**Tuesday, 16 September 1986**

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

*QUESTIONS WITHOUT NOTICE*

## FLINDERS STREET STATION REDEVELOPMENT

**Mr GUDE** (Hawthorn)—Does the Minister for Transport accept the several assertions in the Ingersoll report that the Flinders Street station redevelopment project was, from the start, regarded as a Ministry project; if so, does the Minister now agree that full responsibility for proper budgetary controls, cost overruns and Ministerial conflicts was entirely that of the then Minister, the honourable member for Knox, but that he failed to carry out his duties?

**Mr ROPER** (Minister for Transport)—The Government has made it clear that a number of improvements were required in the operation of the project, one of which was that there needed to be absolute clarity as to the responsibility for running the project. As the honourable member has now read the report, he will be aware that the Metropolitan Transit Authority was supposed to take responsibility and did not adequately do so. As a result of that failure, the director-general has taken appropriate action to ensure that the problem does not occur again.

## ACCOMMODATION OF GOVERNMENT DEPARTMENTS

**Mr ROSS-EDWARDS** (Leader of the National Party)—Will the Minister for Property and Services inform the House what steps have been taken by him and his department to terminate the costly practice of locating Government departments in prime commercial office space in the heart of the golden mile of Melbourne which, in the case of two Ministries alone, has cost the Victorian taxpayer in the vicinity of $7·3 million in annual rent?

*Honourable members interjecting.*

**Mr ROSS-EDWARDS**—I am asking about the future, and I refer to the Rialto building and Myer House.

*Honourable members interjecting.*

**Mr ROSS-EDWARDS**—I am asking: what plans does the Minister have for correcting this situation in the future?

**Mr McCUTCHEON** (Minister for Property and Services)—The reaction of honourable members shows clearly that some of the problems faced by the Government concerning expenditure on office accommodation are largely the result of decisions made by the Opposition when in government. The then Government made agreements in a number of cases with developers to take floor space in what have turned out to be among the most expensive office blocks in the city area. The present Government has to honour those obligations under leases signed and agreements made with the developers of those properties. The present Government has been more concerned to analyse the problems of Government accommodation than were previous Governments.

The record of the previous Government does not stop just at the Rialto building. It also sold buildings it owned in Victoria Parade in order to finance the construction of a State office building in Geelong. The problem was that 1000 public servants were housed in Victoria Parade and, since that time, the rental bill has been in the order of $13 million.

This Government has not made and will not make decisions of that sort in the management of building resources and its office accommodation.

The Government has examined the question of whether it is more appropriate for it to own buildings rather than lease them. It has a policy emanating from that particular examination and it is also in control of the extent to which office space is adequately filled and managed by the departments responsible. I believe the Government's record is very good.

## STATE TAXES AND CHARGES

**Dr COGHILL** (Werribee)—Can the Premier give details of Victoria's performance on taxes and charges compared to other States?

**The SPEAKER**—Order! I have to limit the question; it is far too general. I ask the honourable member for Werribee to reword the question so that it is specific.

**Dr COGHILL**—In respect of the performance of the Government in the increases in taxes and charges last year and in the immediately preceding financial years, can the Premier indicate the extent of increases in Victoria compared to those in other States?

**Mr CAIN** (Premier)—I thank the honourable member for the question because it has become apparent in the past few days that the Leader of the Opposition and his colleagues have demonstrated very clearly that they are willing to say or do just about anything to either get a headline in a newspaper or put their heads on television on this issue. What concerns me is that if they do not have a fact a fairy tale will do, and the honourable member for Brighton is one of the worst offenders!

**Mr W. D. McGRATH** (Lowan)—On a point of order, Mr Speaker, the question asked was specific about the level of taxes and charges in Victoria in relation to other States. In the 2 minutes the Premier has been on his feet, he has not identified or addressed that part of the question.

**The SPEAKER**—Order! The honourable member is well aware that there is no point of order on the matter that he raises.

**Mr CAIN** (Premier)—The Opposition has put a fairy tale on the front page of a thick press release in the hope that the release is thick enough so that everybody will swallow what is contained in the rest of it. The Opposition has adopted the old journalists' line, "Don't let the facts get in the way of a good press release". That is what it has been about.

