason.

The Liberal Party has been assisted by the invaluable input from the Rural Fire Brigades Association, the Country Fire Authority Officers' Association and the Red Cross organization, to which I shall refer in the Committee stage.

The Hon. G. R. CRAWFORD (Jika Jika Province)—At this late hour I am concerned about the platitudes of members of the opposition parties, particularly Mr Baxter. The best the House could hear from Mr Baxter, apparently, was that some of his womenfolk were upset because someone else moved in and thought there was an emergency in a fire at Porepunkah and that they might have needed some assistance. Members of the opposition parties should hang their heads in shame because they had made no attempt to deal with the situations of a state of emergency and fire-fighting before this Government came to office.

Members of the Labor Party do not accept that the only emergency is a bit of a bush fire somewhere. We understand the dramatic experience of people in a bush-fire situation when their lives and their homes are in danger and we do not take anything away from the dangers of those circumstances and their experiences. However, this measure provides a back-up assistance for those people so they are not left on their own in those circumstances.

The opposition parties should not run away with the belief that the only emergencies to occur take place somewhere in the bush or at the fringes of the metropolitan area where they can be dealt with by the Country Fire Authority and the Metropolitan Fire Brigade Board, and often a fire can be serviced by both authorities in the fringe areas. It has been my experience to see some Keystone Cop comedy situations of the two brigades turning up at the one fire and going through their own performances.

It has been left to this Government to produce a whole heap of legislative measures dealing with dangerous substances, and so on, so that fire fighters do not have to rush into a fire situation without knowing what it is they are fighting.

There is a tank bubbling and the fire fighters do not know what is in it! They have no idea what is in it! That is the way it was when the Liberal Party was in government. It did not do anything about it. The Labor Party Government has placed signs marking hazardous chemicals, and so on, for all to see.

The Hon. B. P. Dunn—What a piece of junk—you want about 50 signs on one place!

The Hon. G. R. CRAWFORD—That is all right—is it not a reasonable proposition for the fire fighter taking his life in his hands? Do you expect him to fight a fire when he does not even know what is the establishment that is on fire?

The Hon. B. P. Dunn—Our CFA guys do.

The Hon. G. R. CRAWFORD—They are real supermen, then! They do not need signs. They do not need anything. They just go in and break through walls and do it all! The Labor Party does not accept that situation. This Government has taken very real steps to get some organization into the question of emergency situations whether in the outer metropolitan, inner metropolitan or country areas.

All the National Party is concerned about is some fire being fought at the back of Porepunkah. That is all the National Party has talked about tonight. It is an utter disgrace to the debate. Members of the National Party ought to hang their heads in shame.

Fire fighters from both the Country Fire Authority and the Metropolitan Fire Brigade Board have had to front up to fires all round the fringes of the metropolitan area not even knowing what they have to contend with. Members of the National Party can sit in this House and heap a whole lot of scorn on the question of signs on the front of buildings.

The Hon. B. P. Dunn—I am talking about the farm.

The Hon. G. R. CRAWFORD—This House is talking about emergency situations, not about a bit of a fire on a farm, but emergency situations.

The Hon. B. P. Dunn—What a joke!

The Hon. G. R. CRAWFORD—Mr Dunn says that it is a joke—good on him, it is a joke.

The PRESIDENT—Order! I suggest that the honourable member should ignore interjections.

The Hon. G. R. CRAWFORD—All I shall say is the way people are treating this situation is a joke. The Bill deals with emergency situations and situations that will be experienced anywhere in the State. The honourable members representing Melbourne West Province and other honourable members have referred to the dangerous situations that occur in the west of Melbourne—criminal situations that have been allowed to develop and situations whereby there could have been disasters where literally hundreds of people could have been adversely affected.

Progressively, there has been a series of legislative measures taken to try to tackle these situations, firstly giving fire fighters the sort of ammunition that they need and the sort of information that they require to deal with emergencies and to fight fires.

The Hon. D. M. Evans—They want fire engines more than information.

The Hon. G. R. CRAWFORD—Ha, ha, ha—that is real good! That is the sort of bloody mentality: honestly!

At this hour it is an insult to the intelligence of some honourable members to have to listen to the diatribe of those people who say they will not vote against the Bill but have reservations because a couple of people at the back of Porepunkah have been upset because they wanted to make cups of tea or to give a hand in a bush fire.

We are talking about emergency questions, and perhaps the National Party does not understand that point. All the people were trying to do was to give the workers some back up. Therefore, it is a catch-22 situation—if one lends a hand, it is not needed.

The mentality of these people is that they have a little bit of dirt around them and they are the centre of that bit of dirt and the world revolves around it.

The Hon. B. P. Dunn—That is an insult to those people and you know it!

The Hon. G. R. CRAWFORD—They are the centre of the universe, surrounded by that little bit of dirt. I support the Bill because it is a good Bill and if the National Party is voting in favour of it, we should not cop all this business about the centre of the universe being around this little piece of dirt.

The Hon. H. R. WARD (South Eastern Province)—I have an interest in the Bill because of the work of the Red Cross and my position as vice-chairman.

The comments made by Mr Crawford show that he is out of touch with the situation at Porepunkah and other places. No one is objecting to the situation. Perhaps honourable members opposite would like me to adjourn the debate until the next day of meeting? I support the Bill, and I move:

That the debate be now adjourned.

The Hon. A. J. HUNT (South Eastern Province)—On the question of the adjournment, the Opposition implores the Minister to agree to that adjournment.

The PRESIDENT—Order! I need to put the question first.

The Hon. A. J. Hunt—On the question of time!

The House divided on Mr Ward's motion (the Hon. R. A. Mackenzie in the chair).

Ayes	21
Noes	20
Majority for the motion	1

AYES	NOES
Mr Baxter	Mr Arnold
Mr Birrell	Mrs Coxsedge
Mr Chamberlain	Mr Crawford
Mr Connard	Mrs Hogg
Mr de Fegely	Mr Kennan
Mr Dunn	Mrs Kirner
Mr Evans	Mr Landeryou
Mr Granter	Mrs Lyster
Mr Guest	Mr McArthur
Mr Hallam	Mrs McLean
Mr Hunt	Mr Mier
Mr Knowles	Mr Murphy
Mr Lawson	Mr Pullen
Mr Long	Mr Sandon
Mr Macey	Mr Sgro
Mr Miles	Mr Van Buren
Mr Storey	Mr Walker
Mr Ward	Mr White
Mr Wright	*Tellers*
Tellers	Mr Henshaw
Mr Reid	Mr Kennedy
Mrs Varty	

The Hon. E. H. WALKER (Minister for Agriculture and Rural Affairs)—The Government is opposed to the adjournment of the matter and, therefore, I move:

That the debate be adjourned until later this day.

The business of the House ought to be controlled by the Government. That is the tradition and it was the Government's view that this Bill should proceed this evening. It must go to another place, because it will be amended here, and the Government understands that. There are other Bills that can be proceeded with and, therefore, I suggest that this is not a circumstance in which the Government should be submitting to the control of the House by the joint will of the two other parties.

I believe they should be accepting the Government's running of the place and I have moved the adjournment of the debate until later this day so that, after some further business is done, the House can come back to this matter and complete it.

The Hon. A. J. HUNT (South Eastern Province)—As an amendment to the Minister's motion, I move:

That the words "later this day" be omitted with the view of inserting in place thereof "the next day of meeting".

I move this amendment for a number of reasons. The Minister well knows that the Opposition recognizes the right of the Government to run its business as it reasonably chooses, subject to the normal courtesies and to any arrangements that have been made with the opposition parties.

The Minister for Agriculture and Rural Affairs has made it very clear that it was not his intention that the Council sit beyond midnight. The time is, in fact, 1.20 a.m. already. The House has before it further debate on this issue at both the second-reading and the Committee stages and it also has a minimum of some two and a half hours of debate on the Supply and works and services Bills. It has four more Bills to deal with in addition to the Bill now before the House, which will take many hours indeed.

The Government is seeking to legislate by exhaustion in a way this Minister promised would never occur in this place. He is seeking to do so, too, despite having told all honourable members that the House would adjourn at about midnight and informing them that they would continue on with business tomorrow. All honourable members have planned to go on with business tomorrow.

The Minister is continuing to sit for one reason and one reason only, and that is that the Assembly is somehow taking the view that it will get up tonight, come what may.

That is a wholly improper way to go about it. The tradition has always been that, if one House is continuing, the other House comes back so that the deliberations of the House that remain are not neutered. If honourable members continue debate tonight, the two Houses will go on until somewhere around 5 a.m., if not later, whereas clearly the debate should finish now and honourable members should come back on the next day of meeting. Honourable members on both sides of the House are tired, they are not thinking clearly and they are becoming tetchy.

The Hon. G. R. Crawford—That is right so far as your side is concerned.

The Hon. A. J. HUNT—Members of the Opposition heard Mr Crawford a few moments ago sounding very angry and very loud indeed. The only sensible course is to do what was envisaged and what the Minister himself said would be done, and that is to adjourn the sitting and to meet tomorrow, as everybody had been led to believe would occur and as the arrangements that have been made indicated would be done. It is quite foolish and inappropriate to continue on with the debate at this hour. It makes nothing but a charade of Parliament. The Opposition knows the Government does not care much for Parliament, but there are some honourable members here who believe that institution ought to operate properly and effectively.

The Hon. B. P. DUNN (North Western Province)—All honourable members from all sides of the House have commended the way in which the Leader of the House has managed the business of the House over recent times in sticking very firmly to his midnight guideline for the completion of business of the House. That has been welcomed by all honourable members.

Frankly, the departure tonight is out of keeping with the honourable gentleman's usual very firm policy in that regard. Indeed, people in the community cannot believe the sorts of hours that are kept in the last weeks of a Parliamentary session. If honourable members consider people other than themselves who are also in Parliament, such as the staff who have to serve us when Parliament is sitting, and to consider tonight not just in isolation but in conjunction with two late nights of sitting of both this House and the Legislative Assembly, they will agree to the amendment. I believe the Assembly sat until 4.15 on Wednesday morning and about 3.00 this morning, and it is now 1.25 a.m. and both Houses are still sitting. On any conservative estimate of debate being completed in this House, there is at least another 3 hours to go, and probably more.

The National Party believes it is just not reasonable, nor is it achievable, to continue through and finish business tonight. The National Party would have liked to have been able to do that, but that does not appear possible. The Government should be prepared to adjourn the sitting now and come back tomorrow when all honourable members will be better able to consider the proposed legislation, some of which is extremely important.

That is the reason why the National Party supports an adjournment of this debate until the next day of meeting and why it believes the Government and the Leader of the House, who has maintained a very consistent and firm policy, should also do so.

The Hon. E. H. WALKER (Minister for Agriculture and Rural Affairs)—I wish to make a response to the comments of the Leader of the Opposition. He may well suddenly take this high-minded position. I accept that I have made rules in this House and endeavoured to keep them. However, it is not uncommon on the last day of a sitting for us to go on beyond midnight, and it is almost impossible for anybody, including Mr Hunt, to determine and predict what will occur in that critical period of the session where we are dealing more directly with another place.

If Mr Hunt proceeds with what he is intending in this case, and there are two Bills of some import to be dealt with because there are amendments that are to be transmitted back to another place, he is, in fact, frustrating the work of the Assembly. If he were to allow the Council to amend the Bills and then send them back to the other place, it would leave members of the Assembly free to determine whether they should proceed and members of the Council would be free to determine whether to sit on another day, because the Supply Bill and some other measures can be completed by the Council alone, without the necessity for the Assembly to sit.

It is reasonable and proper that we consider the whole of the Parliament. Members of the Government in another place have a program that has been put into effect. They have every right to believe we will, in every way, support the Government's program of legislation.

It seems improper to me that with two Bills still before us that are to be amended, as I understand it, by the Opposition, we are not proceeding to completion of those Bills so that they can be transferred to another place, at which time we might corporately make the kinds of principled decisions Mr Hunt has talked about on whether we should sit tomorrow. That seems to me to be reasonable, but in this manner to adjourn the debate on Bills that are important and thus to force the other House to sit on another day seems to me to be quite improper.

The House divided on the question that the words proposed by Mr Hunt to be omitted stand part of the motion (the Hon. R. A. Mackenzie in the chair).

Ayes	20
Noes	21
Majority for the amendment ..	1

AYES	NOES
Mr Arnold	Mr Baxter
Mrs Coxsedge	Mr Birrell
Mr Crawford	Mr Chamberlain
Mr Henshaw	Mr Connard
Mrs Hogg	Mr de Fegely
Mr Kennan	Mr Dunn
Mr Kennedy	Mr Evans
Mrs Kirner	Mr Granter
Mr McArthur	Mr Guest
Mrs McLean	Mr Hunt
Mr Mier	Mr Knowles
Mr Murphy	Mr Lawson
Mr Pullen	Mr Long

AYES		NOES
Mr Sandon		Mr Macey
Mr Sgro		Mr Miles
Mr Van Buren		Mr Reid
Mr Walker		Mr Storey
Mr White		Mrs Varty
Tellers:		Mr Wright
Mr Landeryou		*Tellers:*
Mrs Lyster		Mr Hallam
		Mr Ward
	PAIR	
Mrs Dixon		Mr Grimwade

The House divided on the question that the words proposed by Mr Hunt to be inserted be so inserted (the Hon. R. A. Mackenzie in the chair).

Ayes	21
Noes	20
Majority for the insertion of the words	1

AYES		NOES
Mr Baxter		Mr Arnold
Mr Connard		Mrs Coxsedge
Mr de Fegely		Mr Crawford
Mr Dunn		Mr Henshaw
Mr Evans		Mrs Hogg
Mr Granter		Mr Kennan
Mr Guest		Mr Kennedy
Mr Hallam		Mrs Kirner
Mr Hunt		Mr Landeryou
Mr Knowles		Mrs Lyster
Mr Lawson		Mr Mier
Mr Long		Mr Murphy
Mr Macey		Mr Pullen
Mr Miles		Mr Sandon
Mr Reid		Mr Sgro
Mr Storey		Mr Van Buren
Mrs Varty		Mr Walker
Mr Ward		Mr White
Mr Wright		*Tellers*
Tellers		Mr McArthur
Mr Birrell		Mrs McLean
Mr Chamberlain		
	PAIR	
Mr Grimwade		Mrs Dixon

The motion, as amended, was agreed to, and the debate was adjourned until the next day of meeting.

ACCIDENT COMPENSATION (AMENDMENT) BILL

This Bill was received from the Assembly and, on the motion of the Hon. D. R. WHITE (Minister for Health), was read a first time.

The Hon. D. R. WHITE (Minister for Health)—I move:

That the Bill be printed and, by leave, the second reading be made an Order of the Day forthwith.

The Hon. A. J. HUNT (South Eastern Province)—Leave is refused.

The Hon. D. R. WHITE (Minister for Health)—I move:

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

The Hon. A. J. HUNT (South Eastern Province)—Leave is refused.

The Hon. D. R. WHITE (Minister for Health)—I move:

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

The motion was agreed to.

BIOLOGICAL CONTROL BILL

The debate (adjourned from earlier this day) on the motion of the Hon. E. H. Walker (Minister for Agriculture and Rural Affairs) for the second reading of this Bill was resumed.

The Hon. R. I. KNOWLES (Ballarat Province)—I move:

That the debate be adjourned until the next day of meeting.

The House divided on the motion (the Hon. R. A. Mackenzie in the chair).

Ayes	21
Noes	20
Majority for the motion	1

AYES	NOES
Mr Baxter	Mr Arnold
Mr Birrell	Mrs Coxsedge
Mr Chamberlain	Mr Crawford
Mr Dunn	Mr Henshaw
Mr Evans	Mrs Hogg
Mr Granter	Mr Kennan
Mr Guest	Mr Kennedy
Mr Hallam	Mrs Kirner
Mr Hunt	Mr Landeryou
Mr Knowles	Mrs Lyster
Mr Lawson	Mr McArthur
Mr Long	Mrs McLean
Mr Macey	Mr Pullen
Mr Miles	Mr Sandon
Mr Reid	Mr Sgro
Mr Storey	Mr Van Buren
Mrs Varty	Mr Walker
Mr Ward	Mr White
Mr Wright	*Tellers*
Tellers	Mr Mier
Mr Connard	Mr Murphy
Mr de Fegely	
PAIR	
Mr Grimwade	Mrs Dixon

The debate was adjourned until the next day of meeting.

EMERGENCY MANAGEMENT BILL

The Hon. E. H. WALKER (Minister for Agriculture and Rural Affairs)—By leave, I move:

That the Order of the House making the resumption of the debate on the second reading of the Emergency Management Bill an Order of the Day for the next day of meeting be read and rescinded, and that it be made an Order of the Day for later this day.

The Hon. A. J. HUNT (South Eastern Province)—Leave is refused.

TRAVEL AGENTS BILL

The Hon. J. E. KIRNER (Minister for Conservation, Forests and Lands)—I move:

That this Bill be now read a second time.

Its purpose is to provide for the licensing of travel agents. This is an important advance in consumer protection, as it is recognized that the incompetence or dishonesty of a travel agent can destroy a trip for which ordinary people have saved for a long time and which they may never have the chance to repeat.

In the past, agency failures have caused consumers to lose hundreds of dollars mostly with no chance of getting their money back. This Bill implements the Labor Party's promise, made prior to the last election, to protect Victorian travellers.

In September 1985 the Standing Committee of Consumer Affairs Ministers endorsed in principle a scheme for the licensing of travel agents and the compensation of travel consumers. This scheme involves the enactment of licensing legislation in each participating State and Territory, and already legislation substantially the same as this Bill has been introduced in New South Wales, South Australia and Western Australia.

The scheme will also involve the creation of one compensation fund to cover all the travel agents in the participating States and Territories. The fund represents an important model of co-regulation, because it will be governed by an independent body, which has an equal number of representatives of Government and industry, and two representatives of consumer interests. There will be one Government representative for each State. It will allow for economies of scale and one contact point for all travel consumers in Australia.

A Victorian travel agent will have to be licensed under this Bill and a member of the compensation fund. To become a member of the fund the agent will have to satisfy the criteria for financial viability set by the fund and determined confidentially by independent accountants. Only a person who has been found to be eligible to be a member of the fund will be able to obtain a licence under the Bill.

As well as assessing the financial viability of travel agents, the compensation fund will be responsible for meeting claims by consumers who suffer loss because of a failure to account by a travel agent.

One of the consequences of co-regulation is the need to protect the compensation fund. The Bill does this by containing detailed provisions, uniform with those in other States, regarding the grounds for licensing and disciplinary action and by providing for substantial penalties for unlicensed travel agents.

The licensing scheme of the Bill, and the provisions in Part 6 relating to the Travel Agents Licensing Authority, build on the experience acquired by the Ministry of Consumer Affairs from the implementation of the legislation relating to credit. In particular, Part 6 could well serve as a model for future legislation to establish a joint licensing authority for all licensing legislation administered by the Ministry. I commend the Bill to the House.

The Hon. G. P. CONNARD (Higinbotham Province)—I move:

That the debate be adjourned until the next day of meeting.

Honourable members interjecting.

The Hon. J. V. C. GUEST (Monash Province)—I wish to make a particular point, Mr President, about the fact that the Opposition is seeking an adjournment of the debate until the next day of meeting. I make the point in relation to this Bill and to every other Bill which the Government seeks to debate this morning. The adjournment should be granted for a reason that was brought to mind only recently on the 100th anniversary of the birth of the late Sir Owen Dixon, when one writer pointed out that one of the most significant events in the history of a great national institution was the time when the High Court of Australia asserted its authority as an institution over the Government of Victoria—in

fact, the Government of Sir Henry Bolte—which wanted to proceed to hang the vicarage murderer, as the murderer Tait was known, at 8 o'clock the following morning, by adjourning the hearing and ordering the execution to be stayed. The High Court insisted that the authority of the court must be maintained.

I point out, Mr President, that the Leader of the House has been speaking about the importance, as a matter of high principle, of Government Business being allowed to proceed.

Honourable members interjecting.

The PRESIDENT—Order!

Honourable members interjecting.

The PRESIDENT—Order! Mr Arnold will come to order.

The Hon. J. V. C. GUEST—I point out that no Leader of the House has had greater respect for the normal tradition that Government Business should proceed according to the Government's program than Mr Hunt, both as a former Leader of the House and as Leader of the Opposition, and in both capacities he has also shown the greatest respect for the traditions of the Parliament as a whole including the proper respect of one House for the processes of the other House and the tradition of allowing full debate.

The authority of this institution of Parliament must be upheld as an institution that considers its business seriously and not as though everybody was agreed that it was a complete fiction that what is said in this House or in the other place matters at all.

The authority of this House also has to be upheld. It cannot be simply a House that learns what is convenient to the other place and proceeds to order its business accordingly, notwithstanding that honourable members have been sitting for almost 15 hours and are obviously not in a fit condition to continue with another 5 hours of debate in any sensible way.

I recall hearing that great Labour Parliamentarian, the late Lord Shinwell, in the House of Lords supporting the adjournment of the Upper House in Britain because proper respect had not been paid to it by the Lower House.

Just as the High Court, on that most memorable day in 1962, upheld the dignity of its place in the Constitution, this House ought now to assert its authority simply to be able to conduct its business properly and perform its duty as a House of legislature.

The House divided on Mr Connard's motion (the Hon. R. A. Mackenzie in the chair).

Ayes	21
Noes	20
Majority for the motion	1

AYES	NOES
Mr Birrell	Mr Arnold
Mr Chamberlain	Mrs Coxsedge
Mr Connard	Mr Crawford
Mr de Fegely	Mr Henshaw
Mr Dunn	Mrs Hogg
Mr Evans	Mr Kennan
Mr Guest	Mr Kennedy
Mr Hallam	Mrs Kirner
Mr Hunt	Mr Landeryou
Mr Knowles	Mrs Lyster
Mr Lawson	Mr McArthur
Mr Long	Mrs McLean
Mr Macey	Mr Mier
Mr Miles	Mr Murphy
Mr Reid	Mr Sgro

AYES		NOES
Mr Storey		Mr Van Buren
Mrs Varty		Mr Walker
Mr Ward		Mr White
Mr Wright		*Tellers*
Tellers		Mr Pullen
Mr Baxter		Mr Sandon
Mr Granter		
	PAIR	
Mr Grimwade		Mrs Dixon

The debate was adjourned until the next day of meeting.

LOTTERIES GAMING AND BETTING (AMUSEMENT MACHINES) BILL

The Hon. J. E. KIRNER (Minister for Conservation, Forests and Lands)—I move:

That this Bill be now read a second time.

Honourable members will be aware that the amusement machine industry is one where there are currently no uniform or substantive controls on either the machines or the people who supply them.

As a consequence, problems have developed in the industry with the increasing involvement of illegal gambling machines in use in amusement machine areas. Steps have been taken through the Parliament over recent years to facilitate the policing of this illegal gambling.

Honourable members would be aware of the allegations which link the amusement machine industry with organized crime, child prostitution and drug trafficking. There is a public concern relating to the operations of some amusement machines centres.

My Government does not wish to adopt a heavy hand approach in this area but it is satisfied, after very thorough consideration, that there is a need for some control and this Bill should contribute to the orderly conduct of the industry by requiring that operators of amusement machines register those machines.

This decision is consistent with one of the recommendations from a working party established by my colleague, the Honourable Frank Wilkes, when he was Minister for Local Government, to look at the difficulties and problems relating to amusement machines and amusement parlours. That working party, under the chairmanship of the Honourable R. J. Eddy, applied itself with zeal and enthusiasm to the problem at hand and on behalf of the Government I take this opportunity to thank them for their work and congratulate them on the comprehensive report they produced.

The major difficulty the Government faced in considering this problem was to devise legislation which strikes a reasonable balance between the fact that amusement machines are a legitimate form of recreation on the one hand and the need to regulate the industry on the other: particularly as the extent of the industry cannot be gauged with any accuracy at this stage.

Industry estimates and academic research suggest that in Victoria there are between 10 000 and 20 000 machines operating. It is also suggested that there are around 3000 gaming machines being used under the guise of amusement machines.

The day of the electro-mechanical pinball machines have long gone and the present sophisticated array of electronic equipment makes it easy to convert amusement machines to machines which can be used for gambling. It is this type of machine the legislation is designed to prevent.

The proposed legislation will extend the authority of the Raffles and Bingo Permits Board to include the registration of amusement machines. The Government gave consideration to the establishment of a separate board for this purpose but decided that it was more appropriate and economical to use the Raffles and Bingo Permits Board.

This decision will no doubt meet with the approval of the Opposition as, during the debate on the Lotteries Gaming and Betting (Gaming Machines) Bill on 17 September 1985, when a measure was being considered to assist with the policing of illegal gambling machines, the honourable member for Gisborne made the observation that the Raffles and Bingo Permits Board should assume responsibility for the registration of amusement machines because he did "not believe any more boards should be established".

The Government agrees with this proposition. The new functions of the board will be to register amusement machines and to administer the regulations. The operators, that is the people who own and supply the machines, will submit an application for registration of the machines they wish to put before the public and both the operators and the machines will be subject to checking by the board prior to registration. The board will have the power to reject any application for registration.

The Act provides for substantial penalties to be imposed where there is a contravention of the legislation. After the Act comes into operation it will be an offence for an operator to place any registered machine in premises for the purpose of a fee or reward or to place a machine without a current registration label affixed to it.

A mere registration label will not of itself be evidence that a machine is legal. Penalties will, therefore, be imposed where a person makes representations to the board that an amusement machine is of an approved type when in fact it is an illegal machine.

The day-to-day administration of the legislation will be undertaken by the Racing and Gaming Division of the Department of Sport and Recreation, but with enforcement powers remaining with the police.

One of the more important provisions in the Bill is to remove the sunset clause in section 68 of the Lotteries Gaming and Betting Act. This provision is critical as it will enable proscription of illegal machines to continue.

The Bill represents a compromise between the need to impose a reasonable degree of control of the industry without making the situation unduly restrictive.

I believe the Bill will have the support of the community including the industry itself, which has indicated to me over the past few months its desire to promote a responsible image to the public. I commend the Bill to the House.

The Hon. H. R. WARD (South Eastern Province)—I move:

That the debate be adjourned until the next day of meeting.

The House divided on the motion (the Hon. R. A. Mackenzie in the chair).

Ayes	21
Noes	20
Majority for the motion	1

AYES	NOES
Mr Baxter	Mrs Coxsedge
Mr Birrell	Mr Crawford
Mr Chamberlain	Mr Henshaw
Mr Connard	Mrs Hogg
Mr de Fegely	Mr Kennan
Mr Dunn	Mr Kennedy
Mr Evans	Mrs Kirner
Mr Granter	Mr Landeryou
Mr Hallam	Mrs Lyster

AYES	NOES
Mr Hunt	Mr McArthur
Mr Lawson	Mrs McLean
Mr Long	Mr Mier
Mr Macey	Mr Murphy
Mr Miles	Mr Pullen
Mr Reid	Mr Sandon
Mr Storey	Mr Sgro
Mrs Varty	Mr Walker
Mr Ward	Mr White
Mr Wright	*Tellers*
Tellers	Mr Arnold
Mr Guest	Mr Van Buren
Mr Knowles	

PAIR

Mr Grimwade	Mrs Dixon

The debate was adjourned until the next day of meeting.

ROAD CONSTRUCTION AUTHORITY (LANDS) BILL

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

The Hon. ROBERT LAWSON (Higinbotham Province)—I move:

That the debate be adjourned until the next day of meeting.

The House divided on the motion (the Hon. R. A. Mackenzie in the chair).

Ayes	21
Noes	20
Majority for the motion	1

AYES	NOES
Mr Baxter	Mr Arnold
Mr Birrell	Mr Henshaw
Mr Chamberlain	Mrs Hogg
Mr Connard	Mr Kennan
Mr de Fegely	Mr Kennedy
Mr Dunn	Mrs Kirner
Mr Granter	Mr Landeryou
Mr Guest	Mrs Lyster
Mr Hallam	Mr McArthur
Mr Hunt	Mrs McLean
Mr Knowles	Mr Mier
Mr Long	Mr Murphy
Mr Macey	Mr Pullen
Mr Miles	Mr Sandon
Mr Reid	Mr Sgro
Mr Storey	Mr Van Buren
Mrs Varty	Mr Walker
Mr Ward	Mr White
Mr Wright	*Tellers*
Tellers	Mrs Coxsedge
Mr Evans	Mr Crawford
Mr Lawson	

PAIR

Mr Grimwade	Mrs Dixon

The debate was adjourned until the next day of meeting.

ADJOURNMENT

The Hon. E. H. WALKER (Minister for Agriculture and Rural Affairs)—I move:

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

The motion was agreed to.

The House adjourned at 2.24 *a.m. (Friday).*

Friday, 9 May 1986

The PRESIDENT (the Hon. R. A. Mackenzie) took the chair at 11.3 a.m. and read the prayer.

FUTURES INDUSTRY (APPLICATION OF LAWS) BILL

This Bill was returned from the Assembly with a message relating to amendments.