In the past few days the Opposition has issued three sets of documents which, on the very best and most charitable view, can only be described as dubious works of fiction. Have a look at them! The first one was supposed to suggest that the Victorian economic strategy had failed. There was not one mention of the fact that Victoria's economy——

**Mr KENNETT** (Leader of the Opposition)—On a point of order, Mr Speaker, I do not mind the Premier using up question time to comment on Liberal Party documents but the honourable gentleman was asked a question on what he is doing about his Government's level of taxes and charges, which are the highest in Australia. I suggest the Premier refer to the question, otherwise he is making a mockery of question time.

**The SPEAKER**—Order! I will accept that as a personal explanation.

**Mr CAIN** (Premier)—I repeat: in assessing the answer to the question one must have regard to economic performance. No mention was made in that document of the fact that this State is performing much better than any other State right across this country. It did not mention the fact that Victoria has the lowest unemployment rate by far of any State in the Commonwealth.

Even the Australian Chamber of Manufactures says that Victoria is performing better than the rest of the country.

I refer to the second area of fiction on the public debt. The Opposition itself even admitted that it omitted to include $2·7 billion in that respect. The honourable member for South Eastern Province in another place, the Honourable Alan Hunt, said, "I was wrong; I made a mistake".

**Mr Stockdale** interjected.

**Mr CAIN**—If the honourable member for Brighton wants to speak about public debt, the public debt as a percentage—he ought to know this—of non-farm gross domestic product is now 4·89 per cent lower than when the Liberal Party was last in government. That is how much lower it is. All members of the Liberal Party know that. Far more was borrowed in those terms when Sir Henry Bolte was running the Government. However, the Liberal Party goes on whingeing. This borrowing has generated economic growth and provided jobs. The Liberal Party seems not to want it.

The final area was the taxwatch. Do honourable members know what the Opposition did? It locked up the journalists; it had a lockup. The journalists could not come out of the room until they had read the document. Imagine being locked up in Parliament House! However, the journalists had to be locked up until they had read the document.

The facts are—if the Opposition would only turn to the facts—that the Australian Statistician has reported that State and local government charges, as a component of the consumer price index, have gone up less in Melbourne than in any other capital city since this Government came to power. That is a fact that the Opposition ignores. I shall provide the figures.

**Mr Stockdale** interjected.

**Mr CAIN**—The honourable member for Brighton is noisy; I shall give him the figures. In Melbourne the increase since June 1982 was 23·8 per cent. Perth was the next lowest with 27·9 per cent, and all other State capitals had increased by between 33 per cent and 39 per cent except Brisbane—paradise—where the increase—I hope honourable members are sitting down—was 56·6 per cent.

I do not want to be unkind or uncharitable, but the facts are that we have reached the stage where the Opposition is so desperate that one cannot trust or rely on anything it says about anything. It has reached the stage where one cannot rely on anything the Opposition says about the economy. After all, it was the Opposition that made a mess of the economy when it was in government. Through sound economic management the Labor Government—as the Leader of the National Party knows—has given Melbourne the lowest increase in taxes of any capital city in Australia. Those are the facts and one does not find them in Liberal Party press releases, either.

## SALE OF DEFERRED ANNUITIES

**Mr STOCKDALE** (Brighton)—Will the Treasurer advise how much money was raised for or on behalf of the Victorian Government or Government agencies last financial year by the sale of deferred annuities and for what purpose? Further, is it intended that the same fundraising method will be used again this year?

**Mr JOLLY** (Treasurer)—I am unable to give the exact figure to the honourable member. I shall certainly make sure he gets the figure. In respect of the Budget for 1986–87, as the honourable member would be aware, it is being presented tomorrow. It will be a good Budget for Victoria and the honourable member should look forward to it.

## CAPITAL WORKS PROJECTS

**Mr HANN** (Rodney)—Will the Minister for Education explain why a number of major capital works programs which were approved in the 1985–86 Budget have not been funded and have been affected by a freeze introduced by the Treasurer? Will the Minister give an assurance that these projects will be funded?

**Mr CATHIE** (Minister for Education)—We have had to review all of the programs that have been submitted by the different regional priority programs and regional boards of education. We have had to submit a much tighter list of our priorities. We have done that in terms of the Commonwealth guidelines for capital works which emphasise the need to ensure that growth areas are properly serviced. That list of schools will be set out in the Budget Papers tomorrow.

## AGRICULTURAL EXTENSION SERVICES

**Mr KENNEDY** (Bendigo West)—I ask the Premier: does the Government have any plans to reduce extension services provided by the Department of Agriculture and Rural Affairs?

**Mr CAIN** (Premier)—The Government has established the Office of Rural Affairs which contains those extension services to enable the department to reach what I regard as the rural needs of country people so that they can communicate their real concerns to the Government. It is significant that the office has its headquarters in Horsham, as I believe this enables those country people to tell the Government their problems rather than there being seen to be a situation where the Government imposes its views or attitudes upon them.

I hope members of the National Party also perceive the establishment of the Office of Rural Affairs as a desire by the Government to ensure services to country Victorians and to meet their needs. I believe the National Party supports the office. It has the very strong support of country Victorians generally.

I believe the National Party does support it but I do not know about the Leader of the Opposition. I understand that he does not, and that is a matter of some regret. He has said that he would disband the office in a Government led by him. That would substantially reduce the very valuable role that those extension officers provide to a wide range of country people.

The Leader of the Opposition said in Horsham on 22 August that there is no place in "my Government", as he put it, for rural affairs. That is to go, so far as he is concerned. I hope members of the National Party are aware of what that means. It can only mean a reduction in the very valuable services that are provided by Government extension officers. I should have thought that that was inevitable and I should have thought that the farmers in Horsham where the Leader of the Opposition made that statement would have been dismayed. The services provided by extension officers are vital.

The Deputy Leader of the National Party interjects. I wonder whether he or his colleagues would have a bar of amalgamating with the Liberal Party in that situation. It is one instance of the great divergence between the two opposition parties. There is complete divergence on the view of deregulating the dairy industry, which the Deputy Leader of the Opposition wants to do. The Liberal Party wants to deregulate the egg industry rather than to support the orderly marketing that has occurred for some time, which is supported by both the National Party and the Government.

I could give other examples. There are the statements of the Federal Leader of the Opposition and members of the opposition parties, who are interjecting, probably know his views better than I do—far better. All I am saying is that those divergences should be recognised.

If any further evidence is required as proof of the Government's concern about rural areas, it is the fact that today the Government declared an area of far east Gippsland as drought affected. This will enable farmers in that area suffering as a result of abnormally low rainfall to receive subsidies to assist in the cartage of fodder. It will enable them to apply for subsidies on the movement of sheep and cattle by road for agistment.

I mention that to demonstrate that the Government is in touch with what the requirements are; I believe the Liberal Party has lost touch with the rural sector and I

think the Liberal Party really needs the honourable members for Polwarth and Benambra back on the front bench of the shadow Cabinet. It is fairly apparent that, without that input, the Liberal Party is not really well informed on matters of rural concern.

## FLINDERS STREET STATION REDEVELOPMENT

**Mr BROWN** (Gippsland West)—Why did the Minister for Transport tell Parliament last Friday that the initiative to seek assistance for a Banana Alley lessee named Leonie Ryan had come from Sue Calwell of the Melbourne Tourism Authority whereas the truth is that Leonie Ryan was introduced to the project by the Government's friend, Don Dunstan, in August 1984?

Why did the Minister deliberately mislead the House?

**The SPEAKER**—Order! If the honourable member for Gippsland West wishes to make that assertion, he should do so by moving a substantive motion. I ask the honourable member to withdraw the words, "deliberately misleading the House".

**Mr BROWN**—Mr Speaker, I withdraw those words and replace them with the question: why did the Minister mislead the House?

**Mr ROPER** (Minister for Transport)—Because Miss Calwell contacted the Ministry of Transport and said that is what occurred.

## OIL AND GAS EXPLORATION

**Mr NORRIS** (Dandenong)—Can the Minister for Industry, Technology and Resources advise the House as to what action the Government is taking to stimulate the exploration of oil and gas in the State?

**Mr FORDHAM** (Minister for Industry, Technology and Resources)—I welcome the interest shown by the honourable member for Dandenong in this important issue. There is an increasing recognition of the important part that the oil and gas reserves in Bass Strait have played in Victoria's development and are likely to play in future.

Today the Government, in conjunction with the Commonwealth Government, announced the release of ten areas within the offshore Gippsland basin for further petroleum exploration. The release of these areas is part of the Government's ongoing program for resource exploration and development off Victorian waters.

Although all these areas have been explored to some degree in the past, additional work is required to fully assess and realise their petroleum potential. The acreage to be released includes three known petroleum resources: the Golden Beach and Sole gas discoveries, and Hapuku, a non-commercial oil discovery.

The recently announced Kipper gas discovery in the intra-Latrobe area has given explorers new encouragement in relation to the hydrocarbon potential of the Gippsland basin and increased the enormous amount of interest in this area not only in Australia but also overseas.