Assembly's amendments:

1. Clause 15, line 11, omit "41" and insert "46".
2. Clause 16, line 18, omit "the" (where second occurring).
3. Clause 16, line 20, omit "43" and insert "48".
4. Clause 17, line 29, omit "VIII" and insert "VII".
5. Clause 17, line 32, omit "VIII" and insert "VII".
6. Schedule 1, clause 2, omit "5 (1)" and insert "4 (1)".
7. Schedule 1, clause 2, after paragraph (*b*) insert—

   '( ) in the definition of "local recognized futures exchange" for "law of that State or Territory" there were substituted "law in force in that State or Territory";'.
8. Schedule 1, clause 2, paragraph (*c*), omit "member" and insert "local recognized futures exchange".
9. Schedule 1, omit clause 3 and insert—

   ' . in section 4 (6) of the Commonwealth Act, after "Act 1974" there were inserted "of the Commonwealth".'.
10. Schedule 1, clause 4, omit "5 (10)" and insert "4 (11)".
11. Schedule 1, clause 4, omit "(11)" and insert "(12)".
12. Schedule 1, clause 4, omit "(12)" and insert "(13)".
13. Schedule 1, after clause 4, insert—

    ' . in sections 10 (3), 23, 41, 49 and 52 of the Commonwealth Act after *"Gazette"* (wherever occurring) there were inserted "and the *Government Gazette*".'.
14. Schedule 1, clause 5, omit "8" and insert "13".
15. Schedule 1, clause 6, omit "9" and insert "14".
16. Schedule 1, clause 7, omit "16" and insert "21".
17. Schedule 1, clause 7, omit "(*a*) for" and insert "for".
18. Schedule 1, clause 7, omit "17 (6)" (where first occurring) and insert "22 (6)".
19. Schedule 1, clause 7, omit "17 (6)" (where second occurring) and insert "22 (6)".
20. Schedule 1, clause 7, paragraph *(b)*.
21. Schedule 1, clause 8, omit "17" and insert "22".
22. Schedule 1, clause 8, omit paragraph (*c*) and insert—

    '(*c*) in sub-section (6) for "or (2)" there were substituted, "or by the Commonwealth Minister under sub-section (2)";'.
23. Schedule 1, clause 9, omit this clause.
24. Schedule 1, clause 10, omit "20" and insert "25".
25. Schedule 1, clause 11, omit "21" and insert "26".
26. Schedule 1, clause 12, omit "31" and insert "36".
27. Schedule 1, clause 13, omit "31" and insert "36".
28. Schedule 1, clause 14, omit "59" and insert "56".
29. Schedule 1, omit clauses 15, 16 and 17 and insert—

    ' . in section 86 (6) (*a*) of the Commonwealth Act for "law of that State or Territory" there were substituted " law in force in that State or Territory";

. in section 92 (3) (*e*) of the Commonwealth Act for "Business Names Ordinance 1963" there were substituted "Business Names Act 1962";'.

30. Schedule 1, clause 19, omit "147" and insert "149".

31. Schedule 1, clause 19, paragraph (*b*) omit "(7)" and insert "(6)".

32. Schedule 1, clause 20, omit this clause and insert—

' . in section 153 of the Commonwealth Act—

(*a*) for "a State or in another Territory" there were substituted "a State other than Victoria or in a Territory"; and

(*b*) for "law of that State or Territory" there were substituted "law in force in that State or Territory" '.

33. Schedule 1, clause 21, omit "157" (where first occurring) and insert "159".

34. Schedule 1, clause 21, omit "157" (where second occurring) and insert "159".

35. Schedule 1, clause 22, omit "158" and insert "160".

36. Schedule 2, clause 7, omit "20" and insert "19".

37. Schedule 2, clause 7, omit "1" and insert "2".

38. Schedule 3, omit clause 1 and insert—

"1. A reference in the Schedule to a section or sub-section, without an enactment being cited, were to be taken as reference to that section or sub-section."

39. Schedule 4, omit "establishment and maintenance of futures markets, and the making of futures contracts, in Victoria, to provide for the licensing of futures brokers and certain other persons, and for related purposes" and insert "futures industry in Victoria".

40. Schedule 6, clause 4, omit "section 8" and insert "section 7".

The Hon. J. H. KENNAN (Attorney-General)—I move:

That the amendments be agreed to.

The Hon. B. A. CHAMBERLAIN (Western Province)—The Government has made copies of these amendments available to the Opposition and the Opposition will go along with them on the basis of the information given that they are technical amendments and arise out of amendments to the Federal legislation. As I understand it, this is part of a co-operative State and Federal measure.

The motion was agreed to.

VICTORIAN CURRICULUM AND ASSESSMENT BOARD BILL

This Bill was returned from the Assembly with a message intimating that it had agreed to certain of the amendments made by the Council on the consideration of the Bill in Committee, and had disagreed with another amendment.

The Hon. E. H. WALKER (Minister for Agriculture and Rural Affairs)—I move:

That this House does not insist on amendment No. 3.

The Hon. HADDON STOREY (East Yarra Province)—The amendment writes into the Act an obligation that there must be a representative of post-secondary education on the executive board to be established under the Act.

The Opposition retains the view that it ought to be part of the proposed legislation because of the importance of the post-secondary sector in the forms of curriculum and assessment in the final years of secondary school.

However, the Opposition recognizes that the National Party in another place has expressed reservations about this amendment and that the Minister has given an undertaking in another House that there will be a member of the tertiary sector on the executive of the board and, therefore, while the Opposition maintains its view about the amendment, it does not intend to oppose it.

The motion was agreed to.

QUESTIONS WITHOUT NOTICE

NUNAWADING PROVINCE BY-ELECTION

The Hon. HADDON STOREY (East Yarra Province)—My question is directed to the Attorney-General and to the Minister representing the Minister for Property and Services in another place. Will the Minister make available to the House a copy of the advice given by the Director of Public Prosecutions indicating that there was a prima facie case against certain members of the Labor Party arising out of the Nunawading Province how-to-vote scandal?

The Hon. J. H. KENNAN (Attorney-General)—Mr Storey has made an assertion in his question about which I have no comment. He has also sought the provision of legal advice and, as I explained to the House the other day, the Government is not now, nor will it ever be, in the business of disclosing legal advice provided to the Government, the Police Force or other prosecuting authorities about information on prosecutions.

MAYFAIR HAMS & BACON CO., BENDIGO

The Hon. K. I. M. WRIGHT (North Western Province)—My question is directed to the Minister for Agriculture and Rural Affairs and concerns the announcement that Mayfair Hams & Bacon Co. at Bendigo will close down its operation and pay off its 450 employees. The main reason for the closure is the bloody-mindedness and unrealistic expectations of the Australasian Meat Industry Employees Union.

Will the Minister take immediate action with his colleague, the Minister for Labour, to have discussions with the company in an endeavour to have that decision rescinded?

The Hon. E. H. WALKER (Minister for Agriculture and Rural Affairs)—I was not aware of what Mr Wright has just told the House about the possible closure of that company and it would be inappropriate for me to comment until I have some facts. I shall immediately follow up the matter today and will report back to him.

DAY CARE NURSERIES

The Hon. J. L. DIXON (Boronia Province)—Yesterday the Minister for Community Services informed the House that she would be seeking confirmation about the continued funding to State day care nurseries. Can the Minister advise the House whether she has received that confirmation?

The Hon. C. J. HOGG (Minister for Community Services)—I thank the honourable member for her concern, which has also been reflected by a number of honourable members. I reiterate that the Government remains committed to the view that recurrent funding for day care nurseries is a Commonwealth responsibility. However, acknowledging the concern about the future of day care nurseries, which has been expressed by the users and employees of those centres, the Treasurer has agreed to provide funds for State day care nurseries for a further interim period of six months.

COLLINGWOOD AND BRUNSWICK COMMUNITY HEALTH CENTRES

The Hon. M. A. BIRRELL (East Yarra Province)—Does the Minister for Health have full confidence in the managers and boards of management of the Collingwood and Brunswick community health centres?

The Hon. D. R. WHITE (Minister for Health)—Unlike the Opposition, the Government believes community health centres are important to the community. They play an extremely important role in complementing the health services provided by the Commonwealth Government and local general practitioners. Community health centres also provide a range of services beyond those provided by most general practitioners, including paramedical and other social planning services, and that has brought about a substantial increase in the provision of health services in areas of the community, that, in other circumstances, and in other periods, were not provided.

The Government has made strenuous efforts to substantially increase in real terms the level of expenditure for community health centres, and in that regard I pay tribute to my predecessor, the former Minister of Health, Mr Roper, who took a number of initiatives.

In respect of the general management of community health services, an excellent service has been provided by most, if not all, centres and that has certainly been the case at Collingwood and Brunswick. In respect of the assertions made in this House by Mr Birrell about Collingwood and Brunswick community health services, I look forward to reporting back to the House on the merits of the issues he has raised at the appropriate stage.

VICTORIAN DAIRY INDUSTRY AUTHORITY

The Hon. B. P. DUNN (North Western Province)—I refer the Minister for Agriculture and Rural Affairs to the decision by the Victorian Dairy Industry Authority to deduct $170 000 from dairy farmers' returns because of various costs associated with milk blockades.

I ask the Minister whether he directed the authority to recover these amounts, what authority the authority has to make those deductions from payments to dairy farmers—that is every dairy farmer in Victoria, regardless of his attitude in relation to the milk blockades—and whether the Minister will overturn the decision or apply the same principle to the costs associated with the actions taken by the Builders Labourers Federation, the Australasian Meat Industry Employees Union and the Australian Railways Union.

The Hon. E. H. WALKER (Minister for Agriculture and Rural Affairs)—The Victorian Dairy Industry Authority has a great degree of autonomy, as do other bodies and authorities of a similar kind. I do not direct the management of the body. Their autonomy means that those bodies have the capacity, the power and the authority—and this is in response to Mr Dunn's question—to make a decision of this kind.

As Mr Dunn knows, I responded by letter to a colleague of his on this matter and reinforced the role of the authority to make management decisions of the kind to which Mr Dunn refers.

I believe I have answered Mr Dunn's first question, but I make my remarks more direct. I did not direct the authority in the manner in which Mr Dunn suggests and, frankly, I do not believe I have the power to direct the authority. I certainly did not initiate that direction.

The authority manages itself well and I shall discuss the matter with the authority to ascertain what was the basis of that decision.

PLAIN ENGLISH FORMS

The Hon. JOAN COXSEDGE (Melbourne West Province)—In view of the obvious difficulties the Opposition has in grasping some of the nuances of the English language—and Mr Birrell is having problems with "Bronswick"—to provide the Opposition with a helping hand, can the Attorney-General advise the House of any development arising from the plain English reference of the Victorian Law Reform Commission?

The Hon. J. H. KENNAN (Attorney-General)—I thank Mrs Coxsedge for the very timely and pleasantly enunciated question.

The Hon. A. J. Hunt—It was an offensively phrased question. As you know, it could easily be turned back. It is very offensive, and it is too early in the day to start being offensive.

The Hon. J. H. KENNAN—We are not going to call anyone to the Bar of the House today. Honourable members would be aware that I have retained in the Law Department Professor Robert Eagleson from the University of Sydney, who is an expert on plain English and who is already having a substantial impact on the drafting of proposed legislation as it has come into the House. Professor Eagleson has been working co-operatively and effectively with Parliamentary Counsel on this project.

Interestingly, the Government asked Professor Eagleson to do something that I believe has relevance to all Government departments and agencies, and that is to examine the four court forms most commonly used in Magistrates Courts. It has been possible to simplify the old form, which is the white form that I show to honourable members, and provide a new plain English form, which is the blue form that I also show to honourable members.

This simplification is, of course, the sort of thing with which the Opposition has real trouble, when talking about better Government administration and redeployment of staff, because the old white form has been used for generations. Using the new, blue plain English form and cutting down the time that the police and clerks of courts have to spend in filling out these sorts of forms and drivers' licence forms will free 30 full-time police staff and other law officers to perform other valuable tasks.

This form is the subject of consultation at the moment.

Honourable members interjecting.

The Hon. J. H. KENNAN—The Opposition cannot grasp it, they think it is a joke. This form will be introduced into Magistrates Courts in June. With the progress that is being made, I am confident that even greater savings to the public will be made. The task of officers of the Victoria Police Force and the Law Department will be made a lot easier and the rights of individuals will be better protected.

In addition, we are sending out explanatory documents in plain terms in sixteen community languages. This is the first time such an exercise has been undertaken.

It is important that these breakthroughs are directed to the attention of the Public Service Board and, through the board, to the Public Service generally. Greater savings and efficiencies will be possible through the use of simplified forms.

I congratulate Professor Eagleson and the officers who have been working on this exciting project.

APPOINTMENT TO DAYLESFORD WATER BOARD

The Hon. N. B. REID (Bendigo Province)—I ask the Minister for Health, who also is the representative in this House of the Minister for Water Resources, whether it is correct that Mr Howard Brown, who was employed at the St Albans Community Health and Resources Centre against the recommendation of Deloitte Haskins and Sells, is the same Mr Howard Brown who was appointed to the Daylesford Water Board by the Minister for Water Resources against the wishes of local members of Parliament. If this is correct, why did this occur?

The Hon. D. R. WHITE (Minister for Health)—I shall take up that matter with the Minister for Water Resources in another place. I am sure Mr Reid and all honourable members know that the terms and conditions of employment on a water board are the responsibility of the board of management of that water board. They are not employees under the Public Service Act. I am not aware of the appointment of Mr Howard Brown to that water board, but I shall take up the matter with the Minister for Water Resources.

APPOINTMENT TO VERMIN AND NOXIOUS WEEDS DESTRUCTION BOARD

The Hon. D. M. EVANS (North Eastern Province)—I refer the Minister for Conservation, Forests and Lands to the controversial appointment of Ms Carole Marple to the Vermin and Noxious Weeds Destruction Board. Under the Freedom of Information Act, I have received copies of the applications of seven unsuccessful candidates—the short list for that position—which show outstanding qualifications and years of experience in the field.

I have not received a copy of the curriculum vitae for Ms Marple. Can the Minister make that available without Ms Marple's consent? She was the successful applicant and the Parliament has every right to know the qualifications of the person appointed to that important, $40 000 a year position.

The Hon. J. E. KIRNER (Minister for Conservation, Forests and Lands)—I thank the honourable member for his question. It is interesting that Mr Evans shows the same disrespect for civil liberties that Mr Baxter demonstrates constantly.

There is a precedent for the way we handle freedom of information requests and the precedent should be appreciated by the other side of the House. That precedent is that unless a person wishes to have his or her personal information revealed, it is not revealed. Should Ms Marple decide to have her curriculum vitae revealed, I shall hand it over to Mr Evans.

NATIONAL PARKS

The Hon. D. E. HENSHAW (Geelong Province)—In view of the increases in the number and areas of parks implemented by the Cain Government and remembering that the House agreed to such increases last night, can the Minister for Conservation, Forests and Lands advise how the Government will ensure that national parks are managed according to the requirements of the National Parks Act?

The Hon. J. E. KIRNER (Minister for Conservation, Forests and Lands)—I thank the honourable member for the question. Victoria now has 1·39 million hectares of parkland, including national parks. It is important to assure the community that resources are available to manage those parks properly. Between 1981 and 1985 my department increased the area of parks by 47 per cent, and that was matched by an increase in expenditure of 45 per cent. It is important also to match expertise as well as resources to that expansion.

The Hon. N. B. Reid—She is standing with her hands in her pockets!

The J. E. KIRNER—I would be more worried if Mr Reid had his hands in his pockets!

It is important for the department to assure the public that it has the expertise necessary to run the parks properly. Over the past month the National Parks Service has been conducting in-service seminars for managers and rangers at the regional level to ensure high quality management of parks.

In addition, at the field level, where extending the numbers of staff employed is important, the department has ensured that new parks will have the necessary new staff. Rangers have been appointed to the newest parks in Gippsland—the Avon Wilderness Park and the extended Cobberas-Tingaringy National Park—and staff have also been appointed to Dargo, Swifts Creek, Buchan and Heyfield. Appointments have also been made to the other parks at Kooyoora, near Inglewood, and Reef Hills near Benalla.

SEXUAL EXPLOITATION OF CHILDREN

The Hon. B. A. CHAMBERLAIN (Western Province)—In view of widespread community concern about the sexual exploitation of young children and the many examples of persons with long histories of convictions being released on bonds or bail and offending

after being released from prison, will the Attorney-General consider taking urgent legislative action during the spring sessional period, rather than waiting for the release of the Law Reform Commission report on the issue in twelve months' time, and perhaps allowing judges to set non-negotiable minimum sentences, as are now provided for in respect of sentences for murder?

The Hon. J. H. KENNAN (Attorney-General)—The Government will direct attention to those issues in the next few months. If urgent issues need to be addressed, I shall not necessarily wait for the Law Reform Commission report. However, I point out that what the honourable member describes as non-negotiable minimum sentences may cause problems.

The Hon. B. A. Chamberlain—But you agreed to it in that Bill.

The Hon. J. H. KENNAN—I agreed not to fight over the issue, but I indicated that it does cause problems which will have to be considered by the Starke sentencing committee. I do not want the Government's ultimate acceptance of the amendment moved by the Opposition to that Bill to be taken as acceptance of the arrangement as a general rule.

Sentencing is ultimately a matter for the courts. They must sentence according to each individual case. I have confidence in the courts and I hope Mr Chamberlain, in his continued interest in the prison system, for which I am grateful, and in his tour around correctional facilities, will discuss remissions and other matters with prison administrators. Those issues are the subject of discussions by the Starke committee. A balance must be struck between effective prison management or the use of remissions and the more negative aspect of the loss of remissions. The matter of sentencing generally will be one for the Starke committee.

I encourage Mr Chamberlain to discuss the matter with Sir John Starke and the committee and to make submissions on what he considers are the problems. I also urge him to discuss the matter with correctional administrators.

ALLAMBIE RECEPTION CENTRE

The Hon. JEAN McLEAN (Boronia Province)—Will the Minister for Community Services inform the House of any further developments regarding the redevelopment of the services provided at the Allambie Reception Centre?

The Hon. C. J. HOGG (Minister for Community Services)—I am pleased to be able to announce to the House that the Allambie nursery will close down today. The closure fulfils a longstanding Government commitment to the establishment of reception and foster care rather than institutional care.

The Government believes reception foster care can generally provide better and less disruptive care than large central institutions because it allows children more easily to maintain contact with family friends and community.

I take this opportunity to acknowledge the very fine work that has been carried out by the staff who have worked in the Allambie nursery, some of them for years. I am happy to be able to assure the House—and I imagine Mr Knowles may be interested to know this—that local working arrangements have now been worked out between foster care programs, paediatricians and hospitals to ensure that a high standard of health care is provided to children in reception foster care.

Specialist health services can still be provided for children at Allambie where it is immediately deemed necessary. That takes into account the paediatric concerns that were raised in the House in September.

Foster care has made a significant impact on the number of children at Allambie, with a daily average holding figure having been reduced from 150 to 91 in a year. The Government anticipates that the further development of regional reception centres will

enable many more children to be maintained within their own community. I am delighted to make this announcement.

INDUSTRIAL DISPUTE AT SEYMOUR ABATTOIRS

The Hon. F. S. GRIMWADE (Central Highlands Province)—I ask a follow-up question of the Minister for Agriculture and Rural Affairs to the one I asked yesterday on the Seymour abattoirs. Yesterday the Minister stated that the Department of Agriculture and Rural Affairs had requested the meat inspector to cross the picket line. The Minister also stated he had been advised that the Victorian Public Service Association, which represents the meat inspectors, had threatened industrial action should the inspector be forced to cross that line.

My question relates to the meat inspector: has the meat inspector concerned been working elsewhere or has he been stood down and is he being paid for work that he is not doing?

The Hon. E. H. WALKER (Minister for Agriculture and Rural Affairs)—I cannot answer all those questions. I do not believe the meat inspector has been stood down and I do not believe that meat inspector is working elsewhere. However, I do not think Mr Grimwade would be surprised at that response.

I have been briefed again this morning on the matter. As I said yesterday, we are dealing with this matter through the Industrial Relations Task Force because it is of some consequence to the two unions, and, of course, to the owners of the abattoir. I am still hopeful that, by reasonable negotiations—and I think there is a reasonable prospect of resolution—the matter will be resolved.

I am perfectly conscious of my own responsibilities in the matter and those of my director-general. However, I indicate to Mr Grimwade that we are doing our best to ensure a peaceful resolution of the matter.

NUNAWADING PROVINCE BY-ELECTION

The Hon. W. R. BAXTER (North Eastern Province)—I direct a question to the Attorney-General concerning the police report on the Nunawading Province by-election. Now that the Chief Electoral Officer has made his decision on whether prosecutions or proceedings are to ensue, and in view of the concern that has been expressed in the community on the contents of the police report and the conflicting opinions that might have been given on it, and in order to head off that speculation getting out of hand within the community, as we have seen with other secret reports such as the Murphy affair at another level of Government, will the Attorney-General make the police report publicly available or at least available to the party Leaders so that this speculation can at least be contained?

The Hon. J. H. KENNAN (Attorney-General)—I congratulate Mr Baxter for distancing himself from Mr Storey's question in the very powerful way that he has done. I agree entirely that it would be wholly inappropriate, as has happened elsewhere, for this sort of speculation to get out of hand. I can assure Mr Baxter that I shall do nothing to encourage it.

APPOINTMENTS TO WATER BOARDS

The Hon. B. W. MIER (Waverley Province)—In view of the question asked by Mr Reid this morning, will the Minister for Health advise the methods of appointments of individuals to water boards.

The Hon. D. R. WHITE (Minister for Health)—As Mr Reid ought to know, section 18 of the Water and Sewerage Authorities (Restructuring) Act states:

> Subject to this Act, a Water Board shall consist of such number of members as is specified in the Order in Council constituting the Water Board of whom—
>
> (*a*) such number, if any, but not in any case exceeding three, as is specified in the Order shall be appointed by the Minister; and

(*b*) the remainder shall comprise—

(i) persons elected from time to time . . . by persons whose names are enrolled on the voters' rolls

. . . . .

(ii) . . . members for the time being of the council of any municipality.

It is clear that in respect of a water board there is provision for members to come from the municipality, be directly elected or possibly appointed by the Minister. It may well be—I am not aware of Mr Brown's circumstances—that he may or may have been a municipal councillor or he may have been directly elected to the Daylesford Water Board. As a result of that, it is by no means evident that he was necessarily directly appointed by the Minister. I look forward to taking up the matter with the Minister for Water Resources in another place.

REFLECTIONS ON MEMBERS

The Hon. A. J. HUNT (South Eastern Province) (*By leave*)—I refer to a matter arising out of question time. It has long been a tradition of this Parliament that no member should directly or indirectly make any remark that could be taken as reflecting on the education or lack of it, religious conviction or lack of it, sex, race, physical characteristics or private life of another member, except in so far, in the last case, as it may directly affect the duties of that member.

In the preface to her question today, Mrs Coxsedge offended against that rule by alleging certain difficulties among members of the Opposition in understanding the nuances of the English language. It was a supercilious, offensive and unworthy remark which could equally well be applied to certain members of her own party, if that is what she wants to do. Ministers would certainly not be immune.

Mr President, I ask that you provide the honourable member with some guidance on the traditions of the House and the perils of ignoring them.

PAPERS

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

National Parks—Report of the Director of National Parks for the year 1984–85.

Statutory Rules under the following Acts of Parliament:

Food Act 1984—No. 101.

Hospitals and Charities Act 1958—No. 100.

Industrial Relations Act 1979—No. 97, together with copies of the following documents required by section 32 of the Interpretation of Legislation Act 1984 to accompany the Statutory Rule:

Commonwealth Conciliation and Arbitration Amendment Act (No. 2) 1983.

Commonwealth Conciliation and Arbitration Act 1904 (certain provisions referred to in section 44B of the Conciliation and Arbitration Amendment Act (No. 2) 1983).

Commonwealth Conciliation and Arbitration Amendment Act 1983.

Occupational Health and Safety Act 1985—No. 93, together with AS 1885—1976 Recording and Measuring Work Injury Experience, required by section 32 of the Interpretation of Legislation Act 1984 to accompany the Statutory Rule; and No. 96, together with AS 1636—1984 Agricultural Wheeled Tractors—Roll-over Protective Structures—Criteria and Tests, required by section 32 of the Interpretation of Legislation Act 1984 to accompany the Statutory Rule.

Tourism Commission—Report for the year 1984–85.

On the motion of the Hon. HADDON STOREY (East Yarra Province), it was ordered that the reports tabled by the Clerk be taken into consideration on the next day of meeting.

ACCIDENT COMPENSATION (AMENDMENT) BILL

The Hon. D. R. WHITE (Minister for Health)—I move:

That this Bill be now read a second time.

The Bill makes a number of unrelated amendments to the Accident Compensation Act 1985, the Workers Compensation Act 1958 and the Motor Accidents Act 1983. All amendments either relate directly to the operation of the WorkCare scheme or arise out of the introduction of that scheme.

The Government is pleased with the successful operation of WorkCare during the first seven months of its existence. The scheme has very quickly achieved a high level of community awareness and acceptance, and the transition from the old to the new has been very smooth.

Injured workers are receiving higher benefits and much more quickly than under the old workers compensation system. Employers are paying on average a premium rate of approximately 2·2 per cent compared with an estimated 5 per cent if the old system had been allowed to meander along.

The Government's over-all costing for the WorkCare scheme has to date proved to be on target: the expected aggregate premium base for registered employers has already been reached and the average return on premium funds invested has been higher than expected, while the steamlined administrative operating costs of the Accident Compensation Commission are below the level targeted.

The elimination of the cost of insurance brokerage and stamp duties together with a massive reduction in the huge legal costs which burdened the old workers compensation system are all contributing to the financial viability of the Government's WorkCare scheme.

Nevertheless, with the introduction of a major social reform of this nature it is not surprising that a small number of minor teething problems have been encountered in its early days.

Although the Government remains committed to a full review of the scheme after its first twelve months of operation, as was announced prior to the commencement of the scheme, it is believed the opportunity should be taken at this time to maintain and improve the successful operation of the scheme by addressing and dealing with these machinery matters.

The Bill thus contains amendments which, on the whole, may be best characterized as housekeeping in nature and which are intended to correct anomalies and remove ambiguities where these have become apparent. I do not therefore propose, at this stage, to deal with them in detail. Nevertheless, the Bill addresses a number of matters which I shall bring to the attention of honourable members.

One matter which is, perhaps, a little more than housekeeping in nature relates to the issuing of certificates of incapacity under the Accident Compensation Act.

A feature of the the WorkCare scheme is that a person in receipt of weekly payments must maintain at all times a current certificate of incapacity relating to that person's injury. At the moment these certificates may be signed only by medical practitioners or chiropractors but may not be issued by physiotherapists.

Following extensive representations from honourable members and the Australian Physiotherapists Association, the Government has given consideration to including physiotherapists in the classes of professionals who may issue certificates of incapacity.

Discussions with the Australian Physiotherapists Association on the matter have resulted in agreement between the Government and the association that physiotherapists will

participate in an evaluation of the operation of certificates of incapacity and that the association will participate in the design and implementation of that review.

On this basis the Government is prepared to amend the Accident Compensation Act to permit physiotherapists to issue certificates of incapacity, and one of the measures contained in the Bill achieves this purpose.

Sections 6 and 8 of the Accident Compensation Act have the effect of deeming certain contractors to be working for the purposes of the Act and of deeming the amounts paid under such contracts to be remuneration and, therefore, subject to levy.

Currently, all of the amounts paid under such a contract is deemed to be remuneration. This can be unfair where a significant proportion of the amount paid under the contract is not paid in respect of work performed under the contract but is a payment for other expenses associated with the contract—for example, the supply of equipment or materials.

Accordingly, amendments to these sections make it clear that it is the amount paid in respect of the performance of work under the contract which is to be deemed to be remuneration and will permit the making of regulations prescribing that part of the amounts paid under contracts or classes of contracts coming within those sections that is not to be attributable to the performance of work.

This approach is similar to that already adopted in section 9 of the Act. However, in response to concerns expressed to the Treasurer by representatives of certain employer groups, he has given an undertaking that regulations under these sections will not be made without prior consultation with the industry groups affected.

In addition, amendments are made by the Bill to each of these sections to make it clear that it is possible for each of the sections to apply where the contract concerned is between a principal and a partnership.

In each case, for the section to apply, at least one member of the partnership must perform some part of the work under the contract personally, and it is only injuries incurred by such a person in the performance of that work that will be compensable under the Act.

It was intended that these sections apply where the contractor concerned was a partnership, and these amendments are intended to clarify this point.

Some concern has been expressed since the Bill was introduced in another place that one aspect of these amendments will have the inadvertent effect of extending the operation of section 8 to include cases where the contractor is a company.

On this point I am able to give an assurance on behalf of the Government that these amendments are intended to make it clear that sections 6 and 8 apply to contracts with partnerships but are definitely not intended to extend their operation to include contracts with companies.

Another area where it has been argued that the Accident Compensation Act has not clearly achieved the Government's intentions is in relation to the powers that a Conciliation Division of the Accident Compensation Tribunal may exercise in dealing with matters arising under Part IV of the Act relating to entitlement to and payment of compensation.

The Bill, therefore, amends the Accident Compensation Act so as to clearly spell out the powers available to each division of the tribunal. In this context, it is made clear that, except in relation to initial proceedings intended to establish the existence of a genuine dispute as to liability to pay compensation, a Conciliation Division may not make a determination in respect of the entitlement to or the amount of compensation payable under the Act and may not dismiss an application for compensation under the Act, but may make recommendations in respect of these matters.

The Bill also makes clear that, in proceedings relating to these matters, a Conciliation Division may, with certain exceptions, only exercise the powers conferred on the tribunal generally, to the extent necessary to make those recommendations.

Finally, in relation to this matter, the Bill makes it clear that, where a Conciliation Division makes a recommendation that would result in a reduction or termination of compensation, that recommendation may be acted upon only if an application is not made to a Tribunal Division of the tribunal for a determination of the matter within 28 days.

The Bill also corrects an anomaly that occurred with the introduction of the new scheme. Under the previous Workers Compensation Act, if a worker was injured while travelling between his home or place of work and another place for the purpose of receiving medical or hospital treatment, that injury was itself, compensable.

A similar provision was inserted in the Accident Compensation Act. However, in view of the central role that rehabilitation must play in the new scheme if it is to achieve its objectives, the Government believes this provision should be extended to cover an injury incurred while travelling between a place of residence or employment and another place for the purpose of receiving a rehabilitation service. The Bill amends the relevant provision accordingly.

The Bill includes an amendment which provides for an appropriate calculation of a worker's pre-injury average weekly earnings in those small number of cases where an injury occurs very early in the period of employment. Specifically, where an injury occurs in the first four weeks of employment, the Bill provides that the calculation may be made having regard to the weekly earnings that the worker could reasonably have been expected to earn in that employment but for the relevant injury.

Part of the revised premium structure, which is a feature of the new scheme, will be an across-the-board bonus and penalty system that will reward those employers with good claims records and will ensure that those with bad claims records shoulder a relatively higher burden in funding the system.

Because it was not desirable to introduce such a scheme without an adequate claims history under WorkCare, the Government, as an interim measure, inserted a provision in the Accident Compensation Act to permit the Accident Compensation Commission to reduce the levy of employers who could demonstrate that their premiums under the old scheme were, on a fully-funded basis, less by greater than a specified margin than the levy payable by those employers under WorkCare.

The Bill permits the period during which the interim reductions of levy may continue to apply to be extended beyond 30 June 1986 by proclamation. This will allow sufficient time to develop an appropriate bonus and penalty system based on adequate claims data.

Other amendments to the Accident Compensation Act clarify the operation of the provisions relating to the liability of an employer to meet the first five days' incapacity payments and the first $250 of hospital, medical and like costs in relation to a claim and to provide a more satisfactory legislative basis for establishing the conditions under which an employer may transfer that liability to the Accident Compensation Commission.

Finally, in relation to the Accident Compensation Act, the Bill amends the provisions establishing the board of management of the commission to provide greater flexibility in the appointment of the chairperson of the board and the chief executive of the commission.

The Bill makes a number of amendments to the Workers Compensation Act. Of these, the more significant are an amendment which makes it clear that a worker may apply to the Accident Compensation Tribunal for an order that weekly payments be commenced or recommended where an employer has failed to comply with the requirements of the "21 days" procedures established in "the clauses referred to" in section 9 of the Act, and

an amendment which is necessary to establish a mechanism for the enforcement of awards made under that Act by the Accident Compensation Tribunal.

The amendment made by the Bill to the Motor Accidents Act merely corrects an oversight in the amendments to that Act made by the Accident Compensation Act which rationalized the benefits in relation to hospital, medical and like services payable under both Acts.

These measures will assist the continued successful operation of the WorkCare scheme, and I commend the Bill to the House.

On the motion of the Hon. J. V. C. GUEST (Monash Province), the debate was adjourned.

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

BIOLOGICAL CONTROL BILL

The debate (adjourned from the previous day) on the motion of the Hon. E. H. Walker (Minister for Agriculture and Rural Affairs) for the second reading of this Bill was resumed.

The Hon. B. P. DUNN (North Western Province)—The Bill appeared only a couple of weeks ago and I was fortunate to be given a copy to examine in advance. The measure was introduced and passed in another place this week and is to proceed through this House today. The National Party does not object to it.

The community has little knowledge of the existence of the Bill and the only people outside Parliament who have been involved with it are the Ministers of the Australian Agricultural Council and officers of the Department of Conservation, Forests and Lands and the Department of Agriculture and Rural Affairs. The National Party is concerned about the time frame incorporated in the Bill because the agricultural industry has not been consulted. When I received a copy of the Bill, I contacted the Victorian Farmers and Graziers Association and assured it that I would provide a copy of the proposed legislation and the second-reading speech of the Minister.

The association said that the Bill was in line with its policy for the control of certain pests and weeds in Victoria and that it was all right to pass. The National Party also supports the need for biological control of pests and weeds. There are some good examples of this method of control throughout Australia and they have benefited the agricultural industries.

Good examples of biological control are the use of myxamatosis for the control of rabbits and various rusts and fungi that have been used to control the spread of difficult weeds. Excellent research is done to ensure the safe introduction of a particular biological control to eradicate vermin or noxious weeds. Australia has excellent researchers who experiment with the effects of any biological control.

I am reminded of Vera Molonar from Hopetoun, who is renowned for her research in the Mallee. For decades she researched the scourge of skeleton weed in the Mallee and developed a rust to bring it under control. She then proceeded to work with other control methods and tested them on the difficult weeds. Research for the eradication of pests and weeds is continuing and the biological control of Paterson's curse has been at the forefront of this method in recent times.

Apiarists are likely to express opposition to the Bill because of some of the control methods for weeds such as Paterson's curse. They briefly took action when biological methods were first proposed for the control of Paterson's curse. As a result legal action followed and it is now necessary to introduce this Bill to establish an authority to ensure that the control of pests and weeds will run smoothly without involving legal battles.

Safeguards have been included in the Bill for the protection of the community. Over the years I have had extensive discussions with officers of the Department of Agriculture and

Rural Affairs and the Department of Conservation, Forests and Lands about testing procedures. Any biological control must be meticulously tested. Often a world-wide search is necessary to find a suitable method, but it is still important to research its possible effects on the Australian environment because once it is introduced it may be more difficult to contain than the pest it was introduced to control. For example, skeleton weed affects fruit and vegetable crops and pastures.

The same extensive research is necessary when introducing a new insect. Insects from all over the world have been introduced to fight other insects or pests. Their spread can be difficult to control. A perfect example of this is the introduction of the cane toad to Queensland. The population of that toad has increased at such a rapid rate that it looks like not only taking over all of Queensland but also engulfing the nation! It is a serious problem. Therefore, meticulous testing such as that which occurs at the research station in the Sunraysia area is important.

The Victorian Biological Control Authority will be the Minister. Tremendous responsibility will be placed on him but the National Party does not object to that.

The Hon. E. H. Walker—The responsibility is shared with other Ministers. You understand that?

The Hon. B. P. DUNN—Yes, the responsibility is shared with the other Ministers of the Australian Agricultural Council. The proposed legislation is complementary and brings Victoria into line with New South Wales, South Australia and Tasmania. The Queensland Government is also proposing to introduce a similar Bill. The measure is essential for Victoria because weeds do not acknowledge borders and are easily transmitted from one State to another.

Many of the weeds have been introduced to Australia from overseas. In the late 1800s they were transported in grain from North America and from European countries. Often the weeds remained dormant for perhaps 50 or 60 years in Australian conditions. If they acclimatize, they can often spread uncontrollably. That was the case with the silverleaf nightshade, or the whitehorse nettle, as it is commonly known.

Mr President, you would know a lot about this weed because you took positive action to establish control measures when you were Minister for Lands. The work you carried out was appreciated. That weed was introduced from North America; it acclimatized well to the Australian conditions and is now a threat.

Biological control methods need to be uniform throughout the States and Commonwealth and State Governments must co-operate in their implementation. The National Party will monitor the measure and will seek an assurance from the Minister during the Committee stage on the intent of the Bill.

There has been little consultation on the measure. The Victorian Farmers and Graziers Association examined it only briefly so that assurance is needed. It is hoped there will be nothing to regret with the passing of the Bill.

The National Party would prefer more time to refer the Bill to the industry. However, that is not available. In that case, the National Party is prepared to pass the Bill, so Victoria can be part of the national scheme. I ask the Minister to give the assurances that I have requested.

The Hon. R. I. KNOWLES (Ballarat Province)—The Opposition is not opposed to the Bill, but I take up the point made by Mr Dunn about the lack of time allowed for the Liberal and National parties to consult with those in the community who are likely to be affected by the Bill. Given that the Bill is complementary legislation and is claimed to mirror the legislation in other States, it is inexplicable that it has surfaced in only the last week of the sessional period.

Federal Parliament passed the legislation in 1984; the Tasmanian Parliament passed it on 22 April this year; the New South Wales Parliament passed it on 28 November 1985;

and the South Australian Parliament assented to the legislation on 20 March this year. The first time members of the Victorian Parliament have seen the Bill is in the last week of the sessional period.

The Hon. B. P. Dunn—The Minister must have had trouble in caucus.

The Hon. R. I. KNOWLES—The Minister must have had trouble somewhere along the line or else the matter has been handled incompetently. I register a strong protest from the Opposition that the Bill has been introduced at such a late stage in the sessional period as that has prevented the Opposition from discussing the Bill with the relevant organizations.

As Mr Dunn stated, biological control is an important mechanism. It is not new; until this stage, decisions have had to be made and have been made. The Bill seeks to lay the legislative framework within which decisions are to be made about whether to enforce and support a certain biological program. The Bill also limits the liability of the State and ensures that decisions are made within a national framework.

I seek from the Minister for Agriculture and Rural Affairs an assurance that the Bill mirrors the legislation passed by other States and does not deviate from that. At least if the legislation has been widely discussed in other States, that will provide some assurance to the Opposition.

As Mr Dunn indicated, not all groups will support the Bill, but they are concerned about the actual decision on whether to allow a biological program. In many ways, the Bill provides a framework in which their concerns can be taken into consideration.

I acknowledge the work performed in this field by Mr Ewen Cameron, the Federal member for Indi. Since he has been a member of Parliament, he has worked towards trying to develop this type of program. The Opposition has had discussions with him, and he supports the measure. The Opposition does not oppose the Bill, but I seek the assurances from the Minister that I have requested.

The motion was agreed to.

The Bill was read a second time.

The Hon. E. H. WALKER (Minister for Agriculture and Rural Affairs)—By leave, I move:

That this Bill be now read a third time.

Mr Dunn has obviously grasped the intent of the Bill extremely well, and I am glad he supports it. He asked for an assurance that the intent of the Bill is genuine: I assure him of that. As Mr Dunn made clear, it is a national issue and was not an initiative of the Commonwealth Government so much as a composite of the understanding of the problem by the relevant State Ministers. The matter was discussed at great length by the Australian Agricultural Council and, as is evidenced by the fact that other States have passed the same legislation, agreement was reached. Mr Dunn's understanding of the way the Bill will be administered is correct.

Mr Knowles referred to a lack of time for consultation, and I apologize for that. The Bill was introduced at this late stage because the Victorian Government had some concerns about it. Due to that, the Bill was delayed. I was not keen to consider the Bill until such time as I had support from the Government at large. When that was forthcoming, I moved quickly to inform other parties. However, the Bill was a late entry, and I appreciate the assistance of other parties in allowing it to pass because it is an important measure. The Bill offers the Government a form of control not previously available in Victoria.

Mr Knowles asked for an assurance that the proposed legislation is mirrored in other States and that it is the same as legislation that has been passed in other States. I assure Mr Knowles that is correct.

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

LOTTERIES GAMING AND BETTING (AMUSEMENT MACHINES) BILL

The debate (adjourned from the previous day) on the motion of the Hon. J. E. Kirner (Minister for Conservation, Forests and Lands) for the second reading of this Bill was resumed.

The Hon. H. R. WARD (South Eastern Province)—The Bill has been pushed across to this Chamber from the other place. It deals with an extremely important matter in society. The Bill is designed to catch the shonkies who set up the donkeys. In the second-reading speech, the Minister stated that neither machines nor their suppliers have uniform or substantive controls. As a rule, the shonkies and shady operators have taken over.

The Bill deals with amusement machines. Is it amusement to operate organized crime and encourage child prostitution, paedophilia, drug trafficking and the like? The Minister's second-reading speech states:

> My Government does not wish to adopt a heavy-handed approach in this area but it is satisfied, after thorough consideration, that some control is needed.

I emphasize the word "some".

With certain parlours harbouring pimps, child prostitutes, paedophiles, drug addicts, drug pushers and trainee criminals, one wonders whether the Government could have used a more appropriate word than "some". Perhaps the Government could have extended itself and followed Mr Birrell's suit by using a superlative instead of merely using the word "some".

The Government is taking a casual approach by providing that there will be "some control". I shall be interested to note what emphasis the Minister puts on the public's concern as opposed to that of the socialist Government, which is negligible. This is important; we want to know about public concern.

The public, the Police Force, youth workers, teachers, and parents have all identified the problems that occur in these amusement parlours, and it is worth repeating because within these amusement parlours there is drug abuse, alcohol abuse, a lack of management, child pornography, machine playing addiction and, as I mentioned earlier, paedophilia. Paedophiles are the leeches of modern society. Truancy, gambling and a whole range of examples of behavioural problems emanate from amusement parlours run by shonky operators.

After these amusement parlours close—apparently some do not close—in the streets and neighbourhood in their vicinity, there is the continuing sound of bicycles and motor bikes on footpaths; the uncontrollable behaviour of drug taking victims; and the use of footpaths as toilets. Those are only some of the concerns; they are not important to the Government; they are merely "some" concerns. I do not believe the proposed legislation should have been drafted in this way.

Some amusement parlours are nothing more than training centres for these and many other forms of social problems but the Government does not want to be heavy handed! Its attitude is that these people should be treated nicely and sent off to psychiatrists and psychologists.

Some amusement parlours have illegal and rigged machines and those operators are accompanied by all the social vices of modern society in the area of recreational pursuits. These problems that occur in certain amusement parlours have caused people operating legitimate amusement parlours to "cop the blame" for the people who do not care, who rip off society and who are the leeches of society.

I pay tribute to the Honourable Dolph Eddy, who was a member of this House and who has a considerable social conscience. He worked hard for what he believed should be done to care for society. One of his main hobbies was the protection of prisoners, to ensure that their rights were protected in every sense.

He became concerned about the operation of amusement parlours when he was an employee in local government. Subsequently he headed an inquiry into this area. Whatever happened to the Honourable Dolph Eddy? I understand he was drop kicked out of the local government area and out of the way to some other place altogether. I wonder what happened to his report. Was it ever considered? It has been mentioned. Has any honourable member ever seen his report?

An Honourable Member—Yes, I have his report.

The Hon. H. R. WARD—The Government's attitude is to allow these good amusement parlour operators to be maliciously maligned because of some shonky operators who add to the problems of society. A mish-mash of studies have been done and there have been performances by various departments and now there is this remarkable piece of proposed legislation, which I hope Mrs Coxsedge will consider.

The Hon. Joan Coxsedge—Why me?

The Hon. H. R. WARD—Mrs Coxsedge was the one who made a reference about not understanding the Bill.

The various efforts at legislation in this shocking saga of administration have resulted in a mass of confusion, disorder and difficulty within the proposed legislation on the registration of amusement parlours and machines.

The first Bill appeared in 1984, but what it proposed did not work. The Opposition told the Government that the legislaion would not work and the Opposition said clearly that the Government had to do some hard work on the legislation. Society does have problems facing it and it is up to the Government to take some action. Any suggestions that were made on these proposals were ignored and the whole operation has become an embarrassment to the Government.

A further Bill was introduced last year, on approximately 29 May. It sought to outlaw, by regulation, a number of matters involving amusement machines. Again, the legislation failed. It was a useless piece of legislation but again the Government would take only some action; it was not interested in taking positive action on the matter.

The measure was moved from one department to another and eventually it was found that it was in nobody's court. That was the problem that existed. At present there are 6000 machines in the market-place and probably most of them are illegal.

I am advised that 300 of these machines were seized in a little over two months of the operation of the legislation, but what about the other 5700? Of course, the Government then had only some concern but it does not appear to be worried about the rest of the machines. It wants to blame somebody else for the failure of its legislation. It would not accept the responsibility and provide a proper service to control the problems that face society.

I understand the proposed legislation has been passing back and forth from Cabinet to other sub-committees. There probably has been a lot of in-fighting about something that requires urgent action but that has been reduced to "some concern". It it not important to acknowledge the threats to young people who have had their ordinary recreational pursuits turned into areas which breed social problems?

The present Bill, when introduced, contained approximately 40 amendments. In its original form, I believe it contained 89 amendments to the principal Act. I have referred to proposed section 10F, which is an excellent example of plain English. Another clause also provides an example of plain English with regard to suspects. It will enable one to

grab someone if one believes that something suspicious has occurred, or one can have a guess. It is not important! The Government is interested in a Bill of Rights, civil rights and so forth but it does not mind someone being charged because of another person's imagination.

The Hon. R. I. Knowles interjected.

The Hon. H. R. WARD—No, of course not; the Government has only some concern but no real concern. The Bill provides for registration of gambling machines in use. Operators of amusement parlours must be of good repute and character. The Opposition wants to know how the Government will screen the activities of these operators and how illegal machines will be confiscated. It is a wonder that the Government has not introduced retrospective legislation. The proposed legislation is a facade and the Government has failed to face up to the real problems that exist in the community.

The Government's attitude has been to allow the good operators to be maligned because of a few shonky operators who are prepared to take on the Government to get rich quick and who, in the process, destroy the basis of society. The Government is not really concerned about those operators.

Proposed section 10N requires a better definition. During the Committee stage I will direct the Minister's attention to a wider definition proposed by the Council of Accredited Amusement Operators. I seek clarification from the Minister on the meaning of proposed section 10F, and of the words, "suspects" and "necessary or desirable" in proposed section 10Q.

The Bill deals with the civil liberties and rights of people, but those words are incorporated in the proposed legislation and the Opposition's actions or its amendments will depend on the explanation it receives from the Minister.

As I indicated earlier, the Government is not prepared to take the appropriate action demanded by the public to remove the shonky operator from this industry. Its attitude is to refer the operator to a psychiatrist, a psychologist or some other form of witchdoctor. The Opposition will protect young people and demand positive action from the Government.

The Opposition intends to raise other matters during the Committee stage.

The Hon. D. M. EVANS (North Eastern Province)—The proposed legislation deals with a complex problem. Although the National Party has some real concerns about the final ability of the Bill to deal with those problems, it concedes that a real attempt has been made by the Government to deal with the problem and that the Bill, while not the complete answer, takes some reasonable steps in the right direction.

Why is there a problem and why do Parliament and the Government require legislation in this area? Several problems are involved. When the matter was first brought to my attention it appeared to me that the use of amusement machines for gambling was a clear problem. With other members of the House, I attended a meeting with members of the Victoria Police Force Gaming Squad at which a demonstration was given of the various types of machines available at that time. The police demonstrated how those machines could be used for illegal gambling. Illegal gambling itself leads to a further social problem.

The Hon. Robert Lawson—Mr Deputy President, I direct your attention to the state of the House.

A quorum was formed.

The Hon. D. M. EVANS—The issue of gambling creates problems in the amusement machine area because such machines are attractive to young children and others, but especially to children aged from ten to fifteen years. As gambling forms part of operating those machines, young people are led into the gambling field and have a desire for money to continue the habit. This creates a risk and an opportunity for those people to whom Mr

Ward referred, to win the confidence of and eventually to bring some degree of danger to those young children by the offer of money. It is a clear opportunity for the undesirable elements within the community to do social harm to young people, which is a reason why gambling on pinball machines needs to be controlled.

Legislation was introduced into the House approximately twelve months ago to give the Victoria Police Force Gaming Squad additional powers to counter illegal gambling on pinball machines under the Lotteries Gaming and Betting Act. However, there was a concern that the provisions of that Bill did not go far enough and still left a number of problems.

The National Party discussed that matter with the Minister for Sport and Recreation in another place and suggested that a sunset clause be incorporated into the legislation so that a new Bill could be introduced before the end of this autumn sessional period of Parliament. The Minister acceded to that request and that is why the Bill is now before the House.

Another of the issues that involves the operation of amusement parlours is the social problem of the congregation of a large number of young people in a particular area and the opportunity that gives for undersirable elements to make contact in the areas of paedophilia, drug abuse and prostitution with children and adults and there are other undesirable social activities.

One should recognize that that problem extends far beyond simple legislation within the amusement machine industry. It involves social legislation that deals with the congregation of young people, wherever it may occur. It may occur not only in amusement parlours but also in many areas around the community, such as coffee shops, roller skating rinks and theatres. So, simply to deal with that problem in the amusement parlour area is not really dealing with the problem at all. It needs to be dealt with in the wider context.

Another important issue is the control of the machines themselves. They make money for businessmen, for the owners of the amusement parlours, the lessees and, no doubt, for the manufacturers of the machines. Where a substantial amount of money is being made, people have a vested interest in getting the best possible conditions to allow them to obtain the best possible return on their investment and the biggest slice of the action.

I have a slight suspicion that some of the pressure for legislation in this area has been to create the sort of legislative conditions that give a direct business advantage to some of those people involved in the industry.

That has certainly been under the guise that by controlling the industry it will attract the right type of people. There is some logic in that idea but it is a little more involved than that; the control of the industry itself is important, as well as control of the opportunity to invest and the reduction of competition.

There is a genuine feeling about self-regulation within the industry. As Mr Ward said, there is not a high community perception of the morals of those engaged in the amusement industry. That is distressing to the many good, fair and reputable people involved in it. They want to clean up the industry; they want to get crooks out of it and that is a good thing, too. We accept that it is a laudable ambition.

The National Party takes the Bill seriously. A committee of the National Party was formed to consider the Bill, consisting of the honourable members for Swan Hill and Warrnambool in another place as well as the National Party's spokesman on youth affairs, Mr Bill McGrath and me. A number of meetings were held over a considerable period with various interests, with the Open Family Foundation, with the two amusement machine operator groups; the Council of Accredited Amusement Operators and the Amusement Machine Operators Association of Victoria Ltd.

Discussions were held with officers from the Police Force Gaming Squad also, and I read submissions from the Open Family Foundation. I also read the Eddy report and the

submissions from the Amusement Operators Association of Victoria Ltd and the Council of Accredited Amusement Operators.

The common theme through all of those reports was that the owners of the machines should be licensed; that the owners of the amusement parlours also should be licensed; that a condition of that licence should be that the person be of good repute and that, if the person is found not to be of good repute, he is either not given a licence in the first place or he has the licence taken from him.

The National Party accepts that those aims are correct and proper to achieve in legislation. Some, but not all, of those aims are achieved in the Bill. For example, the machine operators are covered by licences. One has to be a person of good repute to have a licence. The machines themselves have to be licensed and they have to be an approved type of machine, and an approved type does not include a machine that is designed for gambling. That does not mean that any machine cannot be used for gambling.

There is no doubt that our nation has a propensity to gamble on anything. It is said that some Australians will bet on two flies crawling up a wall. Regardless of measures inserted in the Bill, betting can take place on these machines but those machines designed specifically for gambling are excluded by the Bill, and that is an advantage.

The registration of the amusement machine operator, therefore, has some real sting in it. If a person has the wrong sort of machine, he or she may well not receive registration as an applicant to own amusement machines and that would be a substantial loss. A person could be put out of business that way, so the operator has a vested interest in cleaning up his own act somewhat.

The machine itself can be leased, and each machine, wherever it is in a public place, will require a licence that will include details such as the type of machine, the number of it and the owner of the machine. That owner may not be the amusement parlour owner and, in that sense, there is no control over that person.

However, a little control is provided by the Bill because a good machine operator—that is, the owner of the machine—will not or should not let out his machines to a person in an amusement parlour who will not ensure that the conditions of registration are maintained. In other words, if the machines are let to an owner of a parlour who does not behave responsibly, he or she will lose registration and, in that sense, there is a degree of self-regulation.

The matter of public places where there is a congregation of people needs to be controlled by legislation other than this; that has a wider application than simply to amusement parlours. Therefore, there is good sense in looking at other social legislation.

The Hon. H. R. Ward—But it does not cover it in the definition; that is the problem.

The Hon D. M. EVANS—Some deficiencies are present but they can be seen in a much wider context as well, far beyond the actual amusement parlours. Perhaps if there is a deficiency in the Bill, it is a deficiency that should have an application not only to amusement parlours but also to a much wider range of activities, and maybe that is the case.

There is, however, some control over the amusement parlour operators through the planning process of local government. The local government authorities, by issuing planning permits and setting conditions on those permits, have substantial control over amusement parlours within their municipalities. From the point of view of this Bill, some disadvantages are present in that it is not spelt out in the Bill but, from the community's point of view, it has considerable advantage because local government, if it is responsible in the way in which it deals with amusement parlours, has greater flexibility. For example, the problems in Shepparton and Wodonga with amusement parlours are different from those in Fitzroy Street, St Kilda or perhaps in Collingwood or Fitzroy. However, I am sure that those particular areas were the areas of most direct concern to the Honourable Dolph Eddy in

drawing up his excellent report and recommendations. Greater flexibility exists, but there is also a responsibility on local government to police the powers and, if they do not deal with it, perhaps that points to the need for an amendment to the Bill to ensure that there is greater control over the parlour operators themselves.

A couple of other points concern the National Party and they relate to the amounts of the penalties. They seem to be somewhat erratic and that is particularly the case for the amusement machine operators, that is, the owners of the machines.

An adequate penalty has not been imposed by the Bill, apart from registration of the machine being cancelled and the possible prevention of the owner from being a licensed operator of amusement machines. That is a final penalty that will put the person concerned out of the industry, but I do not believe it is sufficient.

Monetary penalties should be applied if owners or operators transgress or carry on operations in such a way that the registration of machines or their total operation is in dispute. An additional penalty beyond the removal of the registration should be imposed, but the Bill provides for no such additional penalty. Other offences are covered by the principal Act but this one is not covered.

The Lotteries Gaming and Betting Act will be amended by the insertion of a sunset clause, and on 31 December 1987—in eighteen months' time—the proposed legislation will cease to have effect, although the principal Act will continue to apply. Parliament will then have another opportunity of debating the matter.

The sunset clause was not included in the original Bill that I discussed with departmental officers a few weeks ago. One of the conditions that the National Party placed on its support of the measure was that a sunset clause should be inserted, and the Bill was amended in the other place. The provision was essential to obtain National Party support for the Bill. That provision follows up the action of the National Party in this House twelve months ago when it insisted on a sunset clause in another Bill to give the House an additional opportunity of reviewing the measure.

I am aware that substantial concern has been expressed by some people in the amusement machine industry that the Bill does not go far enough. The Open Family Foundation, the two amusement machine operator groups and, to a lesser extent, the Police Force Gaming Squad believe further controls are necessary. The sunset clause will give the Government and Parliament the opportunity of proposing further amendments to the Act. Those amendments should include some form of licencing of amusement parlour operators and of requiring qualifications concerning the age, maturity and degree of responsibility of persons in charge of such an amusement parlour for the time it remains open.

Other social problems referred to by the National Party must be addressed in the Local Government Act and in other Victorian legislation. I hope my comments are of value to the House and the industry. The National Party supports the proposed legislation but looks forward to further developments in education and understanding of this important social field.

The Hon. Robert Lawson—You are having two bob each way!

The Hon D. M. EVANS—No, the National Party is suggesting that this is a step along the way but that further steps must be taken. The National Party is giving notice to the Government that, when the Bill returns, and no later than the spring sessional period of next year, unless further improvements are proposed the National Party may not agree to the extension of the sunset clause.

The Hon. F. J. GRANTER (Central Highlands Province)—I shall commence my brief remarks by wishing the Bill well. As a member of a Liberal Party committee examining this matter, I can assure the House that it is a vexed question. The amusement parlour industry is divided. The industry provides a popular service, especially to young people

who play pinball machines in metropolitan Melbourne and in some larger and smaller country areas. In some small towns machines are scattered in restaurants and milk bars.

I am aware that the Police Force has had problems over a number of years in the policing of these machines and in controlling operators. The Bill is moving in the right direction by assisting the Police Force.

The Bill is different from the one originally introduced into Parliament some time ago. I give the Government credit for listening to the amusement machine operators, the Opposition and the National Party because the Bill before the House today is a significant improvement on the original measure.

Members of the Police Force have informed me that the Bill will assist them in policing the administration of amusement machines. However, I have a doubt about its effectiveness when operators are involved. The machines, not the operators, will be licensed.

Officers of the Department of Sport and Recreation, who have been of tremendous assistance to members of the opposition parties, told me that in licensing a machine, the Government will virtually be licensing the operator. I hope that is so because the operator can make or mar the proposed legislation. Owners and operators of amusement parlours are divided into two camps. If they could agree on how the industry should be run, it would benefit all Victorians and the industry would have greater credibility.

I agree with the insertion of a sunset clause that will allow the proposed Act to remain in force only until 31 December 1987. The Act should be returned to Parliament for amendment before that date—perhaps in the next spring sessional period—because it will not operate in the manner in which it is drafted.

I was not privy to the Eddy report; it was not tabled in Parliament and perhaps was never intended to be tabled. I should like to examine that report because the Honourable Dolph Eddy is a sincere man, a justice of the peace and a former Collingwood councillor. The Eddy report should have been made public or at least made available to members of Parliament.

The Hon. R. I. Knowles—He was sacked last week from the Local Government Department!

The Hon. F. J. GRANTER—Mr Knowles informs me that the Honourable Dolph Eddy was sacked from the Local Government Department.

The Hon. R. I. Knowles—On the specific instructions of the Premier!

The Hon. F. J. GRANTER—I do not know why the Premier would take that action. The Honourable Dolph Eddy would endeavour to do the best job for the Labor Government, a party of which he was a loyal member.

I again wish the measure well and hope it will do what the Government and departmental officers believe it will do. Honourable members will have the opportunity of judging it again when a further Bill is presented to Parliament in approximately twelve months' time.

The motion was agreed to.

The Bill was read a second time and committed.

Clause 1 was agreed to.

Clause 2

The Hon. J. E. KIRNER (Minister for Conservation, Forests and Lands)—I thank honourable members for their contributions to the second-reading debate, in particular Mr Ward, for what I believe to be an expression of his legitimate concerns about the difficulty of drawing up proposed legislation that effectively controls the industry. I also thank Mr Evans for putting the Bill in the context that he did.

Mr Evans referred to the question of whether the Government can demonstrate that it has shown an adequate response to considerable public concern. It is necessary to remind honourable members that the various organizations and groups concerned in the industry have been lobbying for years for action and that the only action that has been taken has occurred under this Government.

The Bill reflects a further step in the Government's action and, as the Bill clearly demonstrates, it will not be the last step the Government takes. It is a continuing process and because it is a major community issue the Government looks forward to the co-operation of the Opposition in further developing the proposed legislation.

The Bill attempts to provide some control over the industry by requiring the registration of all amusement machines by operators. They must satisfy the board that they are persons of good character and are reputable. All machines on the market must carry registration labels, so the Bill contains a public accountability clause, and registered machines may have played on them only approved games.

It is also important to point out that the Government is not setting up a huge bureaucracy to implement the Bill. In fact, it is using the Raffles and Bingo Permits Board to issue the registration permits. The Government and I wish to assure Mr Ward and Mr Evans that the Government is extremely concerned about this issue. We have constantly consulted with all parties, including representatives of the youth of Victoria, particularly the Youth Policy Development Council.

As with all proposed legislation, this Bill on control, liberties, young people and operators involves a question of balance. The Youth Policy Development Council said that it was concerned that if the court went too far with the measure it would be discriminating against young people and allow them to be dealt with by officers in a way in which no other section of the community is handled.

I am sure all honourable members would agree that our intent is not to get at young people but, in fact, to protect young people and to ensure that they can legitimately pursue this chosen entertainment, just as adults do.

I have carefully examined clause 4 and, as a former English teacher, I have taken some interest in the two words "suspects" and "desirable". Mr Ward's comments are important.

The *Oxford English Dictionary* defines "suspects" as "expecting something evil" of someone or something. Indeed, the wording could suggest prejudgment. I am sure Mr Ward is concerned about prejudgment by any officer, and the inclusion of that sort of wording in the measure is a legitimate concern.

His proposal that the word "suspects" should be replaced by the word "believes" may need further consideration. "Believes", may not necessarily be the correct word. The Government is prepared to guarantee that the word "suspects" will be reconsidered in discussion with all interested parties, including Mr Ward.

The second part of Mr Ward's concern relates to the word "desirable", contained in the same provision. Again, the *Oxford English Dictionary* defines that word as "to be wished for", which is a very broad definition and allows the subject to make a fair range of inferences in decisions. The Government will also consider the deletion of that word and, in consultation with all groups and Mr Ward, will consider replacing it by an alternative word. Those amendments could be made in the spring sessional period.

Mr Ward also asked for a clear explanation of proposed section 10F and I shall attend to that explanation in debate on the appropriate clause.

The clause was agreed to, as was clause 3.

Clause 4

The Hon. H. R. WARD (South Eastern Province)—I am concerned about the definition of amusement machines. I am not aware of how much study has taken place on amusement

machines, but I assure the Committee, from my observation of amusement machines in the United States of America and England, that those countries would rather enjoy seeing the definition contained in the Bill, because it is totally inadequate.

In a moment I shall quote the definition of amusement machines as provided by the Council of Accredited Amusement Operators. The Bill contains a provision to regulate electronic apparatus. There are many other forms of apparatus that can also be used, but that fact seems to be ignored by the definition. I suggest that the definition should also refer to mechanical and electrical apparatus.

It has been quite a common practice for three or four major amusement machine operators in other parts of the world to get together and operate machines by remote control through the radio airwaves, which is a practice that the Government has not considered for the future. That consideration ought to be applied in the debate on this matter.

The remote control activities operate in much the same way as major bingo operations in the United Kingdom, where operators in places like Weston-super-Mare, Bath and Blackpool are able to operate games night after night through direct radio or television link-ups. This can be done by wiring machines in such a manner as to fool the people who register them. I am sure many Australians believe that is far-fetched, but I point out that that is exactly what occurs.

It is the shonky dealers who must be removed from the industry. The Minister said that we are discriminating against young people. We are not. It is the young people who are being discriminated against by these shonky operators.

The ACTING CHAIRMAN (The Hon. M. J. Sandon)—Is the honourable member referring to his amendments?

The Hon. H. R. WARD—I am dealing with clause 4.

The sitting was suspended at 1.1 *p.m. until* 2.3 *p.m.*

The Hon. H. R. WARD—Mr Acting Chairman, I shall briefly go through clause 4 before discussing my amendments. The report of the Council of Accredited Amusement Operators in part defines "amusement machine" as:

(*a*) Any machine, device, contrivance or apparatus whether mechanical, electrical, electronic or any combination thereof for the purpose of playing games in which the end results depicted or accomplished are equally attainable to all players and which involves the activation or manipulation of the machine device, contrivance or apparatus whether by remote, attached or direct means to achieve a score, object or result the accomplishment of which is demonstrable as materially affected by increased or lessened amounts of skill. Any machine which contains or has (other than in a book-keeping program approved by the board) any provision or facility for the reduction of replays or entitlements, other than by their reduction one at a time through further play or continued play for one or a maximum four players, shall not be eligible for classification as an amusement machine. An amusement machine may not depict or control the depiction of unlawful games, nor may it depict odds: and

This definition also deals with the remote process for the operation of the apparatus, which must be considered in the future. The Council of Accredited Amusement Operators suggested that the definition should be widened to include:

(*b*) Any machine, device, contrivance or apparatus which has been prescribed by regulation as an amusement machine.

That would give the board much wider scope for controlling the registration of amusement machines.

The Bill provides that any person who owns or supplies to any premises a prohibited machine is guilty of an offence. I ask the Minister what the penalty will be for operators who refuse to disclose the name of a supplier. What will happen if a supplier is not known to an operator in a case where an amusement machine may have come through two or three distributors and the operator may, in all innocence, be unaware of the name of the direct supplier? In some cases, an operator may be covering up for a supplier but, in other

cases, he may not know who is the supplier. Serious consideration should be given to imposing a penalty on an operator who refuses to disclose the name of a supplier.

With regard to grant of registration, a query was raised by operators as to how to register a machine. They are concerned about the time it might take for a legitimate operator to register a machine and then suggested that an operator should be able to take delivery of a machine, register it and have it operating all within the same day. Operators have also asked whether the registration fee must be paid annually and whether a pro rata fee can be paid for one, two or eight months, or whatever, to take it up to the next annual due date.

With regard to the application for renewal of registration, operators have asked what reports will be tabled about them when they apply for renewal, what investigations will be undertaken and whether the results of those investigations will be made known. The board has been given absolute discretion and it is hoped that the board will carry that out in a fair manner.

I should like to blame the Government but I do not believe it would be responsible for the classic piece of gobbledegook that appears in the provision on the transfer of certificates of registration. Mrs Coxsedge made a jocular remark about that this morning and she may be able to sort it out for us. It is a mass of words that mean nothing. It states:

> A holder of a certificate of registration of an amusement machine who ceases being the amusement machine operator in respect of that machine is guilty of an offence unless the holder notifies the Board in writing of that fact within 14 days after the day on which the holder so ceases.

Proposed section 10F (1) must be rewritten so that it is easier for the Raffles and Bingo Permits Board to handle. What is being undertaken should also be clearer to machine operators.

Proposed section 10G on page 5 of the Bill relates to the theft of amusement machines. I have not been able to ascertain whether the machines supplied will be numbered for registration. I know they are being labelled, but I am not sure what the labelling will entail. Will it be a sealed label so that it will be necessary to break the seal to remove the label, or will the machine be numbered as supplied by the operator to indicate that the machine is registered?

The process should make it easier for inspectors to identify whether the machines are registered. The labels should not be able to be transferred.

I note that a sunset clause was proposed by way of amendment in another place.

The Hon. D. M. Evans—Is that on clause 4?

The Hon. D. R. WARD—No, it is to clause 6, so I shall deal with it later.

I was proposing to move two amendments to clause 4. I seek an assurance from the Minister in relation to proposed section 10Q (1) (*a*) where the word "suspects" is used. It states that a member of the Police Force or an inspector may enter, inspect and examine premises where he suspects on reasonable grounds that an amusement machine is installed or stored. To suspect or to have those doubts without reasonable grounds is unfair to any person operating a machine. It is the opinion of the Opposition that the word should be changed to "believes". Legally, that word implies substance on which one can take further action. One must first imply the substance of what one is doing.

In proposed section 10Q (2) the Opposition proposes that the term "necessary or desirable" ought to be removed and replaced by the term "reasonably necessary". This relates to the previous paragraph which refers to "reasonable grounds". The word "necessary" may mean unavoidable or indispensable. The problem with the word "desirable" is that a person with an intellectual disability may be trapped into carrying out some action which is necessary to assist the police or inspectors in the performance of their duties, but which would actually be dobbing that person in for no good purpose. The Opposition prefers the term "reasonably necessary".

I seek assurances from the Minister in relation to these matters. They must be attended to in the near future. The responsible officers have assured me that they will suggest to the Minister that amendments ought to be made at the earliest opportunity. I am satisfied on that count. I shall be pleased to accept the Minister's assurance that the words to which I have referred will be reconsidered and that consideration will be given to the amendments that I was intending to move. However, if I receive an assurance from the Minister, I shall not move the foreshadowed amendments.

The Hon. R. J. LONG (Gippsland Province)—I am concerned about proposed section 10B (6) as set out in clause 4. Surely, it is not meant to include the person who carried a prohibited machine to the premises. Does that person commit an offence by doing his job and delivering a prohibited machine? I should like the Minister to consider that matter.

The Hon. J. E. Kirner—It refers to the person who supplies the machine.

The Hon. R. J. LONG—I suggest that the person who delivers the machine is supplying it. That is the argument I propose. Surely, a better way of drafting the provision would be to state that any person having a prohibited machine on premises open to the public ought to be deemed to commit an offence and then provide for a defence that if he provides the name and address of the person who actually supplied the machine he ought to escape a penalty. That is the way in which the provision should be drafted.

The Bill should also provide that, in the case of a person who supplies an amusement machine which is visible to the public, the operator must provide the name and address of the person who registered the machine. That would tighten up the provision and give protection to the person actually running the premises.

The only other matter I wish to raise relates to clear English. Proposed section 10Q (1) states in part:

> . . . Inspector or member of the police force may require (*a*) enter, inspect and examine any premises etc.

I suggest that the word "require" be omitted from the clause so that it will make sense.

The Hon. J. E. KIRNER (Minister for Conservation, Forests and Lands)—In relation to proposed section 10A, Mr Ward suggested that the definition in the Bill is not expansive enough to cover the various kinds of apparatus that are now used in the gaming industry.

The broad definition is a "catch-all" one that covers the concerns expressed by Mr Ward.

With regard to proposed section 10B (6), Mr Ward expressed some concern about registration fees. The arguments he used were dealt with at some length in another place and I do not propose to canvass them now except to say that the Minister for Sport and Recreation said that the matters will be further considered when the principal Act is reviewed.

Mr Long, who is no longer in the Chamber, asked whether the word "supplier" meant "carrier". In the "Definitions" section of the Bill, an amusement machine operator means any person who owns or supplies an amusement machine. It clearly excludes the term "supplier". Mr Long also referred to the importance of plain English, yet I had some difficulty with his explanation.

In proposed new section 10F (1), Mr Ward asked for an explanation of an amendment that was made in another place. It applies to a person who is the registered operator of a machine and who wishes to dispose of or sell the machine. That person must notify the board within fourteen days of disposing of the machine.

Before the Bill was amended in another place it provided for a notification period of 30 days prior to disposal. The amendment will make it far more practical and easier for the board to control that provision. The amendment was made in response to representations from the amusement machine industry. Mr Ward referred to a number of those

representations, which submitted that the 30-day requirement would unduly affect the operation of the industry.

Mr Ward also raised a question on proposed section 10G which deals with the registration label. He suggested that registration labels could be transferred and, therefore, should be numbered. The registration labels will not be able to be transferred and each label will have a registration number.

Mr Ward also referred to the requirement of the Raffles and Bingo Permits Board to administer the proposed Act. Although the board is not required to submit an annual report to Parliament, its chairman, Mr Phil Power, does report on a regular basis to the Minister. Mr Power is also head of the highly respected Racing and Gaming Division of the Department of Sport and Recreation. By reporting to the Minister regularly, an effective monitoring process will be provided, although, as Mr Ward correctly suggested, the Bill does not detail the method of reporting.

Mr Ward also referred to proposed section 10Q. I went through in some detail previously Mr Ward's concerns about definitions and the use of the terms "suspects" and "desirable". I agree that those two words need reviewing in terms of their implications for allowing undue actions which might infringe on the liberties of individuals. Therefore, I am prepared to repeat my assurance on behalf of the Minister that the Government will reconsider those words and will take into account the substitute words suggested by Mr Ward—"believes" and "reasonably necessary". The Government will consider a more appropriate form of words in the spring sessional period.

The clause was agreed to, as was clause 5.

Clause 6

The Hon. H. R. WARD (South Eastern Province)—The clause is the result of amendments made by the Opposition in another place and accepted by the Government. A total Parliamentary approach must be made to all of the serious problems I referred to earlier.

I should also like to thank Mr Phil Power, Mr Ron Spendlove and Mr Colin Carter from the Department of Sport and Recreation for the help they provided in ensuring that the proposed legislation was not delayed.

I also thank the Minister for providing the Opposition with as much information as possible.

The clause was agreed to.

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

The Hon. J. E. KIRNER (Minister for Conservation, Forests and Lands)—I move:

That this Bill be now read a third time.

In so doing I thank my colleagues in the Opposition for their co-operation and their interest and repeat Mr Ward's thanks to the officers of the Department of Sport and Recreation and the Minister for Sport and Recreation in another place for his ongoing concern in these matters.

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

ROAD CONSTRUCTION AUTHORITY (LANDS) BILL

The debate (adjourned from the previous day) on the motion of the Hon. J. H. Kennan (Attorney-General) for the second reading of this Bill was resumed.

The Hon. ROBERT LAWSON (Higinbotham Province)—The Bill and the circumstances surrounding it bring forth the worst qualities of this Government. It brings out its profligacy, meanness, stupidity, shortsightedness and deceitfulness and also

emphasizes the inability of at least one Labor Party Minister to negotiate with various parties on a human level and on reasonable terms.

I have used a number of adjectives to describe the Government and it is only fair to explain what I mean. The Government has demonstrated its meanness because it is prepared to spend $1 million on an arterial road and it is not prepared to spend extra money to turn it into a proper freeway link. It is depressing to examine the plans and read about the proposed arterial road because the two freeways that are to be linked together will not be linked properly but by a so-called arterial road which is to have two lanes for traffic in each direction. The arterial road will have four sets of traffic lights and one can visualize the traffic jams that will be caused because the Government is not prepared to spend extra money and do the job properly.

I referred to the profligacy of the Government. Last night during the debate on the Budget Bills, I inadvertently deceived the House when I said that, by June this year, the Government would have run up a debt of $17 249 million. I was wrong and I apologize. The figure should have been $35 billion.

The Hon. B. P. Dunn—That is more than double!

The Hon. ROBERT LAWSON—In a later speech, Mr Hunt gave the corrected figure, $35 billion.

The point about profligacy is that Government indebtedness can double in four years, but the money cannot be found to make a decent link between two freeways.

I have explained why I used "stupid" and "shortsightedness" to describe the Government. I also used the adjective "deceitful". When the Government was elected it had a mandate not to build freeways and arterial roads. The Government has broken another promise. Thank heavens it has done so because the link between the two freeways is desperately needed.

Many Government supporters believed the promise to be genuine and that no more freeways and connections to freeways would be built. It broke that promise after the expiration of four years, and that illustrates the deceitfulness of the Government.

I shall now speak of the actions of the Government in dealing with the Malvern council and other councils in respect of land acquisition. The quality of the dealings that have taken place between the Government and the various muncipalities would disgrace a Russian horse bazaar! The Government is purchasing the various pieces of land at public open space prices.

The Malvern council is losing 23·5 hectares of land and, although 4·5 hectares of that land was the property of the Government in the first place, it was open land so far as the Malvern residents were concerned.

Therefore, the City of Malvern is losing 19 hectares of land for which it is receiving public open space prices. The Government proposes to sell the Malvern council 4 hectares of land at the full market price. This demonstrates that the Minister for Transport in another place is not willing to be fair in his dealings with the municipalities.

The municipalities referred to in the second-reading speech are indignant about what has been said about them. The second-reading speech stated that the Government was having difficulties negotiating with the municipalities; which they vehemently deny. They have been willing at all times to negotiate with the Road Construction Authority. The person who could have made the Road Construction Authority come to the negotiating table was the Minister for Transport but he failed to do so. From my own experience of the Minister, I know this to be true. Yesterday, the Minister for Transport——

The Hon. J. H. Kennan—Mr Roper!

The Hon. ROBERT LAWSON—The Attorney-General should not be surprised when I mention the Minister for Transport because he knows that Minister has difficulty negotiating with anyone on any level.

The Hon. J. E. Kirner—He speaks clearly.

The Hon. ROBERT LAWSON—The Minister speaks with a forked tongue. I know that from my experience yesterday because the Minister called the Opposition transport spokesman in the other place, representatives of the National Party and me into his office to negotiate on the Transport (Victorian Ports Authority) Bill.

The Bill has been in Parliament since November and the Minister could have called a meeting at any time. At 2.30 p.m. yesterday when it was too late to do anything constructive, the Minister chose to call a meeting. If the Liberal and National parties wanted to change their stance on the Bill, it would not have been possible because the Opposition and National parties would have had to have taken the matter back to their respective party rooms. We were not in a position to change a party room decision at that time.

I refer to another matter which demonstrates my point. Some four years ago the Metropolitan Transit Authority purchased land in Moorabbin to build a car park. That has not occurred. To this day the site is littered with broken concrete, rubbish, puddles and so on. The Moorabbin council has been trying to negotiate with the Minister for Transport or the Metropolitan Transit Authority for two years to consolidate that land with land it already owns. The council proposes to construct a car park for commuters and shoppers in the area. It wants to consolidate the two blocks of land and act as the managing agent for the authority to administer the car park. Nothing has happened; probably nothing will happen.

I sought to bring about some sort of action on behalf of the Moorabbin council and the people of Victoria. Four years ago the land cost $100 000. The interest on the money has been building up with no benefit to commuters or the people of Victoria.

The proposed freeway link comprises 7 kilometres of road and has four intersections with traffic lights. The traffic on this road will presumably have to stop four times, once at each set of traffic lights; at Toorak Road, Tooronga Road, Burke Road and Warrigal Road. One can understand the madness that will be created if roadworks are to take place during peak periods.

According to the figure supplied to the honourable member for Gippsland West in the other place, who studied the plans of the proposed link, it will require $12 million to eliminate the traffic lights at Tooorak Road and $8 million to eliminate those at Warrigal Road, but the Government is not prepared to pay. Despite the overwhelming debt it has contracted on behalf of Victoria, it is not prepared to go that much further and provide a few extra dollars for the elimination of those traffic hazards.

The honourable member for Malvern in the other place is a very active and able member of Parliament for the electorate that he represents, and he has supplied the solution to the problem. Rather than the City of Malvern having to find money that it does not have to purchase land at top dollar prices, the land in question should be vested in the Department of Conservation, Forests and Lands, and will remain open recreational space, administered by the City of Malvern. That is a fair and reasonable offer. The honourable member for Malvern has written to the Minister for Transport making this suggestion but the difficulty will be to persuade the Minister to come to the negotiating table.

The Hon. J. E. Kirner—Which land?

The Hon. Robert LAWSON—I am referring to land in the City of Malvern that is required for the arterial road link between two freeways. The City of Malvern has open space problems and it does not have the money to make the necessary purchases to replace the open land that is being lost to the freeway roadworks. The Government's offer to sell

Road Construction Authority land that is available in the City of Malvern at full market prices to the Malvern council is not considered by the council, the honourable member for Malvern or the Liberal Party, to be a fair deal.

The honourable member for Malvern has suggested that the land in question should be vested in the Department of Conservation, Forests and Lands and that the City of Malvern should be the managing agent. Therefore, something would be salvaged from the wreckage for the City of Malvern.

I hope the Attorney-General, who is the representative in this place of the Minister for Transport, will make representations to the Minister on this important matter.

The Hon. B. W. MIER (Waverley Province)—I should correct some of the misleading statements Mr Lawson made on the arterial road link between the South-Eastern Freeway and Mulgrave Freeway. Under the administration of the previous Liberal Party Government the citizens of the south-eastern suburbs of Melbourne were subjected to what can be described only as one of the most ludicrous road plans ever devised by any Government in any State in this country.

I shall remind honourable members of what the situation was and still is. Fortunately, it will be alleviated by the construction of the link road. Under the previous Bolte, Hamer and Thompson Governments there existed the ludicrous situation of a freeway commencing in the City of Melbourne, just outside the central business district, and running for some 4 kilometres in a south-easterly direction, stopping suddenly at Toorak Road.

From there drivers had the arduous task—and still do—of navigating the urban streets through Malvern and Ashburton to link up with another freeway, the Mulgrave Freeway, which commences at Warrigal Road, and runs through the Dandenong area to Cranbourne and joins the South Gippsland Highway. The major traffic route from the south-eastern suburbs is disrupted by 7 kilometres of urban area that has been left as one of the most hazardous and congested traffic routes in Melbourne.

Along with that went all the associated problems that residents in those areas had to suffer as a result of unbelievably poor planning. They have had heavy container trucks travelling through their urban streets and they have been subjected to extremely high pollution levels as a result of stop-start motoring through their streets.

Notwithstanding that this situation was evident for many years under those previous Governments, each time this matter was raised—and I shall go to the latter part of the previous Government's history—and attempts were made to resolve the problem, those approaches were fobbed off. I suggest that nothing was done about these problems because the last Premier of the previous Liberal Party Government, Mr Thompson, lived in the Malvern area and he did not want a freeway going through that area.

Every area of land that is being acquired to develop the arterial road link between the freeways has been compensated for and local councils involved have been reimbursed either financially or by replacement of existing recreational areas with new ones. To date, the whole negotiating process under this Government has worked extremely well, and it will continue to work extremely well with the satisfactory resolution of the few minor points that are still outstanding.

The arterial road link project is on time and it is running within its budget. When it is completed in approximately two years' time it will relieve the ridiculous situation that was brought about by ludicrous planning and lack of foresight of the previous Liberal Party Governments.

Mr Lawson made a very misleading statement when he attempted to suggest that the Victorian Labor Party had changed its freeway construction policy. The proposed arterial road link for the South-Eastern and Mulgrave freeways was always a clear objective of the Labor Party Government. I remind the House that when I was the Labor Party candidate during the Waverley Province by-election that was conducted approximately six months

after the 1982 election, when the Labor Party first came to power, that policy was quite clear.

The Labor Party was conducting surveys in this area of those affected by this complicated and ludicrous planning situation. The Labor Party said that it would act on the outcome of those surveys. It was clear that everyone involved in those communities and those travelling to and from the central business district along that route daily wanted the link road completed. That was made clear during the by-election. As is evident today, I was the successful candidate.

I pursued this matter along every avenue within the party and I am pleased that the project that was commenced twelve months ago is well under way, on time, and will be a success. The measure will overcome the neglect and poor planning under three former Liberal Premiers.

The Hon. D. M .EVANS (North Eastern Province)—I have been fascinated by the game of musical chairs; it is amazing how something that is anathema to an Opposition becomes a good idea when that party gains government.

The National Party appreciates the need for good conditions on country roads and, as the representative of country Victoria, it constantly pushes for a better deal for commercial operators and road users. It understands the difficulties caused by the absurd gap between the Mulgrave and South-Eastern freeways, which compounds the problem faced by commuters, particularly now that the Victorian railways system is in its death throes. The National Party understands the proposed legislation is necessary.

The Bill is a contingency measure that might or might not be needed, depending on the negotiations with the councils involved in the land acquisitions and whether any major problems develop between now and the next sessional period.

The National Party does not object to the Bill. At one stage when the Attorney-General was interjecting, I was tempted to vote against the measure but common sense has prevailed. The National Party supports the Bill.

The Hon. J. V. C. GUEST (Monash Province)—Honourable members have spoken about important but peripheral matters such as whether there should be a freeway or an arterial road to connect the two freeways. Most of the major issues were raised by Mr Lawson and the honourable member for Malvern in another place.

The real issues are: firstly, the proper compensation to the City of Malvern for the compulsorily acquired land as against the practice of hidden taxation—this is not a practice exclusive to this Government although its financial problems make it more desperate than any former Government. The second issue is the integrity of the Government and its agencies, and the third is whether the people of Malvern have been sold out by members of the Labor Party.

To take recreational land in an established suburb, as though it were cost free, is to tax the people who enjoy its benefits. It is a way of paying for the taking of property and for the removal of valuable rights without having to raise the money. This is done by depriving the people—in this case, the people of Malvern and others who have used Gardiner's Creek valley—of the use of parkland. This is a form of hidden taxation.

Malvern is already poorly provided with public open space in proportion to its population. This was the case even before the commencement of works on the Gardiner's Creek valley. The typical dwelling in Malvern even in the 1980s has a garden but that suburb is not well off for recreational open space. The city will not receive hectare-for-hectare replacement of recreational land that is to be acquired in Gardiner's Creek valley and will not receive anything remotely equivalent in money, property or facilities.

I do not suggest that it is absolutely necessary that expensive residential or commercial land should be purchased to replace every hectare of Crown land that is taken: it may be that an elaborate indoor sports facility could be built that would provide similar recreational

facilities. Land should be sought in surrounding areas to see whether it could be used by the citizens of Malvern and those who customarily use the Gardiner's Creek valley for recreational purposes. One could look in vain to find something that is remotely similar.

The Hon. B. W. Mier interjected.

The Hon. J. V. C. GUEST—Mr Mier apparently agrees with the principles I am espousing but has not acquainted himself with the facts. The dairy site in Darling Road is on an area of about half a hectare. That does not go far when one considers that the City of Malvern will lose 23 hectares.

The honourable member for Malvern in another place actively consulted not only with the Malvern City Council, as I did, but also with the Minister and his advisers. He sought a compromise—and it is certainly a compromise because the measure does not really go so far as justice requires in the replacement of open space in Malvern.

The honourable member proposed that in addition to moneys to be paid—approximately $2 million or $3 million as compensation for the land referred to in this Bill based on the fact that the land taken is parkland and not residential land—certain lands owned by the Road Construction Authority or otherwise under the jurisdiction of the Ministry of Transport should become Crown land under the nominal administration of the Minister for Conservation, Forests and Lands with the Malvern City Council appointed as the committee of management. The land involved would be the dairy site, two residential properties in Edmond St and the urban forest area.

The proposal is based on sound precedent. It would be extremely unfortunate if the Government would not at least come to that point because the precedent is derived from the Treasurer's electorate. In the Doveton electorate, Hampton Park in the Shire of Cranbourne was transferred to the Crown with the local municipal council appointed as the committee of management. In this way additional land was provided to the shire to compensate for land that had been compulsorily acquired from it. The shire was not expected to expend its money to acquire the much needed lands.

One of the two vices of this proceeding is that the compensation for previously acquired lands has been inadequate. Much land still needs to be provided.

I wish the Minister would pay attention because having just become the Minister for Planning and Environment, he is probably unaware that the site of the College of the Bible is right next to Gardiner's Creek and the Glen Iris Recreational Club land, comprising more than 1 hectare, and that they were zoned in 1983 for proposed public open space at the same time as the arterial road link was decided on. It is, therefore, the Government's own proposal that those properties should be available to replace current parkland on a hectare-for-hectare basis. However, the Government is not willing to put up the money to ensure that that can occur.

The Road Construction Authority does not have the power of compulsory acquisition of those properties because they are not needed for the roadworks. The Malvern City Council has the power to acquire them compulsorily. If the Government were willing to behave in accordance with the principles it puts forward to environmentalists and in accordance with the principles of justice to all those affected by a compulsory acquisition of land, the Bill would undertake to indemnify the Malvern City Council in the use of its powers of compulsory acquisition to purchase those properties set aside by the Government for replacement open space.

Regrettably, I am not in a position to force on the Government a resolution of the problem beyond the compromise that I trust the honourable member for Malvern has successfully negotiated between the council and the Minister.

Why is Malvern council in the position of facing a Bill introduced without the slightest vestige of good faith during the last minutes of the sessional period so the Government

can hold over not only the council but also this Parliament the threat that necessary roadworks will not proceed unless the Bill is passed?

The five agreements up to the end of 1985 allowed the Road Construction Authority to purchase the necessary land from the Malvern City Council, and that course was to be continued with two or three final agreements covering the land dealt with by the Bill. The last meeting was in February. Another meeting between the council and the Road Construction Authority was scheduled for two weeks after that. The authority cancelled the meeting. Until approximately ten days ago, the Minister for Transport and the authority stalled the process of negotiations, as Mr Lawson has already pointed out.

The Road Construction Authority had continually threatened that proposed legislation would be introduced to take the matter out of the hands of the council. The matter has now passed through those factions of the Labor Party which, for some unfathomable reason, previously gave some support to the council's position. The Minister and the authority then no longer felt the necessity to behave in a reasonable way in pursuing agreement with the council.

That is not to say that the previous process of negotiation was entirely satisfactory, because the City of Malvern has been sold out by the Labor Party's candidate for the seat of Malvern at the last State election—a Ministerial adviser to the Minister for Police and Emergency Services and a former mayor of Malvern. The Minister for Police and Emergency Services promised that a road would not be constructed near Gardiner's Creek, and his Ministerial adviser—a servant of the Government—purported to negotiate from 1983 on behalf of the City of Malvern, of which he was mayor, the deal whereby the Government and the Road Construction Authority was to obtain the land needed for the road. No wonder the City of Malvern was sold out!

Agreements have been made which provided money and some replacement land, but the money is quite inadequate to provide land on a hectare-for-hectare basis or in some other equivalent form required for justice.

The Bill is founded on injustice and a lack of integrity on the part of the Government, its agencies and Labor Party supporters. I refer to the man who is the head of the legal profession in this State and who is now also the Minister for Planning and Environment the serious question about proper compensation not only for individuals but also for all the people affected when public recreational lands that have served communities for 150 years—and should serve them for another 1000 years—are taken for the purposes of public works.

The motion was agreed to.

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

EMERGENCY MANAGEMENT BILL

The Order of the Day for the resumption of the debate on the motion for the second reading of this Bill was read.

The Hon. H. R. WARD (South Eastern Province)—I understand negotiations have been occurring between the parties on this Bill. I suggest it would be better to proceed with another Order of the Day rather than dealing with this Bill before the negotiations have been completed. They will not take long to be completed.

The Hon. J. E. KIRNER (Minister for Conservation, Forests and Lands)—I understood that negotiations had been completed. Is that not correct?

The Hon. H. R. Ward—I do not know.

On the motion of the Hon. H. R. WARD (South Eastern Province), the debate was adjourned.

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

TRAVEL AGENTS BILL

The debate (adjourned from the previous day) on the motion of the Hon. J. E. Kirner (Minister for Conservation, Forests and Lands) for the second reading of this Bill was resumed.

The Hon. G. P. CONNARD (Higinbotham Province)—The Bill is a typical example of an inefficient and incompetent Minister hastily pushing through Parliament ill-conceived legislation. The Opposition supports the concept of protecting the public from unsound practices, including such practices in the travel industry. Indeed, the Liberal Party's history in the formation of the Ministry for Consumer Affairs indicates its interest in the area of consumer protection.

The Bill appears to indicate the attitude that travel agents are collectively charlatans and cheats who continually defraud the travelling public of its hard-earned money. Nothing could be further from the truth; statistics show an entirely different situation.

Since 1958, in approximately 30 years, when there has been an explosion in interstate and international travel, there have been only six notable defalcations of which two agencies were the political allies of the Australian Labor Party—the Australian Union of Students and James Todel (Iodesco's) Travel House, which was controlled by a purported lawyer with Labor Party affiliations.

The Government, by its hasty and unholy rush to legislate controls over the travel industry under the guise of protecting the consumer, has produced a badly conceived and badly drafted Bill. Little will be achieved other than an increase in the costs for the travel industry and finally for the consumers.

It is a crazy situation that when the Government wants something done about a matter, it must establish an authority. This has occurred today with several Bills that have come before the House, such as the Accident Compensation (Amendment) Bill—a commission was set up to control that situation. The Biological Control Bill which passed through the House today provides for a Biological Control Authority and now there is to be another licensing authority and another set of bureaucrats to be paid.

The Hon. Robert Lawson—They are doing something about unemployment!

The Hon. G. P. CONNARD—The bureaucracy will probably be paid for out of Community Employment Program funds, and charges will be increased.

I shall explain to the House what I consider to be the root cause of the problem, which basically is that anybody with a few dollars can open a business and call himself a travel agent. That travel agency may be part of a newsagency or part of a milk bar. That type of agent needs no money, professional skills or knowledge.

The Bill in its definition does not identify the term "travel agent" or indicate whether professional knowledge or experience is required for a travel agent. It provides for the registration of a person as a travel agent irrespective of that person's qualifications.

There are respected organizations within the travel industry, such as the International Air Transport Association which is an organization of international carriers such as Qantas Airways Limited, and British Airways and others.

The Australian Federation of Travel Agents is the organization of agents who are accredited to sell airline tickets and they number approximately 234. There are also approximately 865 agents who are not members of the association. This perhaps is an area on which the Minister should focus. Members of the Australian Federation of Travel Agents who are accredited are the only section of the industry who may sell tickets directly to the consumer. They must have financial status and they are bonded with large sums of

money with the International Air Transport Association. There has not been any evidence of any member of AFTA having caused a consumer to suffer loss.

The non-AFTA agents acquire their tickets from AFTA agents. Those AFTA agents may indeed be breaching the code of conduct of the International Air Transport Association and they include Jetset Tours Pty Ltd, Concorde International Travel and Metro.

These companies supply the tickets on a sub-agent basis to the junior agents, the 865 non-AFTA agencies. This is a breach of the IATA code of conduct. It appears a simple matter for the Minister to address that area as a solution to the problem rather than introducing this draconian and expensive proposed legislation to the Parliament.

The Minister in another place stated that two other States have passed a similar Bill and he used that fact as an excuse for rushing this shoddy proposed legislation through the Parliament.

I ask the Minister: is it not a fact that since the introduction of similar legislation in New South Wales the number of agent defalcations has substantially increased? I am sure that when the Minister researches this matter—I hope she will mention a figure in her reply—she will note that with the introduction of similar legislation in New South Wales the number of defalcations has increased, for the reason I mentioned earlier. The licensing of operators will have little to do with defalcations.

I have noted that in the *Commonwealth Record* of 24-30 September 1984 the following appeared:

> The Federal Government has taken a decision which would lay the foundation for the uniform regulation of travel agents throughout Australia, the Minister for Sport and Recreation and Tourism, the Hon. John Brown, said today.

I ask honourable members to note the date—November 1984. What has the Federal Government done about that? It has seen what this type of licensing and regulation would do, and it has backed away from that legislation; yet this State seems to be going down a track that is not accepted by its colleagues.

The Bill does nothing for travel agents' businesses. It does nothing for the travel industry and for tourism and yet we are supposed to be viewing tourism as one of our most important economic strategies in this State.

The Bill will not contain or control the activities of inadequate people who open up as travel agents but who are not qualified to know the various elements of that business. Discussions with the travel industry experts such as members of AFTA, the Australian Institute of Travel and Tourism and other such organizations indicate that they are unhappy with the Bill.

Reputable people within the industry want competent consumer protection. I understand the industry believes that appropriate compensation can be well organized by the industry with the assistance and guidance of the Government rather than by the introduction of draconian legislation.

The senior industry representatives together with Government representatives could prepare a code of ethics and qualifications, and the members could organize a travellers' compensation trust operated by elected trustees from both the industry and the Government to ensure that clients are adequately protected.

The Bill is the product of a messy Government and a messy Minister who suffers from a lack of intellectual ability to perceive what consumerism is about. While the Bill was being considered in the other place the Minister for Consumer Affairs prepared 30 amendments. This has occurred continually with Bills in recent times. However, the Minister for Consumer Affairs is more prone than other Ministers in producing Bills that require amendments and does not appear to have the intellectual ability to handle his Ministry.

The Bill has the effect of killing an ant with a bulldozer. It proposes the appointment of a licensing authority, a chairman, a deputy chairman, committee members of the authority and a registry, support staff, inspectorial staff and so on. The Ministry has a budget of $4·5 million, but its budget will explode when the proposed legislation becomes law and these appointments are made. Almost $1 million will have to be spent for what is essentially a minor matter.

When a travel agency has defaulted in the past the loss to the consumer has been small. Newspaper headlines generally blow up the situation out of all proportion when people are stranded in far away places such as London or Bangkok and so on. The reality is that, if defalcation has occurred in the travel industry, travel agents who are members of the IATA return people who are stranded overseas to their home base at no cost to those people. Generally the only loss to the consumer on the defalcation of an agent is the deposit, which may be $100 or $200. Most people do not pay the full cost of an overseas trip until they are ready to embark.

Division 1 explains the intent of the Bill. Clause 6 provides that a person who carries on business as a travel agent must be licensed. Division 2 sets out the provisions relating to the issue of licences. Clause 13 sets out the form of licence. I do not see the necessity for the licensee's name and licence number to appear on advertisements placed in newspapers. No provision exists for radio or television. Why should it be limited only to newspaper advertisements? That provision will require the appointment of officers on $25 000 a year, who will be required to peruse newspaper advertisements to check that the licensee's name and licence number is set out. If the Government were really serious about this measure it would have stipulated that the provision covered the radio and television media.

Clause 37 mentions the compensation scheme, as does clause 38. Clause 46 sets out the compensation scheme itself. Clause 46 (1) states:

> The Minister may, by Order published in the *Government Gazette*, declare a scheme established by a trust deed (whether within or outside the State) or provided by a body corporate (whether within or outside the State) to be an approved compensation scheme for the purposes of this Act.

If the Minister were sincere about the proposed legislation, the details of the administration of the scheme, how a person could make a claim and who would authorize the payment would have been set out. Those questions were asked in the Lower House and I hope the Minister for Conservation, Forests and Lands comments on that aspect because those questions have not yet been answered. I have suggested that there are easier ways of setting up a satisfactory compensation scheme.

The Bill only partly addresses itself to the defalcation of unlicensed agents. Many small agents work from their own home and receive a commission. They are really sub-agents. Those small sub-agents are not covered by these provisions. They are probably acting illegally under the provisions of the Bill. The House has not been told when the proposed scheme will commence. The Opposition has not been able to examine the many issues involved satisfactorily. I did not receive the Bill until yesterday evening, and my National Party colleagues experienced similar difficulties. The Opposition has had no chance to check on the amendments from the Lower House. The whole process is part of the ineptitude of the Government in attempting to push legislation through Parliament at the last minute.

I cannot say that I support the Bill because I do not. Because of the skill and, perhaps, shrewdness of the Government in pushing this type of Bill through the House in the dying hours of the sitting, the Opposition will, reluctantly, not oppose it; but I warn the House and the Minister of the colossal explosion of Government funds that will occur in establishing the Travel Agents Licensing Authority and that it will do nothing to compensate the unfortunate consumers at the bottom end who are likely to suffer under defalcation.

The Hon. D. M. EVANS (North Eastern Province)—The Bill was brought before Parliament because the travel industry itself, or at least many responsible members and operators within the travel industry, required some degree of regulation. It is clear that

there was not an adequate opportunity for self-regulation within the industry, so the industry asked that that regulation be by legislation.

The industry, generally, has welcomed the fact that the proposed legislation is before Parliament and a number of travel agents to whom I have spoken have seen earlier copies of the Bill, unamended copies, and although they have certain concerns about aspects of it, they thought that, generally, the Bill was moving in the direction they wanted. Whether what they are getting is going to satisfy them in the end, I am not so sure; but it does go to a matter that the industry itself requires.

The Opposition obtained copies of the Bill to be debated in this House including amendments late last night, which makes it difficult to work on the Bill—particularly with the workload that members of this House have had in the past 48 hours—to ensure that it is as accurate and correct as it should be and to fully understand the changes that have been made. It is not a matter of laziness; it is simply a matter of time and it is unfortunate that this has happened, but the National Party will do the best it can.

I refer to the Minister's second-reading speech, as a couple of issues in it are worth canvassing. The second paragraph of the second-reading speech states:

> In the past, agency failures have caused consumers to lose hundreds of dollars, mostly with no chance of recovering their money.

I have spoken to an accredited agent of the International Air Transport Association and the Australian Federation of Travel Agents who tells me that, so far as the airlines and reputable transport companies are concerned, if a consumer is genuinely caught in that predicament, the consumer will at least get his airfare or transport ticket honoured.

I have no doubt that some other amounts of money that may have been paid to a defaulting agent will be lost, but at least there is some honesty in the travel industry and that needs to be acknowledged.

In the last paragraph of the second-reading speech it states:

> In particular, Part 6 could well serve as a model for future legislation to establish a joint licensing authority for all licensing legislation administered by the Ministry.

That seems to signal that a considerable number of additional authorities will be established of a similar nature to that governing the travel industry. I am aware that there are already one or two others involving trust funds but it seems that an increasing degree of consumerism will be seen in the community.

There is an old Latin term that is very appropriate to my comments and it is *caveat emptor*—let the buyer beware; in the colloquial form, a fool and his money are soon parted. Increasingly, the consumer is being protected against his own lack of knowledge, against trickery and, in many cases, against his own straight out stupidity. We are coming to expect that, but it is an additional cost on legitimate businesses and on honest operators and the consumer will pay in total for that requirement and for that benefit.

It appears that we can expect more legislation of this nature in the future. Indeed, if Part 6 of the Bill is to act as a model for future legislation, I hope it is cleaned up before it is back again as model legislation for other industries because it is not well drafted legislation.

I was interested to hear honourable members using the phrase "Kennanization", which seems to have dropped out of favour recently. There are some magnificent examples of Kennanization in this Bill. It makes the Bill not easier to understand but, on the contrary, more convoluted and difficult. In fact, I thought that I was reading one of my own speeches when I was reading the Bill.

However, I shall give examples of some of the things in the Bill. Perhaps the easiest way to do it is to examine the Bill as it is presented to the House and see what it is intended to do and whether it is likely to be able to do it and whether the way it goes about it is in an appropriate manner.

As I indicated, the Bill is convoluted in its expressions and, in clause 4, the double negative is used to express a particular proposition. I prefer "Evansization"—exchanging double negatives for clear expression of English and, if I had a chance, I could make that clause one-third of the length it is now and also make it far more legible and understandable. Nevertheless, double negatives are constantly used through the Bill making it more difficult to understand.

I have no doubt that the lawyers will sort it out and change the wording to plain English, but it is convoluted. When an overuse of words in a Bill is predominant, one must suffer interpretation by the courts and by the legal process, and the more words there are, the more likely it is that the intent of the legislators will not be so interpreted by the courts or by the legal people. This type of wording increases the chance of another interpretation being placed on the Parliament's intentions, and that is not a good thing.

An issue of great concern to the National Party is the penalty system in the Bill. In clause 6, for example, on the issue of licences, the Bill states—and again there is a double negative:

> A person must not—
>
> (*a*) carry on business as a travel agent otherwise than in accordance with the authority conferred on that person by a travel agent's licence; or
>
> (*b*) carry on business as a travel agent in partnership with a person who is not the holder of a travel agent's licence.

The penalty for so doing is 500 penalty units or imprisonment for twelve months or both. Five hundred penalty units is $50 000, and I guess that a gentleman who obtained notoriety some months ago—Mr Wolstenholme or Mr Penhalluriack would be interested to see this. Mr Penhalluriack received a $500 000 fine under particular legislation for selling axes or something on Sundays, and he could be excused for thinking that the same thing is happening again. It seems to be an enormously high penalty for that crime.

Although it may be said that the maximum will not be applied, nevertheless the provision is there.

Turning to the sort of person who can obtain a licence—and again the Bill uses a convoluted expression—the person must be of good character and over the age of eighteen years. That is reasonable.

If a person decides to put forward misleading information or omit to put any matter in the application for a licence, that person can receive a $5000 fine. However, that is ameliorated by a couple of curious phrases that explain that if a person believes on reasonable grounds that no material matter has been omitted or did not know that the omitted matter was material—in other words, if you do not know what you are doing—the person does not have to pay a penalty.

I should imagine that if I were a smart lawyer, I would merely come before a judge and say that my client is a bit stupid and did not know what he was doing, and get him off.

That is an example of the odd drafting in the Bill. Clause 10 sets out grounds on which the Travel Agents Licensing Authority can grant an application for a licence and clause 10 (1) provides:

> Subject to sub-sections (2) and (4), the Authority must grant an application for a licence if the Authority is satisfied that upon the granting of the application the applicant will be a participant in the compensation scheme.

That provision is appropriate, but clause 46 states only that the Minister may establish a compensation scheme. I cannot understand why that clause is not more definite. Clause 46 should say, "The Minister must declare a scheme established by a trust deed or provided by a body corporate to be an approved compensation scheme". I cannot understand why the Bill does not clearly spell out that the compensation scheme will be established.

The Hon. J. E. Kirner—It is to apply only if there is national or complementary legislation.

The Hon. D. M. EVANS—That is not spelt out in the Minister's second-reading speech or in the Bill. I am certain that Victoria could administer a scheme more efficaciously, to use Mr Baxter's term, even if it were not Commonwealth-wide. I am sure Victoria could administer a consumer protection scheme on its own.

Constant reference is made throughout the Bill to the compensation scheme and the requirement to participate in it. However, clause 20 under Division 3—disciplinary action relates to disciplinary action against a licensee and refers to twelve areas that would require disciplinary action. Clause 20 (1) (*l*) provides:

> The Director may, at any time, lodge with the Authority an objection in writing to the holding of a licence by a licensee specifying as a ground for the objections that—
>
> . . .
>
> the licensee is not, for any other reason, a fit and proper person to continue to hold a licence.

If there were a catch-all clause, that would be it. No definition is provided other than that a person who is unfit to hold a licence may not do so! What a wonderful way to administer a State law! Further, if a licensee transgresses any of those twelve areas, his licence can be suspended. The person with the power to suspend the licence of a travel agent in the first instance is the Chairperson of the Travel Agents Licensing Authority, and he has the power to suspend a licence for seven days.The chairperson hears the charge laid by the director of an organization, but he is not required to hear the licensee. That is usually called a kangaroo court. I should have thought the licensee had an "as of right" opportunity to present his case if his licence was to be suspended for one day, let alone for seven days. If a licence is suspended, the licensee can appeal against the decision.

Even if he were to win the appeal, can honourable members imagine how many people would rush into his office after his reputation in the district had been so damaged? If the suspension were shown to be unjustified and the agent's licence were restored, immense damage would still have been caused to his name and business. It is ridiculous that the licensee has no "as of right" opportunity of appearing before the authority. The director of an organization can report the licensee and provide evidence, but the chairperson is not required to hear the licensee. It does not sound to me like justice, and I am sure travel agents who favour the Bill do not fully understand what that clause means.

Clause 50 will establish the licensing authority. If the industry is to be regulated, appropriate powers must be given to the authority and the public must have confidence in it.

I am a member of the Public Bodies Review Committee and I am certain that the committee will have many public bodies to review in the next few years and that this licensing authority will be one of them.

The Bill will establish the authority, but the membership is specified in the most confusing manner. The Bill does not set out who the members will be. Clause 50 (1) states:

> There shall be established a Travel Agents Licensing Authority which shall consist of a Chairperson and such number of Deputy Chairpersons and other members as are appointed by the Governor in Council.

The Bill allows the Governor in Council, or the Government, to do what it wants. It does not specify how many members should be on the authority. Perhaps there is an upper limit because of the inability to fit people into the Exhibition Building, or wherever the meetings are to be held! The clause goes on to provide that the other members shall be "such member as the Governor in Council determines". An upper limit is not specified. People engaged in the travel industry are entitled to representation and, under the Bill, they can have one or twenty representatives. Consumers who use the service of travel agents can also have one or twenty members, according to the determination of the Governor in Council. One person could represent the industry and twenty consumers could be members of the authority.

I do not believe the Government would be silly enough to do that, but it should be clearly spelt out that an equal number of people should represent the two legitimate interests on the authority: travel agents and consumers. I hope the Minister will be even-handed when appointing members. Parliament is asked to pass proposed legislation that does not clearly spell out the membership of the authority. There is too much woolliness and bad drafting in the Bill.

The National Party believes the qualifications of people employed in the travel industry are not spelt out clearly.

The licensee will be properly qualified, but what about banks or stock and station agents that are involved in the travel industry? I have dealt with Dalgety Farmers Ltd for many years and my family has dealt with the company for 100 years. That firm also has a travel agency in its business. Our friendly Dalgety's man does not necessarily need any knowledge of the travel industry or of the problems involved in an expensive overseas tour.

Travel can be sold through a credit union or a permanent building society. The person who needs the greatest protection from himself—the consumer—will go to one of those institutions and seek finance for his travel plans. The bank manager may say, "If you want to go overseas, we can loan you the money and our friendly staff will fix up the travel arrangements for you".

I am sure the majority of institutions involved in the travel industry are responsible and reputable and have the ability to advise prospective travellers. However, the travel adviser may be at head office when the prospective traveller goes into a branch in the suburbs or the bush. The experienced travel officer may not be readily available to give advice to the person who intends to invest a good deal of money, perhaps borrowed money, on an overseas tour or a trip around Australia. Part of the delivery of service to people interested in travel should be that they can obtain professional and proper advice. The Bill does not clarify that matter. The Government is attempting to regulate the industry but the Bill does not go far enough in that direction.

Finally, if the compensation fund is set up—and I am sure it should be and that the Bill should spell out that it must be—it would seem good sense—and this has been raised with me by a travel agent—that the computer system of the Australian Federation of Travel Agents should be used. It is a good system operated by experienced people. The federation is an industry organization with considerable relevance and respect and its computer facilities should be made available to assist in administering any compensation scheme to reduce its costs and to ensure that the money that is contributed to the scheme is used for compensation rather than administrative expenses.

It seems to me—and I put it forward only as a suggestion—that it would be very worth while to use the AFTA computer. I understand it is to be used in other States of Australia.

In summary, I indicate that the National Party supports the principle of the Bill, as do those in industry who want to bring the scheme to a higher degree of professional competence and respect within the community. The National Party is not sure that the Bill carries that fully into effect. The party has severe criticisms of the drafting of the measure, but it certainly agrees with the principle.

I suggest that the Bill will be back before the House in due course requiring amendment but, in the meantime, the National Party raises no objection to its passage. The party hopes it works well and believes the Minister has a real responsibility to ensure that it does. The National Party looks forward to seeing from experience, twelve months or so hence, how well it has performed.

The motion was agreed to.

The Bill was read a second time.

The Hon. J. E. KIRNER (Minister for Conservation, Forests and Lands)—By leave, I move:

That this Bill be now read a third time.

In so doing, I thank members of the opposition parties for their remarks on the Bill, which I shall relay to the Minister for Consumer Affairs. I also take this opportunity of commending the honourable gentleman on adding another contribution to his considerable services to consumer protection.

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

ACCIDENT COMPENSATION (AMENDMENT) BILL

The debate (adjourned from earlier this day) on the motion of the Hon. D. R. White (Minister for Health) for the second reading of this Bill was resumed.

The Hon. J. V. C. GUEST (Monash Province)—Last night I supported the motions for the adjournment of the debates on several Bills so that this House could do its work properly. That action has enabled negotiations to take place which have largely resolved objections to aspects of this Bill that would otherwise have led to amendments. That is not to say that there are not a number of omissions from the Bill as well as aspects of the Bill that have been the subject of legitimate criticism.

Dealing with the work of the House properly does not mean that a party's position on proposed legislation always has to be stated fully in both Houses. Despite the unfortunate fact that this Bill was guillotined in the Assembly and the Opposition's spokesman was thereby deprived of the opportunity of making the Opposition's case in detail at the Committee stage, the shadow Treasurer, Mr Stockdale, was able to make a substantial contribution to the second-reading debate. Honourable members should refer to the record of his remarks to examine the Opposition's considered criticism of the Government's handling of WorkCare generally and this proposed legislation in particular.

I refer to some of the points that he said the Opposition was concerned about—because I know there are a number of honourable members, not least on the other side of the House, who are genuinely concerned about compensation for people injured at or suffering illness as a result of work.

The first concern was the absence of consultation about the proposed legislation with interested parties apart from the Victorian Trades Hall Council and the union movement. The only exceptions appear to have been the physiotherapists and the Victorian Sawmillers Association. This is not an insignificant Bill, yet consultation was confined very much to the Government's union allies as, of course, was the real and effective consultation that took place before the original measure was enacted.

The shadow Treasurer in another place also pointed to the administrative and financial chaos, including delays in just about every aspect of the production of documents necessary for the administration of the scheme. We draw particular attention to the 28 per cent of recurrent costs which are in excess of budget, and the more than $1·5 billion over the next six years that the Treasurer still has failed to recover—even in prospect—from the Commonwealth Government, upon which he has conferred a benefaction of that amount by the form of the principal Act.

Other economic failures were pointed to also, such as the failure, in many cases, to meet the promises of profit to the business community of lower premiums. It is interesting and extremely significant that the benefit of lower premiums has largely been enjoyed by the high-risk industries.

The Treasurer made no attempt to conceal that this would be so. The theoretical justification was that the trade exposed sector would be benefited. The reality is that some of the high-risk industries are now paying lower premiums. In other words, in the areas where it is in the interests of worker health and safety that there should be real incentives

to improve work practices and conditions that affect the health of workers, those incentives have been lowered, despite the fact that in the years leading up to the changes that were made last year it was quite evident that economic pressure had been improving work practices affecting worker health and safety.

The only proper survey that seems to have been conducted of employers was conducted by the Melbourne Chamber of Commerce. The survey shows that, since the inception of WorkCare, 80 per cent of employers are paying more to cover their employees, when one includes the costs of the first week's pay and the $250 worth of medical costs that are not covered by the accident compensation scheme.

Another major failure of the Government has been in relation to the cover for apprentices—a contributing factor to the biggest single failure of the Government to meet its economic and humanitarian objectives. As I pointed out during the debate on the Supply Bill, unemployment of fifteen to nineteen-year-olds has increased substantially in the past year and at a much higher rate than in any other State of Australia.

To continue my brief catalogue of some of the points to which the shadow Treasurer referred: he pointed to the anomaly relating to persons continuing in employment or resuming employment after the age of 65 years. These people are, in effect, levied for no return, because the employer has to include the WorkCare levy in his cost of employing them to pay for the accident compensation scheme as a whole, yet, because they are over the age of 65 years they cannot receive benefits from the scheme.

It is totally unjust unless one is proposing to tax people out of their jobs when they are over the age of 65 years—for the benefit, presumably, of some of those young people whom Senator Button has said have contemporary cultural values that prevent them from taking some of the jobs on offer.

Then there are problems of double payments and even treble payments of premiums for a single income offered to the worker where companies or employers contract out the services of their employees. It has been ruled by the commission that after 90 days the secondary employer shall also pay the levy and, of course, if another contractor subsequently becomes involved, a third levy is involved although only one person and one income is involved.

Finally, it would be wrong not to mention the predictably expensive results of the Government's major concessions to the union prejudice against proper surveillance. It is notorious now because the Government has even boasted that injured and ill workers claiming to be disabled can no longer be put under surveillance. Some cases are notorious, such as the claimant who turned up at the tribunal with a walking frame but had been seen the previous week-end leaping around the tennis court, racquet in hand and fit as a flea. In that case he retired in disgrace because a film was available to prove his agility. With all the imagination that I tried to apply to points of view expressed by Government members with different starting points from those at which I begin my own thinking, I have not been able to understand how anybody can justify the fraudulent in this community being allowed to place the burden of their bludging on the honest workers, taxpayers and employers who constitute the rest of the community.

It is fair to say that the Government's guillotining of the debate in the Assembly—which it insists is the only proper location of government—was a material cause of our having to return today to make sure that the Bill is fully considered in Committee. As I have said, it has provided an opportunity for negotiations that should mean that the proposed amendments are unnecessary at this stage, presuming that certain undertakings already agreed to are in fact given.

The Goverment has already taken a positive step and the Minister's second-reading speech contains words that were not used in the Assembly. He states:

> Some concern has been expressed since the Bill was introduced in another place that one aspect of these amendments would have the inadvertent effect of extending the operation of section 8 to include cases where the contractor is a company.

On this point I am able to give an assurance on behalf of the Government that these amendments. . .

The Minister was referring to the amendments to be found in clause 5—

. . . are intended to make it clear that sections 6 and 8 apply to contracts with partnerships but are definitely not intended to extend their operation to include contracts with companies.

It may be that those words are sufficient in the light of the provisions of the Interpretation of Legislation Act that allow the courts to consider the record of debate on the Bill. Nevertheless, we will be seeking an undertaking during the Committee stage when considering clause 5 that the Government's intention will be made explicit in the course of the next round of amendments to the Act. We have no doubt that numerous amendments to the Act will be considered necessary.

Another issue on which we and the National Party have received an undertaking from the Government is that a deputation from the chiropractors and osteopaths will be received by the Treasurer during the winter recess with a view to reconsidering their reinstatement as initiators of certificates of disability under the Act.

As I have said, treating this House with proper respect as a House entitled to consider proposed legislation independently does not involve covering all the ground that has been covered in the laying out of the differences between the parties. I, therefore, conclude by saying that the Opposition does not oppose the second reading of the Bill and that a number of matters will be brought up in the Committee stage, including those I have already adverted to, and, accordingly, we expect other necessary measures to be adopted in the course of subsequent legislation on the same subject.

The Hon. W. R. BAXTER (North Eastern Province)—The National Party is not opposed to the Bill. By the same token, it does not greet it with enthusiasm and believes that in saying that it is a housekeeping measure the Treasurer misstated the case, at least on some aspects of the Bill.

It certainly extends the application of WorkCare and widens the nature of injuries that might be compensable especially in the case of an injury by gradual process and, in the case of some contractors, it is an extension of what is currently available under the Act that was passed recently by Parliament.

It goes also to the matter of determining the average weekly earnings of an employee who has been unfortunate enough to suffer an injury soon after commencing work for a particular employer. Difficulties have been experienced in that area. My colleague, Mr Hallam, raised with the commission the case of the assessment of the average weekly earnings of a shearer who may suffer an injury on the second or third day of a shearing contract. One of those days may have been wet, when no work was done, and the shearer had not worked for a number of months beforehand. It is difficult to assess the average weekly earnings of that worker. That case provided quite a conundrum for the commission. The amendments in the Bill will go towards clearing up that anomaly.

I attribute no blame to the drafters of the original legislation that that problem was not foreseen at the time because of the wide spectrum of events in the work injury legislation. It was inevitable that a few obscure points would be overlooked. The Bill covers those points.

The Bill also gives physiotherapists the right to issue continuing certificates of incapacity. The Treasurer was somewhat misleading, at least in his second-reading speech, when he referred to giving physiotherapists the right to issue certificates. On a bald reading, that seemed to me and to others, to include the issue of commencing certificates. The Bill does not do that, it alludes only to continuing certificates. That is a right that physiotherapists are fully entitled to.

The matter of whether chiropractors should have the right to issue commencing certificates is one that I pursued at length when the principal Act was being debated during that special sitting last year prior to the Nunawading Province by-election when the

Government was taking advantage of a temporary aberration of numbers in this place to force the legislation through. At that time I moved that chiropractors be given the right under section 103 to issue commencing certificates. That amendment was supported by the Opposition and, on a 20–20 vote in Committee, you, Mr Acting President, in your capacity as Chairman, used your casting vote in favour of the Noes. My amendment was lost.

Since that time, chiropractors have expressed to the Treasurer and to honourable members their disappointment and concern about what they consider to be an injustice and slight upon their profession. The Treasurer has been less than forthcoming in his replies to the chiropractors' association.

To some extent, he treated them with disdain by refusing to receive a deputation from them to discuss the matter. I had prepared an amendment which would have restored to chiropractors the right which was wrongly denied them under the principal Act. However, bearing in mind that another place has seen fit to treat this House with contempt and has adjourned for the winter recess, the result of this House carrying the amendment today would be that the proposed legislation would not be proclaimed until some time in the spring when the other place deigned to consider it.

I am not prepared to take that action on the Bill because some of its provisions need to come into operation as soon as possible. Consequent upon that set of circumstances, I had discussions and negotiations with the Treasurer at about 1 a.m. today. I received an undertaking that the Treasurer will receive a deputation of chiropractors that I shall lead to discuss the issue with a view to having the right to issue commencement certificates restored to them.

The Treasurer informed me that it will be necessary to bring legislation before the House in the spring sessional period after the major review of the first twelve months of the operation of WorkCare. In my discussions with the Treasurer last evening I detected a deal of resistance to the proposition in that he claims insurance companies are reluctant to accept certificates issued by chiropractors. Chiropractors were able to answer that query easily and well, and have written to the insurance companies. Except for one or two minor quibbles, there has been no difficulties in that regard.

The Treasurer also claimed that employer associations are opposed to chiropractors issuing commencement certificates because they believe that may lead to added costs. Not one of the employer associations has contacted me and put forward that view. Bearing in mind the wide publicity my amendments attracted last July, and the likelihood that I could persist if given the opportunity, one would have thought the employer associations would have contacted me if they perceived this to be a significant issue; obviously they do not.

The Hamer Government gave chiroporactors that right in 1979 and enshrined it in legislation at the time. However, it was removed in 1984, almost by stealth at the time. It was an unfortunate event and justice ought to be done to chiropractors. I should like the Minister handling the Bill to confirm the undertaking given to me by the Treasurer last night that he will receive a deputation at an early date to pursue the issue.

Other anomalies that are not overcome by the Bill require attention by the Government, particularly the situations applying along the border. Problems have arisen with group apprenticeship schemes, particularly in Albury/Wodonga and even Shepparton, where the impact of the border is not a problem. The problem is whether apprentices working in group apprenticeship schemes are covered by compensation and who shall pay the first five days loss of earnings and $250 in medical expenses.

Mr Graham Clough of Wodonga, manager of the North East Group Apprenticeship Scheme Ltd, has gone to some trouble to resolve the issue. I am told that the issue appears to be satisfactorily resolved at present, but there seems to be doubt about the legality

involved. I hope the amendment that will be made in the spring sessional period will clarify that issue.

The other situation that needs to be examined is of employees who, on occasion, undertake work across the border. For example, a signwriter in Wodonga may undertake work across the border in Albury. It may involve two days a week on a fairly regular basis but working only as the work becomes available; not on a structured basis. I have had a number of telephone discussions with representatives of the Accident Compensation Commission. I attended the main office of the commission a couple of weeks ago to discuss the issue and received assurances that those people are covered.

I do not dispute that they are covered by the Victorian legislation for 80 per cent of average weekly earnings, but I point out that the same provision does not apply in New South Wales, where 100 per cent of average weekly earnings is required by law to be paid in compensation. The Accident Compensation Commission has added a proviso and said to employers that, to cover themselves against common law and lump sum claims, they ought to take out insurance policies in New South Wales to cover claims by employees who are injured in New South Wales and sue for lump sum payments.

None of the insurance companies to whom I have spoken or been able to locate is prepared to issue such a policy because the premium required to be paid is out of proportion to the risk involved because the Government has denied the right of private insurers to be involved in the workers compensation market. In the past insurance companies may have been prepared to carry that sort of risk for a nominal premium because they were generating large premium income from workers compensation day-to-day injury insurance policies. However, they are now denied that premium income and are not prepared to provide a charity service.

This situation is particularly applicable along the River Murray region where there are large towns on the Victorian side with employees who regularly work in New South Wales. I do not want the situation to develop in which a small businessman in Wodonga is sent to the wall by a lump sum workers compensation award under a New South Wales Act, because he is not covered by WorkCare when, to all intents and purposes, he is a Victorian employer with employees working in Victoria, who on occasion happen to work across the border.

I do not pretend for one moment that it is a simple matter. It must be addressed, and I do not believe it has been adequately addressed to date. Finally, I endorse Mr Guest's remarks on fraud. In the workers compensation area, as with motor accident cases and the like, a degree of fraud occurs. It is not easy to arrest. However, I am all in favour of the use of modern technology to apprehend people who are bludging on the rest of the community. I have no objection to the use of tape-recorders, films and the like if they will elucidate the facts. Provided I receive confirmation of the undertaking I have received from the Treasurer about chiropractors, I do not propose to proceed with my foreshadowed amendment in the Committee stage.

The motion was agreed to.

The Bill was read a second time and committed.

Clause 1 was agreed to.

Clause 2

The Hon. D. R. WHITE (Minister for Health)—During the course of the second-reading debate, Mr Baxter raised a number of issues relating to assurances he had obtained from the Treasurer regarding a deputation from chiropractors. I am pleased to be able to say that the Treasurer looks forward to receiving that deputation from him in the near future.

Obviously any matters arising from the deputation that become the subject of any subsequent changes to the Act will be taken into account, coinciding with the forshadowed review of the legislation.

The clause was agreed to.

Clause 3

The Hon. J. V. C. GUEST (Monash Province)—The Opposition wishes to direct attention to a drafting problem. Normally when there is a provision one cannot understand, one suspects that something is very wrong and that it has been inserted for some ulterior motive.

The Opposition would like an assurance that there is a real purpose and meaning to this clause. In order to draw attention to the problems, I shall read the clause, which states:

After section 4 (1) of the Accident Compensation Act 1985 insert—

"(1A) Sub-section (1) does not affect the application of Parts I and III where it is necessary for those provisions to apply to or in respect of an injury to a worker arising out of or in the course of employment before the appointed day.".

What are the criteria for the necessity of "those provisions" being applied? Does "necessary" mean "required by the context" or "a matter of necessary implication"? If so, the clause would be redundant because it does not add anything beyond what is implicit in any event. If it does not relate to the principles for construing the meaning of the Act, as a matter of language, what criterion has been used to decide the "necessity" of applying those provisions?

In the opinion of members of the Opposition who have considered the matter, the provision is nonsensical.

The clause was agreed to.

Clause 4

The Hon. J. V. C. GUEST (Monash Province)—The Opposition supports the details of the provision covering a contractor who is deemed to be an employer. It limits the levy base to remuneration for work done, that is, it excludes remuneration, for example, for the hire of plant which might be provided by the contractor. The Opposition supports that provision.

In general, and as a matter of principle, the Opposition does not agree that contractors should be deemed to be employees. The Opposition finds that prima facie objectionable. However, this provision has been negotiated between the Victorian Sawmillers Association and the Accident Compensation Commission though other employers may have some reservations about it.

I seek leave to incorporate in *Hansard* a letter dated 19 March this year from Mr Jim Clark, General Manager, Agency Operations—Premiums, Accident Compensation Commission, to the Victorian Sawmillers Association.

Leave was granted, and the letter was as follows:

I refer to the discussions which have taken place between yourself, Garry Sebo and myself in relation to bush contractors.

The system which you put to us was as follows:

Fall and Snig

1. In the case of an incorporated logging company where the principal is actively engaged in the work he would be an employee of his company, which is required to register with WorkCare, and

2. If a partnership existed the working contractor or contractors in the partnership would be deemed to be employees of the sawmiller with the rate of premium payable calculated on the award rate for the class of work plus 25 per cent. If in turn the partnership engaged other labour then they will also use the award rate plus 25 per cent to calculate the premium.

In the case of owner/drivers who spend only some of their time in the forest, the Association claims that they are clearly independent operators who, in the majority of cases, also work for "other employers" and "other industries", particularly in the wet period when the forest is closed by the Department of Conservation, Forests

and Lands. In the case of any employee of a cartage contractor driving a cartage contractor's truck delivering logs, the cartage contractor should register for WorkCare purposes and pay premium on his employee at award rate plus 25 per cent per truck driver.

After much discussion and after further consideration the Commission agrees to this system being used for a trial period.

For the record the Commission has three areas of concern:

Because levy will be paid on award wages plus 25 per cent, based on the number of hours worked per week, it is possible, even probable, that levy might be paid by a VSA member in respect of a period of time when a member contractor is working for another VSA member who is also paying levy. This could arise because the contractors work quite some distance from the sawmillers and are not under close supervision by the sawmillers.

It will be difficult for the Commission, through its agent, to audit the remuneration on which levy is paid, but the Association should be aware that the Commission intends to do a reconciliation of levy paid by all registered employers at the end of each financial year and this will be the case in respect of sawmillers and other employers in the timber industry.

On the question of owner/drivers, we believe that the best solution will be for the Commission to agree to accept an owner/driver as a worker for the purposes of WorkCare if he supplies a Statutory Declaration that he is not conducting an independent trade or business. If he is not prepared to supply a Declaration he will not obtain cover and the principal contractor will not be required to pay levy in respect of payments to him.

In conclusion, I would stress that this agreement is for a trial period and its continuance will depend on a satisfactory level of reporting of leviable remuneration being maintained throughout the industry.

The clause was agreed to.

Clause 5

The Hon. J. V. C. GUEST (Monash Province)—I move:

Clause 5, lines 31 to 32, omit paragraph (*b*).

The Government has got itself into a bit of a hole by allowing the Legislative Assembly to rise. The Opposition is stretching the point to give recognition ultimately to the fact that this is part of the administration of Government for which the Government is judged as a whole at general elections.

It is the Government which stands answerable at elections. The Opposition wants to do everything it can to co-operate with the Government to let it carry out its administrative functions. For that reason, we hope it is unnecessary to press this amendment.

However, the Opposition is concerned that the amendment proposed by the Government could be construed to include companies as well as contractors who are individuals or partners. Accordingly, it is my understanding that the Minister will confirm that when the next general set of amendments to the proposed legislation are undertaken it will be made explicitly clear that section 8 of the principal Act is not meant to apply to contractors that are companies, only to individuals and to partnerships.

The Hon. D. R. WHITE (Minister for Health)—The proposed amendment is not acceptable to the Government. The purpose of clause 5 (*b*) is to obtain consistency between sections 6 and 8 of the principal Act in relation to the words inserted by this sub-section, and the Government believes it is desirable that this be achieved.

Legal advice available to the Government indicates quite strongly that the effect of the amendments proposed in clause 5 would not be to extend the operation of section 8 of the principal Act to include contracts where the contractor is a company.

As emphasized in the second-reading speech, it is certainly the Government's intention that clause 5 should not have the effect of extending the operation of section 8 in that manner.

Accordingly, if the Bill achieves passage during the current sitting, the Government will agree, in the next general amendments to the Accident Compensation Act, to amend sections 6 and 8 of that Act to make it clear that those sections are not intended to apply where the contractor is a company.

The Hon. A. J. HUNT (South Eastern Province)—I take it to mean that the Government will administer it as if that principle applied now?

The Hon. D. R. WHITE (Minister for Health)—In so far as that is possible, that will occur.

The amendment was negatived and the clause was agreed to.

Clause 6

The Hon. J. V. C. GUEST (Monash Province)—The Treasurer said that the clause is a simple drafting measure to remove an expression which appears twice in the sub-section of the principal Act, that is, the expression, "in the course of a business carried on by that person". According to the Treasurer, that is redundant where it occurs the second time.

The Opposition naturally has some apprehension that the amendment to the Act will be taken by the courts as intending a change of the Act. It may be that the Treasurer's advisers were apprehensive that words which appear redundant would be given a meaning by the courts in accordance with the general principle that words should be taken to mean something; therefore, the redundant words were likely to distort the court's interpretation. It could, I suppose, work both ways.

I wish to have it on record that the Treasurer, as I have been instructed, gave an undertaking that the change—the amendment in clause 6—is not intended to change the meaning of the section in any way and that the words are being removed from section 9 (1) of the Act as a simple redundancy. That being so, I shall be content not to oppose the clause.

The clause was agreed to, as was clause 7.

Clause 8

The Hon. J. V. C. GUEST (Monash Province)—At present the clause allows the chairman or chief executive to be a director of the board of management of the Accident Compensation Commission. The Government desires to have both appointed. The Opposition's reaction to this is simply that it is symptomatic of the extensive duplication of functions and extension of bureacracy which is endemic in this Government.

However, that being the Labor way and because this is indeed part of the administration, for which the Government has to bear responsibility and answer to the people at the election, the Opposition will not oppose the clause.

The clause was agreed to, as were clauses 9 to 26.

Clause 27

The Hon. J. V. C. GUEST (Monash Province)—I have been instructed that the Treasurer agreed to give an undertaking that this provision will be used only to extend the period of interim levy rates—lower than that which would otherwise apply—in appropriate cases.

I do not know whether the Minister is in a position to repeat the undertaking that was mentioned by the Treasurer to the shadow Treasurer but we are content with the principle that what is alleged and not denied when appropriate opportunity arises is admitted.

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

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

EMERGENCY MANAGEMENT BILL

The debate (adjourned from the previous day) on the motion of the Hon. D. R. White (Minister for Health) for the second reading of this Bill was resumed.

The Hon. H. R. WARD (South Eastern Province)—I hope the passing of 24 hours has enabled a lot more common sense to come into the operation of the form of the proposed legislation than appeared to happen last night.

There is a long history in the growth and establishment of the Bill and, for some years, there has been a quiet organizing of voluntary groups and so on to provide more professional support than they had in the past. Serious problems arose as a result of the Ash Wednesday disaster and this created a great deal of concern in the operation of the whole of the State. Men like Neil Smith, assisted by the Honourable Bill Borthwick, a former Minister of the former Liberal Government, were able to sort out a number of problems that existed as a result of that terrible disaster. There were also some very helpful people in the community services organizations. We were able to see what could be done when people decided that there was a lot more at stake than some political fight.

Problems existed in the Maryborough district when some keen professional went into the area and made an enormous hash of things. He wanted to blame the voluntary organizations, and that was a pity. If that person had got out of the way, the problems would have been sorted out more easily.

The Bill was distributed rather late to a number of organizations. Subsequently, a number of amendments were slipped into the Bill about which I am sure the voluntary organizations know nothing. The public knows nothing about them.

I am sure that the clause in the Bill, with which I shall deal later, dealing with absolute emergencies, will not be accepted by the public. As I said, in the early part of the development of the Bill, consultation was minimal.

The Bill deals with the most sensitive matters and, besides the matters I have mentioned, generally there has been a remarkable attempt to achieve a good Bill. However, the Bill has been beaten by time. I notice that in clause 4 the definition of "emergency" identifies a number of emergencies and that the words "hijack, siege or riot" have been added as paragraph (*g*).

Clause 4 (3) states:

> This Act does not authorize the taking of measures to bring an industrial dispute to an end or to control civil disorders not being civil disorders resulting from, and occurring during the continuance of, a state of disaster declared. . . .

I think that is where the Bill has created a disaster itself.

I believe this provision should be omitted entirely because in emotional times unions have become quite anti-Australian and inhumane, and in times of states of emergency the country's national honour is at stake. The Government will need to say that the power shall exist, that industrial disputes shall end. It is a pity that that provision does not exist in this Bill.

Nevertheless, it still remains the best legislative measure to deal with states of emergency. I reiterate that the new provision was slipped into the Bill since it was originally distributed. It is not always the case that unions will declare themselves unprepared to help in states of emergency and I believe the majority will but some, as I mentioned, in the emotional state of the time, will become quite anti-Australian and inhumane, and Parliament has to take note of that situation. The Premier should not have allowed the unions to write their own provisions into the proposed legislation.

I have an interest in this measure because I am vice-chairman of the Red Cross organization. The Victorian branch gave a great deal of consideration to the measure in its preliminary stages and was able to propose suitable amendments to it. When dealing with volunteers one has the real difficulty of preparing legislation to cover them because they can always say that they are volunteers and are able to walk off the job, and that will be it.

The provision that causes concern is the register of volunteers and I shall be interested to learn from the Minister how that register will be undertaken because volunteers in a state of emergency move in to help and then move out. They are a mobile force. In the past, the Red Cross organization had a system of registration and of dealing with this great

mobile force of volunteers. There is also the question of how to handle insurance and compensation in the event of accidents.

As I said, most volunteer organizations believe the proposed legislation is a great attempt at achieving something that might be near impossible. They believe they have learnt from the problems of Ash Wednesday and the shemozzle that occurred in the Maryborough district and they seek most earnestly to have the regulations distributed widely to the major volunteer organizations involved in emergency legislation, because that is the point at which problems exist and at which the most sensitivity in dealing with people is centred.

I seek from the Minister an assurance that volunteer organizations will have the opportunity of receiving regulations and perusing them. It is perhaps too much to say that the regulations should be tabled in Parliament for general discussion by Parliament. Perhaps they can be tabled in Parliament in any event, but I believe organizations involved in emergency management should be able to sight the regulations and have the chance of input.

Finally, I again seek to have the provision on industrial disputes removed from the measure. I have sympathy for the situation of unions and the emotions that arise on matters outside a case of emergency but I believe the interests of unions and the sorting out of hospital disputes, of transport disputes and all those sorts of things that might be occurring before an emergency should be set aside during the emergency with the idea of everyone fighting for the honour of the nation in its emergency. Those problems should be put aside until after the emergency. It is a bit hard to say that it ought to be done but in the interests of the legislation I say that it can be done.

The proposed measure is an excellent attempt to achieve almost the impossible, and I wish the Bill well and I hope that volunteer organizations will be provided with those regulations.

The Hon. R. S. de FEGELY (Ballarat Province)—The suggestion was made yesterday that perhaps the Liberal Party and the National Party were not concerned about anything that happens within the metropolitan area but were concerned only with what happens in country areas and, in particular, about country fires. I assure the House that this is not the case. I was a member of the Liberal Party committee involved in formulating policy on the proposed legislation. Members of the Liberal Party are deeply concerned about what may happen in the metropolitan area and we are extremely aware of the need to be thoroughly prepared.

Mr Crawford referred to problems in the outer metropolitan area of fires being fought by both the Country Fire Authority and the Metropolitan Fire Brigade. Certainly, in the past there has been some conflict on regional boundaries between the two administrations. I sincerely hope in the future the Bill will assist in resolving these problems.

I was a member of the Country Fire Authority for 40 years and I am aware of the antagonism among personnel and volunteers over the past two or three years which, unfortunately, was stirred up by the Minister for Police and Emergency Services through his incompetence and suggestion that the two fire services should be amalgamated.

An amalgamation of a paid force and a volunteer force is just not practical. All honourable members are aware that the country fire services believed they were to be taken over in an amalgamation and I am sure honourable members will understand that the Country Fire Authority, which has served Victoria so well over the years, was indeed most concerned and honourable members will understand why it was concerned.

The Liberal Party had some problems in sorting out who should be the Co-ordinator in Chief, as Mr Reid mentioned last night. There was a strong feeling that the position should be held by the Chief Commissioner of Police. Members of the Liberal Party agonized over that issue and finally decided that the Co-ordinator in Chief should be the Minister, for one reason only: it provided a channel into Government. The Liberal Party is aware of

the Minister for Police and Emergency Services' incompetence during the Ash Wednesday bush fires and during the Maryborough bush fires. I do not hold that personally against the Minister because I believe those situations require experience.

The Minister is not experienced in that area and I do not blame him for not fully understanding the problems associated with bush fires. Those who live in the country understand that the area is specialized and needs to be run and organized by people who thoroughly understand it.

That is why we were concerned, as Mr Reid mentioned last night, that an inexperienced person may again be appointed to that position and, therefore, would not be in the best position to provide the best service and direction.

The Liberal Party agrees with the Bill, even though it would like a couple of areas changed. Provided it gets an assurance from the Minister that this will be possible, a satisfactory arrangement can be achieved.

The motion was agreed to.

The Bill was read a second time and committed.

Clauses 1 to 3 were agreed to.

Clause 4

The Hon. W. R. BAXTER (North Eastern Province)—The amendments I had proposed to clause 4 have been circulated. The first deals with the definition of "emergency". Honourable members will recall that during the second-reading debate last night I expressed concern that the definition is far too wide and could include a number of events that should not be considered emergencies. That is not the intent of the measure.

Since circulating the amendment I have had discussions with a number of officers of the Minister's department and other persons. I have decided that my amendment is also not satisfactory in that, if it were inserted in the Bill, it could lead to confusion or dispute about whether a particular event comes within the definition of an emergency as proposed in the amendment.

For example, in the case of a chemical leak there is no way of knowing in the first instance whether it is major or minor. I should not want to introduce any ground for argument between the various agencies about whether the chemical leak was an emergency within the definition in the Emergency Management Bill. If there were a chemical leak, particularly in the province Mr Crawford represents, it would need to be dealt with expeditiously and without any room for conflict between the various agencies. That does not mean that I am happy with the definition of emergency as provided in the Bill.

I have had discussions today with the Minister for Police and Emergency Services and I have received an undertaking from him in a letter to the Leader of the National Party in another place, which states:

> ... I would be prepared to give this undertaking that the Government would introduce the amendments proposed by the Honourable W. R. Baxter in the form of Government amending legislation in the coming spring session. Part of this undertaking would include a review of the definition of an emergency as outlined in our discussions.

Having received that undertaking in writing and appreciating the difficulty my proposed amendment would pose, I will not move it or the three subsequent amendments.

The Hon. F. J. GRANTER (Central Highlands Province)—When I read the Bill I wondered why rail accidents had not been categorized under the definition of an emergency. I take it that they would come under paragraph (*d*) of the definition of emergency, which includes a road accident or any other accident.

During the second-reading debate, Mr Murphy mentioned air accidents. I appreciate that there must be a reason why they are not categorized, but when one recalls the rail

accident at Violet Town some years ago, one realizes that it was a real exercise in a State emergency and all services were involved. I should have thought that rail accidents would be in a category of their own. I note that in another place an amendment was made to that definition and paragraph (*g*) was included, which provided for a hijack, siege or riot.

The CHAIRMAN (the Hon. G. A. Sgro)—Order! Is Mr Granter moving his amendment No. 1?

The Hon. F. J. GRANTER—Mr Chairman, I was first speaking to the definitions in clause 1. I shall now move:

1. Clause 4, page 3, sub-clause (3), omit this sub-clause.

When this sub-clause was included in the Bill in another place, it came as a surprise to members of the Opposition, who did not have the opportunity of considering it during their normal meeting time but they have had an opportunity of considering it today and have decided that it is against the party's philosophy.

We seek from the Minister an undertaking that the amendment suggested by the Opposition will be considered and, in the spirit in which the amendment is moved, we will consider the Minister's reply.

The Hon. J. E. KIRNER (Minister for Conservation, Forests and Lands)—I thank Mr Baxter for his response and his willingness to negotiate on ensuring that, in the future, there is consensus on what is an important Bill to Victorians living in the cities and the country.

I listened carefully to the comments of Mr Granter and I indicate that the Government is prepared to review the substance of the Liberal Party's amendments in the general sense and to administer the Bill in accordance with the spirit of those amendments. That assurance cannot go into the absolute detail of the wording, but the Government will endeavour to produce a form of words incorporated in the Bill that is mutually satisfactory to the Government, the opposition parties, the volunteer organizations to which Mr Ward referred and all the organizations that have been involved in the development of the Bill.

The Hon. F. J. GRANTER (Central Highlands)—The Opposition is pleased to receive the undertaking given by the Minister. In the spirit of negotiation that has taken place between myself and the Leader of the Government, the Opposition accepts the undertaking. I point out that, in a similar situation, the Liberal Party would not propose such a provision.

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

Clause 7

The Hon. W. R. BAXTER (North Eastern Province)—I am extremely concerned about the words "any other person" in the clause. The clause empowers the Co-ordinator in Chief to delegate to the Deputy Co-ordinator in Chief who, due to an amendment made in the other place, will be the Chief Commissioner of Police. The National Party has no objection to that. However, the words "any other person" concern me and I do not want authority delegated to a relatively junior officer. I do not expect that would happen, but I would prefer that those words were removed from the Bill.

I understand the Opposition in the other place had an amendment to propose regarding this clause, but was unable to move it due to the Government's guillotining of the Bill.

The Hon. N. B. REID (Bendigo Province)—I support the comments made by Mr Baxter. One reason for having the Chief Commissioner of Police as the Deputy Co-ordinator in Chief is so that he will have the power to delegate through the ranks of the officers of the Victoria Police Force. I am also concerned about the reference to "any other person", and I ask the Minister to explain briefly that reference.

The Hon. J. E. KIRNER (Minister for Conservation, Forests and Lands)—I take on board the points made by Mr Baxter and Mr Reid and shall convey them to the Minister for Police and Emergency Services. There may be times, especially on the first day of an emergency, when powers have to be delegated to someone other than the Deputy Co-ordinator in Chief. That is the intention of the clause. In the spirit of negotiation, a satisfactory form of wording will be agreeable. I thank the Opposition for the spirit of negotiation.

The clause was agreed to, as were clauses 8 to 15.

Clause 16

The Hon. F. J. GRANTER (Central Highlands Province)—Clause 16 (1) refers to "the co-ordinator". I ask the Minister whether that should read "the State Co-ordinator" or "Co-ordinator in Chief". This matter could be taken on board and referred to the Minister for Police and Emergency Services.

The Hon. J. E. KIRNER (Minister for Conservation, Forests and Lands)—The matter raised by Mr Granter is referred to in clause 13 and refers to the State Co-ordinator or a regional co-ordinator.

The clause was agreed to, as were clauses 17 to 25.

Clause 26

The Hon. F. J. GRANTER (Central Highlands Province)—I move:

2. Clause 26, after sub-clause (2) insert—

"(3) This section does not apply to a person registered for or entitled to compensation under Part III of the Victoria State Emergency Service Act 1981 or Part V of the Country Fire Authority Act 1958.

(4) If the operation of Part III of the Victoria State Emergency Act 1981 or Part V of the Country Fire Authority Act 1958 is suspended under section 24 (2) (*b*) a person registered for or entitled to compensation under those Acts shall be deemed to be registered under this section for the purposes of this Part and section 37.".

The Liberal Party believes the amendments will give added protection for the payment of compensation to volunteers. Volunteer organizations have approached the Liberal Party and made suggestions. I propose the amendment in the same spirit as I proposed the previous amendment.

The Hon. J. E. KIRNER (Minister for Conservation, Forests and Lands)—I accept the comments made by Mr Granter and respond to them in the same way as I responded to those made about the previous amendment. I assure Mr Granter that, during the spring sessional period, wording will be found to accommodate his concerns.

The amendment was negatived, and the clause was agreed to, as were clauses 27 to 35.

Clause 36

The Hon. F. J. GRANTER (Central Highlands Province)—I move:

3. Clause 36, after "36. A person" insert "who is not engaging in any activity as a member officer or volunteer worker of an agency performing a role or discharging a responsibility in accordance with DISPLAN".

I anticipate that the Minister will respond to this amendment in the same way as she responded to the previous amendments.

The Hon. J. E. KIRNER (Minister for Conservation, Forests and Lands)—The anticipation of Mr Granter is correct.

The amendment was negatived, and the clause was agreed to, as were clauses 37 and 38.

Clause 39

The Hon. F. J. GRANTER—I move:

4. Clause 39, after "39. The Governor in Council may" insert, "subject to the regulations being disallowed by Parliament,".

The amendment is moved in the same spirit as previous amendments, and I believe it will be replied to in the same way.

The Hon. J. E. KIRNER (Minister for Conservation, Forests and Lands)—If Mr Granter and I continue like this we shall be able to give each other's speeches. I am pleased to give the same assurances to Mr Granter on this amendment as I gave on the others and I thank him for his co-operation.

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

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

The Hon. J. E. KIRNER (Minister for Conservation, Forests and Lands)—I move:

That this Bill be now read a third time.

I wish to thank both Mr Baxter and Mr Granter and the Leaders of the two opposition parties for their willingness to work through this important Bill in a difficult situation. It would have been very difficult to administer this important Act over the next few months if the Government had had to move to another position.

I reassure honourable members that the Government will abide by what the Minister for Police and Emergency Services stated in the letter to Mr Baxter and the assurances that I gave to Mr Granter.

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

SUPPLY (1986–87, No. 1) BILL AND WORKS AND SERVICES (ANCILLARY PROVISIONS) BILL

The debates (adjourned from the previous day) on the motions of the Hon. D. R. White (Minister for Health) for the second reading of these Bills were resumed.

The Hon. R. S. de FEGELY (Ballarat Province)—I preface my remarks by saying that I made these notes before yesterday; in fact, I jotted them down earlier in the week. I say that for a specific reason. I did want to talk about the State debt and my concern about the direction in which State finances are heading.

These figures looked a good deal better than those which were presented by my Leader in the House, the Honourable Alan Hunt, which were absolutely frightening so far as the State is concerned. In which direction is the State and Federal Governments taking us with this burgeoning debt?

The Hon. R. J. Long—We are heading into bankruptcy!

The Hon. R. S. de FEGELY—I take up the interjection of my colleague. They are taking us into bankruptcy. This situation reminds me of a comment that was made prior to the last State election by the Leader of the Opposition, Mr Kennett, when he said the Australian economy was heading in much the same direction as is that in Argentina. He was rubbished by the press and by members of the Government for making that statement and it could well be—although he did not know it—that he was referring to Victoria because this State is heading in that direction. I have a young family and grandchildren as well, and it concerns me——

An Honourable Member—You can't have it both ways!

The Hon. R. S. de FEGELY—I believe that a 25-year-old person is young; they are young by my standards anyway!

It concerns me greatly in which direction this country is heading. When will this Government apply some restraint? We have heard a great deal about restraint but when will it begin? In fact, there is not much restraint in these Bills.

There has been approximately an 8 per cent rise in expenditure, which is equal to the rise of the consumer price index in Victoria, but that is so far above many of our competitors around the world. Both the Federal and State Treasurers have acknowledged that the growth of the economy in this country will slow down during 1986–87. It is difficult to understand when there are predictions of this kind that we are continuing to spend beyond our means.

I have been in business for many years and I have always been a believer in spending to promote growth. In that respect, I give both the State and Federal Governments some credit for tackling a difficult situation when they came to office by spending money in an endeavour to promote growth.

My argument is that in certain areas far too much of that money has been directed towards the public sector but, nevertheless, that did have some effect on the private sector as well. Why was it that once the economy was starting to roll with some industries moving into the profit zone and some people beginning to spend in the private sector, that we failed and we have not gone on with the job?

One of the problems is that Governments, unlike businesses, are not run by businessmen and, regrettably, the Labor Party in all spheres has not attracted sufficient businessmen and women within its ranks to give it a solid business background and an understanding of business.

Honourable members interjecting.

The Hon. R. S. de FEGELY—Those were the good days. The problem with Governments is that politicians tend to be nervous and there are factions that want to press for their own pet schemes and it depends on how strong they are as to whether they achieve their goals. One problem the Government has is that it has a strong left wing faction and also the union movement is strongly in control of both the State and Federal Governments.

Once the economy started to move, some economists within the Government started saying how well we were going. The Prime Minister, Mr Hawke, and the Premier and the Treasurer of the State were also saying how well we were going. Naturally the factions took notice and wanted a little bit of the action. As a consequence, pressure was applied and we have all seen what happened.

A whole array of taxes and increased charges have been inflicted on a diminishing business community. The Government is getting bigger and Government outlays make up 43 per cent of the gross domestic product. This has meant an increasing burden on the business community. The Federal Government tax package has inflicted severe restrictions on all Australians, but on business in particular.

The Hon. B. A. Murphy—What about the politicians?

The Hon. R. S. de FEGELY—Yes, even the politicians. The State Government should have been attacking the Federal Government over the tax package, because Victoria is the worst hit State. The fringe benefits tax has had an effect on the sale of cars. The motor industry indicators for April 1986 show a dramatic decrease in the sale of business cars and that is attributed to the recent Federal tax package.

I was pleased to read recently that the Premier attacked the Federal Government on this issue, but that should have occurred when the tax package was introduced from September last year.

Although the Government has got the economy going, it has more effectively scuttled its own schemes so that they have no chance of succeeding. The Federal tax package has cut business off at its ankles. The Federal Treasurer, having achieved that, is berating

industry for not reinvesting in business and equipment to improve employment opportunities or to take advantage of the Federal Government's economic achievements. The Federal Treasurer cannot have it both ways.

What has Victoria got to show for the debt that has been accumulated? What benefit has accrued to Victorians and what can they look forward to? How will the Government repay the taxpayers of Victoria in the long term? The benefits are not apparent to me and I doubt whether they are apparent to the wider community. The Government has amalgamated and reorganized a number of departments and this change of manpower, mostly in the top echelons of the Public Service, can be very costly. Honourable members are aware that 34 000 extra public servants have been appointed since the Labor Government came to office, to say nothing about the destruction of staff morale.

The transport system is in chaos. The best health system in Australia has been dismantled and there are huge waiting lists for elective surgery. I cannot lay all the blame on the Victorian Government, because a considerable proportion of those problems are due to Medicare. The education system is undergoing considerable change and many educationalists have grave doubts about where it is heading. Early retirement schemes have been implemented throughout the Public Service and especially in V/Line. Many V/Line employees were enticed out of the system with superannuation payments and then re-employed at a higher salary. That is the height of idiocy.

The rolling-stock of the transport system has been sold off and leased back. Mr Hunt provided the House with details of that yesterday. The Forests Commission has been absorbed into the Department of Conservation, Forests and Lands. The Soil Conservation Authority has suffered from a depletion of manpower at field level as has the former Lands Department.

Rural Victoria has lost court houses and is facing the threat of losing some one-man police stations, some schools and hospitals. I note that the Minister for Transport had discussions with the Federal Government about the deteriorating road system and I shall discuss that matter during the Committee stage. Rural people are faced with increasing fuel bills. How does the Treasurer justify the huge State debt and how does he intend to repay the taxpayers of Victoria?

The Hon. B. P. Dunn—What are your suggestions?

The Hon. R. S. de FEGELY—The Government should reduce the size of its bureaucracy. It should get off the backs of business and allow the innovators to do their jobs because, if they are able to do that they can get business going which in turn will create employment; but greed has prevented these people from succeeding. The Budget provides more of the same and will prove disastrous for the State in the long term.

SUPPLY (1986–87, No. 1) BILL

The PRESIDENT—Order! I shall deal with the Supply (1986–87, No. 1) Bill first. The question is:

That this Bill be now read a second time.

The motion was agreed to.

The Bill was read a second time, and it was ordered that it be committed later this day.

WORKS AND SERVICES (ANCILLARY PROVISIONS) BILL

The PRESIDENT—Order! I shall now deal with the Works and Services (Ancillary Provisions) Bill. The question is:

That this Bill be now read a second time.

The motion was agreed to.

The Bill was read a second time, and it was ordered that it be committed later this day.

SUPPLY (1986–87, No. 1) BILL

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

Clauses 1 to 3 were agreed to.

Clause 4

The CHAIRMAN (the Hon. G. A. Sgro)—Order! I inform honourable members that at this stage they may discuss the programs shown in the table which forms part of clause 4 and which appears at pages 3 to 9 of the Bill.

I ask honourable members to nominate the particular program or programs to which their remarks are directed.

The Hon. R. J. LONG (Gippsland Province)—I refer to Program No. 475 under the heading of "Industry, Technology and Resources". In particular, I refer to the actions of the State Electricity Commission of Victoria. I notice that in the financial year ended 30 June 1985, for the public authority dividend that the State Electricity Commission was asked to pay, the estimates were $126 million. That was reduced at the end of the year to $70 million.

The Auditor-General in his report stated that the main reason for the reduction was that the real cost of debt to the commission was greater than expected because of higher interest rates and the devaluation of the Australian dollar. In other words, the State Electricity Commission could not afford to pay that amount of money.

That has a bearing on a couple of problems in the Latrobe Valley, which I wish to relate to the Committee. The simplest way for me to illustrate it is by handing members a copy of a map illustrating the Minniedale Road area in Traralgon. The Loy Yang open cut is at the bottom of the page; it is not shown. The housing lots shown are roughly 45 kilometres north of the Loy Yang open cut. The Princes Highway bounds them on the north.

Honourable members will notice that all the land coloured in green in the area is owned by the State Electricity Commission and the lots not coloured are still owned by private landowners.

The problem that arises is simply this: there are about 100 housing lots in the area. The State Electricity Commission has bought 60 vacant lots and they also purchased another 16 houses; if a person went to purchase one of those blocks on the Minniedale Road and, upon looking around, was told that all the surrounding land was owned by the State Electricity Commission, would that person purchase land in that area? The answer is obviously, "No".

The problem is that this land is over coal and it is acting as a buffer zone. In 1978, guidelines were introduced to help these poor landowners, and I shall read just two of the guidelines: No. 1 was that land should be retained in private ownership and used for as long as practicable. This is quite a sensible guideline. Guideline No. 2 states:

> Where the owner of a property or residence has a genuine need to sell and is unable to do so, and/or is unable to obtain current market value for his assets, the SEC will provide such compensation as may be deemed appropriate by the Management Group within the Central Gippsland Brown Coal Working Committee where such matters will be treated as hardship cases.

That was further amplified in a letter dated 7 January 1982, written by the then Minister, the Honourable Digby Crozier, to Miss Callister. In that letter, Mr Crozier cites the joint Ministerial statement, and I shall read a small part of it:

> . . . In other cases within the SEC area where property owners could show hardship because they had a need to sell but were unable to do so at fair market value because of uncertainties in the market-place arising from the new controls, they could ask the SEC to purchase their properties. Prices in all areas would be calculated at full market values, uninfluenced by any reservation for coal winning.

Omitting part of the letter, it continues:

Most relevant to the issues mentioned in your letter are the following two guidelines, on the basis of which the commission presently deals with landowners who desire to sell their properties to it:

Guideline 1

"Land should be retained in private ownership and use for as long as practicable."

Guideline 2

"Where the owner of a property or residence has a genuine need to sell and is unable to do so, and/or is unable to obtain current market value for his assets, the SEC will provide such compensation as may be deemed appropriate by the Management Group within the Central Gippsland Brown Coal Working Committee where such matters will be treated as hardship cases."

Whilst the role of this Committee has now been totally assumed by the commission, the above guidelines, are still relevant to any purchase in a declared SEC IDO area.

Bearing in mind that there was a change in Government back in March 1982, on 5 May 1982 the State Electricity Commission, in a letter signed by the secretary, wrote to Mr Val Werner in Traralgon, in which the secretary reiterated the guidelines laid down and said, in effect, that as a result of discussions, it was agreed that provisions relating to hardship conditions be varied to the following extent:

An affected landowner in such locations would be required to place his property on the market for a period of three to four months at a realistic sale price as to ascertain the saleability or otherwise of his particular property.

. . . .

After either of such steps had been fulfilled and the owner was able to demonstrate a genuine inability to dispose of the subject property at current market value, then the commission would enter into negotiations with such an owner in the accepted role of a willing but not anxious purchaser, and in accordance with time-honoured procedures and attitudes attendant on any typical property sale and purchase.

The next document received in the Latrobe Valley was that famous one entitled *Victorian Brown Coal—The Next Step,* which states that a revised statement of planning policy No. 9 will be prepared by early 1985. Of course, we have been told for some time now that this will fix everything. Early 1985 has well and truly passed and the revised statement has not arrived.

The most amazing thing about this document is that it completely ignored the sort of people that I am talking about who own properties and cannot sell them. As I said earlier, in this buffer zone or in this area about which I am speaking, the commission has already purchased 60 vacant lots on the map. In addition to that, it has purchased sixteen houses on hardship grounds, leaving about eighteen houses. It is those eighteen houses about which I am speaking.

The most amazing thing that has happened is that since the document *Victoria. The Next Step* arrived on the scene, the commission has adopted the attitude that it will no longer be bound by the guidelines. In other words, the commission has changed its policy.

The poor owners of these eighteen houses have been left to rot. If the State Electricity Commission had adopted that consistent attitude, everything would have been all right; but I am informed that after the issue of *Victoria. The Next Step,* the commission purchased lots 7 and 13 on plan of sub-division 99685 on hardship grounds and then discovered that it had a way out because of what was contained in the document. The commission has consistently refused since then to purchase properties, even on hardship grounds.

Mr Werner has had his property on the market since last September and cannot get a buyer because his land is surrounded by commission land. Mr and Mrs Golcic, who own a property to the south of Mr Werner's property, put it up for auction and did not get a single bid. However, across the road to the north of the Princes Highway, and not far from the Golcic property, properties that were not land over coal or affected by any restrictions sold for $120 000 and $180 000. The Government should be condemned for allowing these people to be stuck with their properties and not offer any assistance.

The Government has only to obtain an Order in Council under section 23 of the Act and many of these difficulties would be overcome. If the commission were able to purchase lots 7 and 13 since the issue of *Victoria. The Next Step,* why does it not come to the party now and purchase the remaining properties?

There is another example in the Morwell area where a person who owns sub-divisional land cannot persuade the State Electricity Commission to purchase it. The argument revolves around appropriate zoning and the Shire of Morwell has determined that the most appropriate zoning for the land is residential. The Valuer-General has valued the property at more than $700 000 but the commission disputes that valuation and will negotiate only on the basis of a departmental plan which provides for eight 4-hectare lots, four 1-hectare residential lots and 32 cluster units for development. On that basis the commission has offered $432 500, which is almost $300 000 below the Valuer-General's value and that deadlock has continued since 1981.

There are many similar cases in Gippsland, especially in the Latrobe Valley where properties comprising land over coal are involved. I ask the Minister for Industry, Technology and Resources: is there any provision under Program No. 475 covering energy resources and conservation that will help these poor unfortunate people in the Latrobe Valley?

The Government goes to great lengths and crows loudly about assisting people who cannot pay their electricity accounts, and states that in the interests of justice those people should be assisted. Where is the justice for residents of the Latrobe Valley?

The Hon. R. I. KNOWLES (Ballarat Province)—I wish to refer to Programs Nos 182 to 187 under community services and, in passing, I shall mention Program No. 502 which relates to corporate services under local government.

I wish to raise problems involving Program No. 186 covering pre-school development. Concern has been expressed by people involved in this area about the precise future program of the Government. A number of reports have been made over the years, including the human services report and the early childhood development services report, but the Government has not responded to them other than to indicate its general agreement with their recommendations and to appoint other committees.

The latest report is of an interdepartmental committee examining various services, including the infant welfare service, the pre-school education service and other child care services. I understand that that committee has recently published a report, although my copy appears to be still in the mail! Many of the groups that have received a briefing on the report have rejected it because it does not address crucial issues.

Another aspect that has generated significant concern is that the Government has allowed something like six days for people to respond to it. That makes nonsense of the Government's constant claim of consultation with people likely to be affected by recommendations.

One of the crunch issues relates to the future structure for planning and delivery of services. The rhetoric of the Government indicates that it is committed to those services being planned and delivered at the local level. The Minister for Community Services, in answer to a question on what services the Government planned to transfer to local government, nominated these services as being ideally suited.

I refer the Committee to Program No. 502 under local government which refers to corporate services. The Supply Bill allocates $1·1 million to corporate services and the explanatory note states:

> The estimated amount required during Supply for program 502 reflects the expected activity of the Local Government Commission in consulting with local government and local communities as part of the review of municipal structures.

The Ballarat community would see that as being a waste of money. The Local Government Commission is going through the motions of consultation. It is clear that it has decided that there will be a significant restructure of local government in Ballarat. Local councils are being encouraged by the Government to amalgamate because that will provide the opportunity of transferring early childhood services to local government, and that will relieve the Government's financial obligations for the provision of those services.

Professionals working in the field have strong concerns about that strategy. Those people working in infant welfare and pre-school education services believe it will lead to the loss of the great strength of those two services.

The two areas about which overwhelming public response was received by the committee that conducted the review of early childhood services related to the two services I have mentioned. The responses showed enormous support for the continuation of those services under the present structure. However, that was ignored by the committee when it prepared its report, which simply recommended the amalgamation of a range of programs into a single generalized program and that the responsibility for that program should be transferred to local government for planning and delivery.

That recommendation would inevitably mean a combination of local government restructure and the transfer of those programs. The survival of these programs would be totally dependent on the capacity of the municipalities to increase rate revenue to fund the key services that have long been established as of real value to all Victorian families.

The other aspect of the community services allocation to which I specifically direct the attention of the Government relates to the Carney report, which was tabled early last year. At the time it was tabled the Minister said that the Government would introduce proposed legislation in the last sessional period and allow it to lie over for debate during this sessional period, which will conclude today. Not only did that not occur, but also we have reached the end of the autumn sessional period and the Government has still not produced the promised proposed legislation recommended by the Carney committee.

I seek from the Government some indication of its program in relation to that report, because it embraced all legislation covering children's services and contained a long list of recommendations for the future resourcing of those services, establishing priorities and identifying areas of need. I should have thought it was important that the Government respond to those specific issues before framing the Budget that will be presented in September.

The Opposition has made plain that it believes there is an urgent need for a reduction in Government expenditure. Mr Hunt spelt out clearly what is occurring and what will occur in the future in this State, taking into account the level of indebtedness and the rate at which it is growing. Therefore, it is critical that in all portfolios—and it is particularly essential in the community services area—that priorities be identified to ensure that the resources that are available are used to meet the most urgent needs rather than simply increasing expenditure across the board.

Those are the critical points I raise in this debate to convey to the Government the very genuine and widespread concerns held by all those who use and work in early childhood development services and the general question about the Government's response, or lack of it, to the recommendations of the Carney report, which related to child welfare generally.

The Hon. A. J. HUNT (South Eastern Province)—I desire to refer to Programs Nos. 381 to 389 relating to health. The Minister for Health will recall that on four occasions over recent weeks I have raised issues concerning the Angel of Mercy helicopter ambulance service based on the Mornington Peninsula and the desire of local residents to retain that service and its benefits and their willingness to meet the full cost of providing the service.

On the four occasions on which I raised the matter, the Minister—who is certainly in no way unsympathetic to the needs and requests of community groups—said that, in light

of the matters that had been raised, he was prepared to re-examine the issue if need and economics could be shown.

Therefore, I propose primarily to address my remarks to those two issues. However, before I do so, I believe there are two preliminary issues which are also important and which the Minister will need properly to take into account.

In a democratic community, in a community where the greatest possible emphasis is placed upon local initiative, enterprise and the right of self-determination, a very considerable emphasis needs to be placed on the views of the local community. Thus, if there are alternative means of achieving a result, unless costs are out of the question, other things being approximately equal, one should go with the local community and recognize local efforts and the local right of self-determination.

On that issue, there is not the slightest doubt that the people of the Mornington Peninsula, who pioneered support for a helicopter ambulance service and who value their local service greatly, want to retain the service. As I have said before, it is a favourite local charity. Other things being equal, or nearly so, great emphasis should be placed on that fact.

The second issue that should be taken into account is that Governments have a duty to support voluntary effort and that it is much more sensible for Governments to help those who help themselves than to try to do everything on their own. Governments cannot do everything, and one cannot possibly consider an ever-bigger public sector, which would, progressively, get rid of voluntary and charitable organizations and expect the community, through taxation, to meet increasing burdens as the Government sector expands.

Therefore, the second principle that I put forward is that where members of the public, acting for themselves, can do a job and are doing the job and paying for it, the Government should be very reluctant to intervene and substitute its own service for that provided on a voluntary basis. That spirit of voluntary effort needs to be fostered in the system rather than be in any way killed.

I put both of those factors as very powerful ones indeed in support of the retention of a local service, providing that need and economics can reasonably be shown—which are the two criteria that the Minister himself has emphasized. Those two criteria were conveyed to the local committee on Thursday evening of last week, following the Minister's comments in this House. Over the week-end the committee prepared a fresh submission, which I presented to the Minister on Tuesday of this week.

There is no intention to take the Minister by surprise or to play politics on this issue, which is much too important to the local community. I know that is not the Minister's intention, and it is certainly not mine.

The Minister has examined that submission in detail and I do not intend to take the time of the House to go through it in full. However, I want to deal with those two criteria that the Minister laid down.

On the question of need, in the thirteen years for which I have statistics the Angel of Mercy has made calls involving 2500 individuals. It has saved an unquantifiable number of lives and has saved many other people from the risk of serious injury and threat to life, limb or organ by its quickness of being on the site. That is the reason for the local support. That service is seen as a lifesaving agency.

The Minister's advisers have made some point of the fact that on occasion that helicopter ambulance service has been used for other than time-critical patients—a nice phrase that recurs again and again in the official reports. May I respectfully suggest to the Minister that that is a judgment made with the wisdom of hindsight. It is all very well to say after the event that if a man has a heart attack after falling down a cliff as well as receiving a broken leg it may be that conventional ambulance services could have done the job. To that man and to those around him, time is of the essence and it is a matter of urgency.

This helicopter ambulance operates in an area where road surfaces are not always sufficient. Apart from cliff face rescues, there have been rescues from ships or boats in one or other of the bays and there have been other cases where people have been taken from farm lands in winter when conventional ambulances would have had difficulty in collecting those patients. Patients have also been taken urgently from hospital to hospital.

The judgment of whether a case was time-critical does not answer the argument that at the time it appeared necessary for urgent attention. Many people and their families and friends believe their lives were saved by this ambulance service. Practically everyone who lives on the Mornington Peninsula knows of someone who has benefitted from that service. The need exists for that service and the need has been served. That is why the community has been prepared to pay the cost of that service. That need will not be fully met by a police helicopter ambulance service based at Essendon.

When it was proposed to relocate a new service to serve a wider area at Moorabbin, probably the majority of local people living on the peninsula were prepared reluctantly to accept that solution in the over-all interests of the total community. I say "with reluctance" because the relocation of the ambulance service further away at Essendon made the difference to their attitude. They are angry about it because it places the service further away in time and it is less likely to be readily available when called upon.

The new helicopter service will be predominantly devoted to police work. Admittedly, it will be available part of the time on a priority basis for ambulance work but it will service an area with thirteen times the population of the peninsula. I imagine that the population of central Melbourne is unlikely to require the services of a helicopter ambulance on many occasions. However, having regard to the fact that the service will cover a radius of 150 kilometres from the city, the helicopter must cover a wide area and it cannot readily be available in two or three places at the one time. The danger is that conflict of demands will be increased.

I turn to the question of economics and readily acknowledge that the Minister's advisers are seeking to adopt the solution that appears to them to be the most cost-effective for the community as a whole, if one assumes that the Government is meeting the full cost. I can understand their thinking that a sharing of facilities between police and ambulance services will assist in that way. However, the peninsula community is offering to meet the whole cost of the Mornington Peninsula ambulance service known as the Angel of Mercy.

They have been meeting the entire costs, other than the $35 000 per annum allocated in recent years. They are offering now to meet the whole cost at no charge to the Government. That will leave the police helicopter free to look after the remaining twelve-thirteenths of the population in the area it is proposed to serve and freer to look after police work at no extra cost whatever during the first three years and at a substantial saving thereafter.

Under the arrangement proposed to the Minister, for the first three years the ambulance service will meet 60 per cent of the capital cost of an expensive new police helicopter without paying any running expenses. Thereafter, the ambulance services of Victoria will be paying the police helicopter for the time spent in providing ambulance services. If that helicopter is not running to the Mornington Peninsula and if the local community is paying for a separate service, costs will be saved. The only cost to the Government would be the provision of an ambulance officer to accompany the service. However, three ambulance officers reside in the Hastings–Tyabb area and one could readily be stationed at a sub-station at the airfield at Tyabb without incurring any additional costs. That is the only cost that would be incurred by the Government.

My constituents are convinced that the Minister should look beyond the questions of need and economics to the local wishes, which are that what will happen will be a maintenance of local effort that should be fostered and will result in a more efficient service both to Melbourne and to the peninsula.

In the long run, it is a service that will be at vastly less cost to the Government. The community is furthermore convinced that the adoption of the approach it suggests will

maintain the voluntary effort on the peninsula, which we believe Governments should foster. If this generous offer is not accepted, at least a substantial part of the funding raised on the peninsula will be lost. It is on that basis and the further facts contained in the submission I presented to the Minister that we ask him to review the situation as a matter of urgency.

I note he has said today that he is willing to receive a deputation. I should be delighted to arrange the deputation. It is important that the deputation be received within the next fortnight, because the extended date of operation of the Angel of Mercy on the Mornington Peninsula expires on 30 June. There is no time to lose if fresh arrangements are to be made.

The Hon. D. R. WHITE (Minister for Health)—I look forward to receiving a deputation from the Leader of the Opposition concerning the Angel of Mercy. I shall be grateful if he will contact my office in that regard. In respect of the issue of need, it must be placed in the context that the Essendon service would serve a larger population than is served by the current Angel of Mercy service. There are additional costs associated with the Angel of Mercy service that have not been taken into account to date by the submissions. They relate to the cost of providing the right ambulance staff and an additional employee to maintain the Angel of Mercy.

There are also costs associated with the placement of the Angel of Mercy and its maintenance and I am not certain that those costs have been fully taken into account. The Government will closely examine the issue of need and the economics of the issue. I do not intend to respond formally to the Leader of the Opposition until such time as I have heard properly from the deputation. I look forward to hearing further from the Leader of the Opposition on the issue.

The Hon. R. S. de FEGELY (Ballarat Province)—I shall speak briefly on transport relating to rural and provincial city roads. I am concerned that there has been a considerable reduction in the funding allocation this year as opposed to last year. I have had many representations from councils and I have written to the Minister about reduced funding for rural Victorian roads. The policy the Government has adopted of reducing funds for rural roads that do not have a minimum load capacity of 200 vehicles a day will have a serious effect on the standard of roads in country Victoria.

Honourable members have often spoken in this Chamber about the problems of additional traffic and the heavier loads that are currently taking a severe toll on Victorian roads. I do not wish to go into that matter in depth, other than to say that it is having a serious effect on country roads. Unless action is taken quickly and sufficient funding is provided to maintain those roads, many of them will become impassable. In some areas of New South Wales where restructuring has taken place the majority of funds are now being spent in and around the areas that are more densely settled and roads in those areas that are distant from closely settled areas are deteriorating rapidly.

I instance a situation that occurred at the south entrance to Ballarat from Sebastapol, which is a major entrance point to Ballarat for traffic from Geelong, through Buninyong and along the road from Colac. That road carries a significant amount of traffic and at present it is the responsibility of the Sebastapol council to look after that major road—although it is not considered a major road by the Road Construction Authority.

A set of traffic lights has been connected, but the installation of the lights has been delayed due to a lack of funds. Regrettably, a fatality occurred at that intersection three weeks ago, something that residents have feared for a considerable time. There will be many more cases like that if country roads are not given an injection of funds. Many of them are not used only by country people, people move around the State a great deal and our roads are used by many more than local residents. Therefore, rural road funding is a State responsibility.

I understand that the Federal Government is putting money into bicentennial road projects but that the Federal Budget has reduced grants to municipalities for maintaining

country roads. The further reductions in State Government funding will cause a serious deterioration in the condition of country roads. I am sure people will be extremely disappointed when a huge increase of $60 million for the transport budget is being spent on the rail system which, to my way of thinking, is spending good money after bad. I implore the Minister to consider the funding of rural and provincial city roads in order at least to maintain them in a reasonable condition.

The Hon. J. G. MILES (Templestowe Province)—I refer to community welfare services on page 18. I raise a question with the Minister for Health concerning community welfare services, particularly in the Doncaster and Templestowe areas. There is a proposal in the area to build an elderly citizens' accommodation centre at 371 Manningham Road Doncaster, in front of the existing day-care centre and nursing home. There is strong support for the proposal, which was put forward in 1985, by the local council and concerned citizens. Apparently, a recent Government press release indicated that 371 Manningham Road would be used for an ambulance training centre instead of the proposed elderly citizens' accommodation centre.

I understand that no community consultation has occurred on the matter and that the local community is not happy about the ambulance training centre proposal, as the local community is already working towards an elderly citizens' accommodation unit. It has also been suggested that the elderly citizens' centre or the ambulance centre could perhaps use the Ayr Street primary school site that closed down recently, to which I referred the other day. The council has suggested that the elderly citizens' centre may be placed where the ambulance centre is proposed. In any case there is some local community concern because they want the elderly citizens' accommodation centre to be located at Manningham Road as proposed and accepted last year.

I ask the Minister to indicate whether the Government will support the apparent community opinion on this matter. I ask whether a final decision has been made as to whether the ambulance training centre should be located at that site and, if that decision has been made, will the Minister reconsider the decision with a view to establishing the elderly citizens' accommodation at 371 Manningham Road?

The Hon. D. R. WHITE (Minister for Health)—I am happy to examine the issue Mr Miles has raised. It is a matter that his colleague, Mr Arnold, has also brought to my attention. It is true that the ambulance service training facilities in East Melbourne are clearly inadequate and that for some time the site that Mr Miles referred to has been considered. I look forward to following up the issue and reporting to him in due course.

The Hon. REG MACEY (Monash Province)—I wish to raise a matter under Program No. 693 dealing with metropolitan road facilities and Program No. 694 dealing with rural, provincial and city road facilities. I refer to the West Gate Freeway and its proposed completion.

Prior to the 1985 State elections the completion of the freeway received major prominence in Labor Party publications. In a policy document issued in December 1984 the Government indicated that the completion of the West Gate Freeway was in the top three of its road construction priorities to enhance the metropolitan focus of the City of Melbourne, which has many beautiful attractions such as Port Phillip Bay and so on.

When I campaigned during the last State election many people I spoke to were in favour of the Government's expressed intention to complete the freeway. However, the Government has deferred its decision to complete the second carriageway of the freeway. The Minister for Transport in another place has made a statement to the press that only the northern carriageway will be completed.

He said that the freeway will not operate as a four-lane one-way carriageway with an emergency stopping lane, it will operate as a two-lane each-way freeway without a dividing strip. The completion of the freeway will not be considered until much later because the Minister has been quoted as stating that it will not be needed until the mid-1990s.

In dealing with an expenditure of the order required for the completion of the freeway, as with any budget, priorities have to be considered. The Parliamentary Secretary of the Cabinet was in a conducted inspection tour, in company with myself and other honourable members, of the West Gate Freeway a few months ago. On that occasion he expressed the view that the $30 million required to complete the freeway would be better spent in his electorate of Werribee completing unmade or only partially made roads.

One can understand a local member putting forward such a proposition, but the West Gate Freeway is a much more significant facility than a local road. Indeed, the residents of Werribee will benefit from the completion of that freeway.

I refer to a report prepared by TTM Consulting Pty Ltd, which is an independent transport and traffic firm of 663 Spring Street, Abbotsford. In April this year that firm conducted an assessment of the consequences of completing only the northern carriageway, and converting it to a two-lane each-way carriageway instead of a single-direction freeway. To say the least, many of the facts that emerge in that study are alarming.

One is talking of a 3-kilometre road, 1·5 kilometres of which will be elevated without an emergency ramp. In a sense, it is a mini West Gate Bridge. TTM Consulting Pty Ltd prepared an analysis of the safety consequences of converting that freeway to an elevated arterial road with a two-way carriageway.

The report indicates that in the event of a major accident which stopped traffic flow, the quickest route for an emergency vehicle would be up the wrong side of the four-lane road. Probably the most serious circumstances would arise in the event of an accident causing a partial obstruction which eliminated this access due to continuing but slow traffic flow past the obstruction. It can be seen that in the event of the two centre lanes being obstructed in the event of a head-on accident in a heavy traffic period, it would take considerable time before an emergency vehicle would reach the location. This is the worst case in terms of elapsed time before emergency services could attend to the situation.

The report stated that approximately 35 per cent of week-end traffic occurs in peak periods of the day and 85 per cent of weekly traffic occurs on week days. There is at least a one-in-five probability that an obstruction would occur in any single peak traffic period. The report indicates that the freeway will not be a comfortable facility in terms of attracting motorists and that there is a technical classification for arterial roads called Level of Service C. The Level of Service C is when motorists are restricted in terms of overtaking and choosing speeds in peak periods. It is an appropriate urban objective for design purposes.

The report indicates that when the northern carriageway—the only one that the Government has indicated it will complete—opens, that arterial road will be at a Level of Service C because 47 500 vehicles a day will use it immediately. If it exceeds that level, flow will become unstable and comfort and convenience could be described as low.

Is it any wonder that the residents in the bayside suburbs are extremely concerned about this decision by the Government? In economic terms one is looking at an expenditure of $11 million in each of the next two years and approximately $8 million in the third year to complete the total freeway. Otherwise $130 million will have to be spent in completing only half of the freeway—hardly a sensible decision in terms of cost benefits!

The total transport budget is $2500 million, of which $11 million is not a significant figure. There are sufficient arguments to persuade the Government that a reallocation of priorities should be given the major benefits that this facility will provide for the community.

It will also fit in with what many people believe was the Government's genuine endeavour to do something about enhancing and protecting one of Melbourne's major recreational assets—our bayside beaches.

The Hon. ROSEMARY VARTY (Nunawading Province)—I refer to Programs Nos 682 to 696 dealing with transport. I shall establish the link between these items and the accumulated deficits in the transport area. In attempting to establish the veracity of the figures, it is necessary to examine the comparative figures over a number of years. However, the real problem is that it is almost impossible to obtain accurate comparative figures because one faces a continual smokescreen as the Government attempts to hide the real situation.

Interestingly enough the Opposition is not the only party trying to find out this information. At page 119 of the second report of the Auditor-General for the year 1984–85, he states:

> Problems are associated with accounting procedures for recording transactions between the authorities and the public account. The Ministry of Transport and the Department of Management and Budget need to consult with the authorities to standardize the manner in which the transactions are reported.

The position since then has not changed. Every auditor of the department has been told that discussions are taking place. Is that not marvellous? How can one possibly establish the veracity of the figures in the Supply Bill?

In an excellent speech last night, Mr Hunt highlighted the alarming growth in public sector liabilities. He revealed that the debt in the public sector had increased from $15·8 billion in January 1982 to $35 billion this financial year. What was the Government's response? The Treasurer said that the liability would be less than $20 billion. In other words, he admitted that the figures already produced were very close to being right.

I shall elaborate about some of the problems encountered when I attempted to make a comparison of the deficits and surpluses in the transport area. To do so, I examined the annual reports of the various public transport authorities, which I assumed, would be a valuable and reliable source of data.

However, it proved to be impossible to reconcile the figures in those reports with the Auditor-General's report, the Budget Papers or the programs in the Budget documents. It seems that the annual returns are presented on an accrual basis and not on a cash basis as is the practice elsewhere in the Victorian public sector. The problem is further compounded by the 1983–84 restructure in the transport area.

There were other hurdles along the way. The Liberal Party encountered all these difficulties and problems; it goes without saying that the Government must encounter them also, and that is even more alarming, because the Liberal Party was able to demonstrate that the deficit in the transport sector in 1981–82 was $482 million but by 1984–85 that had blown out to $2·3 billion, an increase of 540 per cent. Against that, the consumer price index increase for that period was 4·5 per cent. On a yearly basis, in 1982–83 there was a deficit of 125·7 per cent against the consumer price index increase of 11·2 per cent; in 1983–84 there was an increase in the deficit of 108·3 per cent against the consumer price index increase of 7·6 per cent; it improved in 1984–85 but, as there were all sorts of other changes in methods of accounting, those figures were completely inaccurate.

These figures are an indictment on the Government and on the transport system, which is grinding to a halt. Two prominent private sector people made statements that were reported in the *Herald* today about what they call the great rail disaster. Mr Hugh Morgan, when talking of the transport system, said that there was no commitment, no competition and no sense of urgency, all of which are absolutely essential if the system and its contribution to Australia are to work. Mr Bob Ansett said that perhaps the only thing to be done is for the system to be shut down for a year or even more. He said, "We just cannot afford to let it continue as it is."

That is an indictment on the Minister for Transport and a measure of his incompetence because he is unable to keep the system on the rails; and it is an indictment on the Government, which has put up a smokescreen in the figures to hide the extent of the scandalous blow-out of the deficit.

The Hon. G. P. CONNARD (Higinbotham Province)—It is an absolute disgrace that Parliament, on the last day of the autumn sessional period, should be debating the very important issues contained in these Bills in such a manner that members of Parliament are unable to contribute fully to the debate to express their concerns.

I refer, firstly, to Parliamentary committees. In a recent edition of the *Parliamentarian* which is the journal of the Parliaments of the Commonwealth, Dr Coghill referred to the formation of Parliamentary committees and stated that they have given Parliament a greatly enhanced chance to increase accountability in the public administration of the State.

I give the lie to that statement. I am a member of the Economic and Budget Review Committee which, since the last election, has been examining areas of waste in Government administration throughout the State. The committee formed a sub-committee on this issue, yet every reference brought to the Government is frustrated by the Government endeavouring to avoid any discussion on public waste in Government administration.

All the references to the Economic and Budget Review Committee and other Parliamentary committees can be made by Parliament, the Governor in Council and the committee itself.

Honourable members will recollect that on two or three occasions last year Parliament referred the matter of superannuation to the Economic and Budget Review Committee. However, it did not then have to provide any money for the committee to attend to that reference. The only way in which Parliamentary committees can attract and carry out efficient work is by having references from the Governor in Council because they do not have sufficient funds to develop the references themselves. My colleague in another place, the honourable member for Prahran, attempted to establish a public waste committee. His desire was not to run it like the Grace committee but to identify the need in this State for a committee such as the Grace committee. We are frustrated by the Government because it does not provide sufficient funds and because it establishes the rules so that the committees cannot investigate references made to them.

The Committee may recall that this time last year during the debate on Supply, I directed the attention of honourable members to the five divisions of the Parliament that concerned me. I was encouraged by many honourable members to develop my ideas and have a committee examine them. I did that with the help of some colleagues. I received the full approval of the Economic and Budget Review Committee to develop that reference but, because it would involve a substantial amount of money, the committee decided that it would be a waste of time to develop the reference and to run with it.

We requested the Treasurer, Deputy Premier and Premier to examine the reference with a view to referring it to the Governor in Council. Much to the shame of the Premier, today I received a letter from him refusing the wish of the committee to develop that reference for both fiscal and tenuous legal reasons. I should like the Minister who is the representative of the Treasurer in this place to take up the matter with the Treasurer so that he may seriously consider providing sufficient funds to finance the committee's investigation of this reference. The committees are not responsible to the Executive; they are responsible to Parliament. That basic principle should be understood by all honourable members.

The second issue I wish to raise deals with Program No. 693 of the transport budget. Several times during the past twelve months I have directed the attention of honourable members to the difficulty experienced by people who are driving to Melbourne from the peninsula along the F6 Freeway. They have difficulty getting on to Nepean Highway. I have received several replies from the Minister to my correspondence on this matter.

The former Liberal Government had rightly planned to build a further six-lane freeway to connect with the F6 Freeway which ends at either Springvale Road or Edithvale Road. The former Liberal Government had planned to connect the freeway to the end of South

Road. Everyone knows of the Premier's antipathy to freeways and as a result the proposal for the freeway extension has gone off boiling point.

Less than twelve months ago drivers who were travelling along Nepean Highway were directed to go down Centre Dandenong Road, Lower Dandenong Road and White Street, Mordialloc. Essentially these are residential streets—I am not sure of their width but they are ordinary residential streets. Honourable members should remember that Nepean Highway is a major truck route that also caters for ordinary motor cars, yet all this traffic is directed down three residential streets.

Over time, I have indicated to the Chamber that the matter is of major concern to local constituents. I shall quote a letter from Mr Steve Kritharides, of Centre Dandenong Road, Cheltenham that appeared in the *Moorabbin Standard* of 16 April 1986. The letter states:

> They stuck a big sign at the corner of Centre Dandenong Rd. and Nepean Highway saying "Through Here to Peninsula Freeway."

The gentleman went on to complain that he found it difficult to cross the road in a normal residential street.

In the *Mordialloc-Chelsea News* of 16 April 1986, Mrs Giddings of Bundora Parade, Mentone wrote a letter about the same matter referred to by Mr Kritharides. In the same paper of 7 May 1985, Mr Malcolm Taylor of White Street, Mordialloc, wrote a letter stating:

> Lower Dandenong Rd. and White St. represent a residential injustice of mammoth proportions. An immediate (temporary) solution should be elimination of heavy transport by reducing the load limit on White St. and on Lower Dandenong Rd. between Boundry Rd. and Nepean Highway.

People are in danger of losing their lives when crossing residential streets due to heavy traffic using those routes.

The Hon. REG MACEY (Monash Province)—I shall refer to a matter under the control of the Law Department and refer specifically to Program No. 162. The Fundraising Appeals Act 1984 is administered by the Law Department, and I am pleased that funds are being made available for that aspect of the responsibilities of the Attorney-General.

The introduction of the Fundraising Appeals Act was a good move. The Act is still in the experimental stage. I take this opportunity of directing to the attention of the Attorney-General to a provision in section 20 of the Act that could be applied to an organization known as the South Melbourne Community Chest, which was established in 1945. Many people, including my family, have been involved with the work of the organization in the past. The provision allows for the Attorney-General to investigate the organization.

As so often happens with organizations that have become stultified because of lack of the drive and enthusiasm that caused the establishment of the organization in the first place, changes in personnel and, most importantly, lack of public exposure, the organization has experienced some difficulties in performing an effective role in local fund-raising.

Fortunately, under the provisions of the Fundraising Appeals Act, if an organization does not require to be registered because it has a tax exemption certificate from the Commonwealth Government, that organization can be investigated if the Law Department believes that should be done.

I shall briefly direct to the attention of the Minister the present sitution. On the figures available, in the past two years, 42 per cent of the funds received by the South Melbourne Community Chest have been spent on operating costs. The major beneficiaries have been the two employees of the organization, one of whom is the daughter of the immediate past chairman of the organization and the other is the wife of a councillor who is also involved in the organization. To my knowledge party politics are not involved in the organization.

The chairman of the organization is a member of a family that is well known and respected by both sides of the House. However, as so often happens in such organizations,

the position of chairman is nominal rather than active, and, because of inadequate surveillance, the potential benefits from such organizations are not obtained by the community.

The South Melbourne Community Chest occupies a property owned by the ratepayers of South Melbourne. A conservative estimate of the value of the property would be $300 000, and it would be rented out at between $22 000 to $24 000 a year if it were not occupied by the community chest.

In other words, this organization returns virtually nothing to the community from the total sum that it receives in one form or another. The only major beneficiaries are the two employees.

I raised this matter with the nominal president of that organization, Councillor Ken Hickey, who is Mayor of South Melbourne, and he shares my concern about the operation of this organization in so far as it is not efficient and effective in raising funds for the local community. I thank the Committee for the opportunity of bringing this to its attention.

The Hon. HADDON STOREY (East Yarra Province)—I refer to Program No. 103, Legislative Council; Program No. 169, criminal prosecution services to the State; and Program No. 623, information and Government services. The matters I shall address involve all these programs and relate to the outrageous waste of the community resources in the time and effort of the Police Force spent in vetting what was just a smokescreen put up by the Government to divert attention from what occurred in the Nunawading Province by-election.

The Government was concerned and scared because people were beginning to discover what had occurred in regard to the bogus how-to-vote cards which were masquerading as how-to-vote cards for the Nuclear Disarmament Party. Questions were being asked and the media was investigating the matter. It had become apparent that Mr Peter Batchelor, Secretary of the Australian Labor Party, was involved.

The Government created a smokescreen by using diversionary tactics to distract attention away from the involvement of the Government and what it had done. The result was that there was a sustained series of allegations, which were intended to divert public attention away from what the Labor Party had done.

Those allegations were improperly made against members of the Liberal Party and against the Mountain District Cattlemen's Association of Victoria. They were impugned in public simply to distract attention from the reality of what had occurred during the election campaign. The result was a great waste of public money with the diversion of the time of the Police Force in investigating the baseless allegations. A number of Labor Party members were involved in this exercise.

The Government knows what happened; the Government was involved but it has consistently refused to release the reports of the Police Force, the Deputy Director of Public Prosecutions and the Solicitor-General about those matters. This was obvious because of what those reports would show. They would have shown that the Minister for Police and Emergency Services had made statements in another place which were totally baseless, for which there was no evidence, which were designed to distract attention from the realities of the Labor Party's involvement.

It is an extraordinary performance that the Minister in charge of police investigations into these very matters is both the accuser and the judge, because the Minister for Police and Emergency Services made these allegations and then said they were sustained. The fact is that if the police reports were made available they would show that there was no evidence at all for the allegations made by the Minister for Police and Emergency Services in another place and he stands condemned by that fact. Secondly, they show that the honourable member for Wantirna made complaints about the Mountain District Cattlemen's Association of Victoria for baseless political purposes.

Those allegations were made to try to distract attention from what really happened. The report would show that the Mountain District Cattlemen's Association of Victoria and members of the Liberal Party have been totally exonorated from these baseless allegations. The report also would show that the honourable member for Wantirna in another place made these allegations for political purposes. They would show that police resources were used for political purposes in pursuing the smokescreen of baseless allegations.

Finally, the reports would show that Mr Kennedy had been involved in this exercise because he misrepresented himself as an *Age* photographer. They would show that he refused to acknowledge that he was not an *Age* photographer. The Australian Labor Party's allegations were an elaborate charade. They were a campaign of deceit and prevarication, a massive cover-up which involved a scenario of evasion and diverson to distract attention. It involved not just those people I have mentioned but also the Premier, who consistently refused to admit the involvement of the Labor Party in this exercise and refused to give any assistance to the inquiry being conducted and the questions being asked.

The Premier even involved the Minister for Agriculture and Rural Affairs, the Leader of the House, as a bit player in this exercise, because he also refused to answer questions about any of these matters. The Premier, the Minister for Agriculture and Rural Affairs, the Minister for Police and Emergency Services, the honourable member for Wantirna and Mr Kennedy, a member for Waverley Province, all played a part in the scenario of avoidance of the reality of what had happened in an attempt to divert attention from the bogus and improper exercise made by members of the Labor Party.

The Opposition has a piece of paper that contains some statements that apparently appear in that police report. I believe the Committee would be interested to hear these facts because they indicate how the resources of the Victoria Police Force have been misused.

I understand, for instance, that in this document there appear some statements about Mr Kennedy.

The Hon. D. R. WHITE (Minister for Health)—On a point of order, Mr Chairman, could the Committee have an indication by Mr Storey of the nature of the document from which he is quoting?

The Hon. HADDON STOREY (East Yarra Province)—The document consists of a number of pages that contain what appear to be extracts from a report.

The CHAIRMAN (the Hon. G. A. Sgro)—Order! Does it have a date?

The Hon. HADDON STOREY—It does not appear to have a date.

The Hon. D. R. WHITE (Minister for Health)—On the point of order, Mr Chairman, I should like to know if the document has an author; is it signed by anybody?

The Hon. HADDON STOREY (East Yarra Province)—On the point of order, Mr Chairman, the document is not signed by anybody.

The Hon. J. H. Kennan—Does it have an author?

The Hon. D. R. WHITE (Minister for Health)—On the point of order, Mr Chairman, my concern is that Mr Storey is quoting from a document to which he cannot attribute an author. He said it is an extract from a document. The Committee would greatly benefit on this occasion by knowing from what source he is quoting and what are the bona fides of the document so that honourable members can judge the merits of the document. If Mr Storey is unable to substantiate the bona fides of the document and who the author might be, how can we judge the veracity of what he is saying?

The Hon. HADDON STOREY (East Yarra Province)—On the point of order, I am quoting from the document in good faith, because it sets out extracts from what appears in the police report. I cannot give any further authentication than that but I believe it is

my right to quote these extracts and if the Minister for Health wishes to claim that the extracts are not accurate extracts, it is entirely within his rights to say so.

The Hon. D. R. WHITE (Minister for Health)—On a further point of order, Mr Chairman, by what authority and by what source has the honourable member established that he is actually quoting from extracts of what constitutes a police report as opposed to an anonymous document?

The Hon. HADDON STOREY (East Yarra Province)—On the further point of order, Mr Chairman, I am simply saying that on the basis of the information I have, I believe this to be a bona fide statement of matters that appeared in a police report. I do not suggest that I have seen any police report—I have not; but I believe this to be so and that is the basis upon which I am putting it.

The Hon. D. R. WHITE (Minister for Health)—On a further point of order, I ask you, Mr Chairman, to rule on this matter. Do I understand that Mr Storey has to take responsibility for the document from which he is quoting and, if he is saying that he believes it to be an extract from the police document, that he is prepared to make some attempt to establish his belief that the extract comes from a police document?

Mr Storey has a responsibility, for the benefit of the Committee, to establish by what means he is saying that it is an extract from a police document as opposed to just a scurrilous, anonymous document.

The Hon. HADDON STOREY (East Yarra Province)—On the further point of order, Mr Chairman, I have already indicated that I have this belief and I am under no obligation to take the matter any further. It is my entitlement to quote from a document and the Committee will judge for itself the worth of the document.

The CHAIRMAN (the Hon. G. A. Sgro)—Order! I see it as important that the honourable member has the right to quote from a document; but, nevertheless, he must assume full responsibility for the document from which he quotes.

The Hon. J. H. Kennan—And the illegality of it—where he stole it from!

The Hon. W. A. Landeryou—He may have obtained it illegally!

The Hon. J. H. Kennan—He must have stolen it!

The Hon. D. R. White—He might have made it up as well!

The Hon. HADDON STOREY (East Yarra Province)—On a point of order, Mr Chairman, on the basis of the interjection by Mr Landeryou, I inform the House that if that was purported to be a statement of fact, I ask for it to be withdrawn; if it purported to be a question, the answer is, "No, I did not obtain it illegally".

The Hon. J. H. Kennan—How can you possibly have it legally? How can you have a police report legally? Which policeman gave it to you?

The Hon. A. J. Hunt—He is not allowed to say that.

The Hon. D. R. WHITE (Minister for Health)—On a further point of order, Mr Chairman, can Mr Storey substantiate that he did not make it up?

The CHAIRMAN—Order! I ask Mr Storey to take full responsibility for the document from which he is quoting.

The Hon. HADDON STOREY (East Yarra Province)—Mr Chairman, I do not know what "take full responsibility for the document" means. I am making a contribution to the debate and I am referring to a piece of paper. I can assure the Committee that I shall be reading from what is written on that piece of paper.

The CHAIRMAN—I assumed that Mr Storey quoted from the piece of paper. The Committee accepts what he says.

The Hon. J. H. KENNAN (Attorney-General)—On a point of order, Mr Chairman, as I understand the position, Mr Storey is purporting to quote from an extract from a police report. He has no lawful reason for doing that and there is no lawful excuse for that report or an extract of it to be in his possession. Either Mr Storey owes the Committee an explanation, or he is making it up and using the age old line that ran from Senator McCarthy to Enoch Powell; Enoch Powell never produced the letter, the "Rivers of Blood" letter, and the Chamber is experiencing the same disgusting performance from the Opposition.

Mr Storey should put up or shut up. If he is not making it up, how does he have in his possession a report that no police officer in this State would have any lawful reason for distributing to him?

The CHAIRMAN—Order! The matter is open to interpretation. Mr Storey quoted from a document and I cannot force him to name the document. However, I ask him to take full responsibility for his remarks concerning the document.

The Hon. HADDON STOREY (East Yarra Province)—On the point of order, and in answer to what the Attorney-General has said, I informed the Committee that the document is not a copy of a police report. It is a document that I understand contains matters which appear in that police report.

The Hon. J. H. Kennan—And you say that you are in lawful possession of it?

The Hon. HADDON STOREY—This is another typical red herring that has been introduced by the Attorney-General. In this Chamber many honourable members quote from documents.

The Hon. J. E. Kirner—And they identify them!

The Hon. HADDON STOREY—Often they do not. Rarely is the source of a document identified. I have made it clear to the Committee that I am not in possession of a police report or a copy of a police report.

The Hon. J. H. Kennan—Or an extract?

The Hon. HADDON STOREY—Or an extract. It is a document containing information that I understand to be in a report.

The Hon. D. R. White—You said an extract earlier!

The Hon. HADDON STOREY—Did I? Mr Chairman, I refute any suggestion by the Attorney-General that the document in my possession is illegally in my possession or was illegally given to me. If the Attorney-General makes that allegation, I ask for it to be withdrawn.

The Hon. J. H. KENNAN (Attorney-General)—I make the allegation and I insist on it. Mr Storey said earlier that he was reading from an extract from a police report. He has now sought to shift his ground and to say that he is no longer reading from an extract from a police report. He is now suggesting that the words he is using are not coming from a police report. I regard this matter seriously.

The Hon. A. J. Hunt—No; he said they do come from a police report.

The Hon. J. H. KENNAN—The Leader of the Opposition now says that Mr Storey is reading words that come from a police report. I repeat the point I made earlier: there is no lawful authority on which extracts from police reports in relation to investigations of alleged criminal activities can lawfully be released by a police officer and end up in the hands of Mr Storey.

Mr Storey should inform the Committee about the illegality that has occurred and should make known to me and the Minister for Police and Emergency Services how it is that he has come to be in possession of this material.

I ask Mr Storey under what lawful authority this material has been released, apparently from a member of the Police Force. I should welcome his advising me or the Minister for Police and Emergency Services about that so that this very serious breach of the law can be investigated.

Mr Storey is partaking in an illegal enterprise and he ought to account for it.

The Hon. HADDON STOREY (East Yarra Province)—I utterly reject what the Attorney-General has said. He has constructed a scenario based on a whole lot of assumptions that are simply untrue.

The CHAIRMAN (the Hon. G. A. Sgro)—Order! There seems to be no point of order, but I ask Mr Storey to relate his remarks to the Supply Bill.

The Hon. HADDON STOREY—Mr Chairman, my remarks are related to the Supply Bill because it provides funds for the carrying out of certain services within the community, including police services. I have said that inquiries have been carried out by members of the Police Force into allegations which were found to be baseless and which were made by members of the Labor Party.

I do not need to quote from any police report, extract of a police report or even a document that is not an extract of a police report other than the document produced by the Chief Electoral Officer that was released yesterday, and that indicated that that officer found that no offences of any type had taken place. Perhaps I can conclude my remarks on that basis.

The Labor Party has incurred Government expense in the pursuit of a series of baseless allegations simply designed to cover up what the Labor Party did during the election campaign.

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

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

The Hon. D. R. WHITE (Minister for Health)—I move:

That this Bill be now read a third time.

In so doing, I advise honourable members who made contributions to the debate during the Committee stage that their remarks will be referred to the Treasurer and other relevant Ministers.

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

WORKS AND SERVICES (ANCILLARY PROVISIONS) BILL

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

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

ADJOURNMENT

Sittings of the House—Abalone licences—St Kilda foreshore development—Oath of allegiance

The Hon. D. R. WHITE (Minister for Health)—By leave, I move:

That the Council, at its rising, adjourn until a day and hour to be fixed by the President, which time of meeting shall be notified to each member by telegram or letter.

The Hon. A. J. HUNT (South Eastern Province)—Can the Minister indicate the date the Government envisages for the commencement of the next sessional period?

The Hon. D. R. WHITE (Minister for Health)—At this stage it will be some time in September.

The motion was agreed to.

The Hon. D. R. WHITE (Minister for Health)—I move:

That the House do now adjourn.

The Hon. R. I. KNOWLES (Ballarat Province)—I have been requested by my colleague, the honourable member for Caulfield in another place, to raise a matter with the Minister for Conservation, Forests and Lands relating to two constituents who have recently purchased abalone licences. Mr M. Lee and Mr L. Springall, after purchasing those licences, find they are in severe difficulties because of a change in Government policy. Mr Lee purchased for $400 000 two licences that were joined into one on 26 December 1985. However, he had not caught fish in the Wilsons Promontory area before 31 December 1985. Mr Springall purchased his abalone licence on 17 March 1986 for $500 000.

The Minister declared retrospectively that from 31 December 1985 abalone licence holders who were actually fishing in the Wilsons Promontory Marine Park area would not be eligible to fish that area in future. Before purchasing his licence, Mr Springall had gone to some trouble to establish what the future might hold. He contacted Mr Kevin Street at the Department of Conservation, Forests and Lands and asked if there was anything in the foreseeable future that would concern him if he proceeded with the purchase. He was told that there would be no closure of quotas that Mr Street could foresee.

Mr Springall then contacted Mr McKechnie, the President of the Victorian Abalone Divers Association, to ascertain whether that association had any information on the matter. Mr McKechnie checked with the secretary and the president of the Victorian Professional Fishermen's Association and was told that further studies would need to be done and evaluated. On that basis, Mr Springall purchased his licence for a considerable sum on 17 March 1986.

I am advised that the *Age* newspaper of 29 March reported the Government's decision that a marine reserve would be made in the Wilsons Promontory area and that fishing in that zone prior to 31 December 1985 would be allowed to continue but that those fishing in that area after that date would be prevented from doing so.

Those two gentlemen have invested significant resources in those projects and now stand to lose a great deal of money. They are seeking an undertaking from the Government that they will not be adversely affected as a result of the retrospective decision of the Minister or, alternatively, that they will be compensated for their losses. I understand that the matter has been pursued with the Minister. I would appreciate an indication from her of the likely response.

The Hon. J. V. C. GUEST (Monash Province)—In the circumstances I can only record my disappointment that the Minister for Planning and Environment, like the Leader of the House, is not present and able to give me an immediate response to the matter I raise concerning the St Kilda harbour redevelopment. No doubt, the Minister, who has been in that portfolio for only a short time, would like to take credit for it.

The Hon. D. R. White—He does.

The Hon. J. V. C. GUEST—The Minister for Health says that the Minister takes credit for the imagination that has gone into that plan.

I must record in *Hansard* that the Minister for Planning and Environment has now entered the Chamber. I should like to know whether he has taken a personal interest in the major development proposed for the St Kilda harbour and whether he will be concerned for those in west St Kilda, South Melbourne and even Port Melbourne, who feel that their environment is likely to be affected by such a large-scale plan and will ensure that adequate time for inspecting and evaluating the plan will be made available.

More than that, I should like to know whether he will ensure that all people likely to be affected are properly informed about that plan because, as is frequently the case, it is not easy to inspect and have explained adequately the details that are likely to affect people in areas adjoining a project, although not necessarily in the same municipality.

The Hon. G. P. CONNARD (Higinbotham Province)—I raise a matter for the attention of the Leader of Government and, in his absence, I direct it to the Minister for Health. My attention has been directed to a proposal of the Federal Government to change the oath of allegiance used at citizenship ceremonies and other ceremonies in the Federal sphere. Is there any proposal for the State Government to alter the oath of allegiance taken in this House by honourable members, municipal officers and senior members of Government?

The Hon. D. R. WHITE (Minister for Health)—In response to Mr Connard, I direct his attention to the fact that a matter raised on the motion for the adjournment of the sitting must relate to Government administration. The matter he raised concerns the Constitution Act. That being the case, he could have raised it in the Committee stage of the Supply Bill under the Premier's portfolio. In the same way, Mr Knowles and Mr Guest could have raised their matters at that stage. I look forward to taking up the matter raised by the honourable member with the Premier and reporting to the honourable member in due course.

The Hon. J. H. KENNAN (Minister for Planning and Environment)—With regard to the matter raised by Mr Guest concerning St Kilda, if he listens closely to radio station 3LO next week he may hear me talking about this matter.

The Hon. J. E. KIRNER (Minister for Conservation, Forests and Lands)—I am aware of the case of the two abalone fishermen to whom Mr Knowles referred. I am prepared to examine their case but I believe my decision was fair because 95 per cent of the central zone, which they are fishing, is still available. I made my decision on the basis of the people who have traditional rights to the area and who have fished there for some time. I believe it would be unfair to move them out of the area.

However, because these two abalone fishermen have only recently entered the industry, I believed they fell outside my decision and I do not believe a case exists to overturn that decision.

I am concerned that one of the fishermen claims he did speak to Mr Kevin Street, a member of my department and to the Victorian Professional Fishermen's Association. I am not responsible for that association but I am responsible for the advice that Mr Street gives. I shall check the veracity of that advice and get back to Mr Knowles on that issue.

The PRESIDENT—On behalf of all honourable members I express thanks to the Clerks, the doorkeepers and especially *Hansard* for the support and help they have provided in this sessional period.

I wish all honourable members a safe and happy break and look forward to seeing them on their return in the spring sessional period.

The motion was agreed to.

The House adjourned at 7.28 *p.m.*