Despite the overall downturn in the industry worldwide, several companies have expressed an interest in acquiring permits for the area in question. Ongoing petroleum exploration and development obviously provides significant benefits to the Victorian economy as well as to the State's revenue base and, as such, is supported by the Government.

In conclusion, we can look forward to renewed activity, interest in and commitment to the development of the reserves in the Gippsland basin.

## SALE OF DEFERRED ANNUITIES

**Mr STOCKDALE** (Brighton)—I ask the Minister for Industry, Technology and Resources whether the State Electricity Commission has been authorised to raise capital this year by the sale of deferred annuities and whether it is intended that this capital raising should be outside the authorised Loan Council program.

**Mr FORDHAM** (Minister for Industry, Technology and Resources)—I am not in a position to answer the question with precision. I shall get the details and advise the honourable member accordingly.

## NATIONAL FOOTBALL LEAGUE

**Mr W. D. McGRATH** (Lowan)—I refer the Minister for Sport and Recreation to the current efforts by the VFL commission to establish a national football league. Is the Minister aware of the impact that will have on all levels of football?

Will the Minister act to protect the interests of football at all levels—both country and metropolitan—by backing any move by the Fitzroy Football Club against the VFL commission to relocate that team in Brisbane?

**The SPEAKER**—Order! Did the Minister hear the question?

**Mr TREZISE** (Minister for Sport and Recreation)—I did, Mr Speaker. I ask the honourable member to repeat only the last part of the question about Fitzroy.

**The SPEAKER**—Order! I could not hear the honourable member's question. I ask him to repeat it.

**Mr W. D. McGRATH** (Lowan)—I refer the Minister for Sport and Recreation to the urgent efforts by the VFL commission to relocate the Fitzroy Football Club to Brisbane.

Is the Minister aware of the impact that will have on all levels of football in country and metropolitan areas? Will the Minister act to protect the interests of all levels of football by backing any move by the Fitzroy Football Club to overthrow the proposals of the Victorian Football League to relocate the club in Brisbane?

**Mr TREZISE** (Minister for Sport and Recreation)—One of the suggestions made in the newspaper this morning was that the Fitzroy Football Club and its supporters should boycott the rest of the Victorian Football League's final series. I do not agree with that. Fitzroy has not won a premiership since 1944—42 years ago. I am sure the Minister for Housing and the honourable member for Gisborne, both fanatical Fitzroy supporters, will agree that the best way the Fitzroy Football Club can react to the Victorian Football League is to win the premiership on Saturday week.

I am sure all honourable members in this House will support Fitzroy, unless they are supporters of Carlton or Hawthorn. I certainly will be on the Fitzroy bandwagon for the rest of this year.

The proposed national football league is a matter for the Victorian Football League, which is always saying that the Government should keep out of football. I am sure everyone will agree that if the proposed national football league is the reason for forcing South Melbourne, the former club of the honourable member for Lowan, to Sydney, Fitzroy to Brisbane and other clubs that have been in the State for two or three generations out of Victoria, it will be a sad day for football.

Victorian-based football clubs should stay in Victoria, if possible, with the people who really own them—the people in the outer. If clubs are being forced more and more to move away due to financial situations, the Victorian Football League hierarchy should examine the reasons why. Since the league has been taken over by so-called financial geniuses, it has certainly sent the clubs well downhill. If one examines the situation of five years ago and compares the debts of the clubs with what they had in hand, one realizes

they are running further into the red. This year, they will be in debt to a total of approximately $7 million. Two or three years ago one club paid its creditors only 20 cents in every $1, and recently the league has had the infusion of $2 million or $3 million from the Sydney group. These payments are apart from the $7 million debt. The reason for the debt is because the clubs have lived beyond their means.

**Mr Kennett**—Like your Government!

**Mr TREZISE**—Except the Government is doing well in the eyes of the public and the Victorian Football League is not. Without referring to the administrators of the league, there is something certainly skew-whiff when clubs are paying more for some players to play for one season than what the Prime Minister or the Premier are paid.

During the days when the honourable member for Lowan was playing for South Melbourne, clubs employed a secretary and a coach. Today, clubs have coaches, skills coaches, assistant coaches, dietitians, statisticians, fitness advisers and so on.

At the same time that some business leaders are calling for the Government to cut staff and costs, those business leaders involved with football clubs are doing the opposite with someone else's money. One of the effects has been that the men, women and children in the outer are paying through the nose to see football games.

Approximately ten or twenty years ago, football was the sport of the people and horseracing was the sport of kings. In 1966, it cost 75 cents to go the football and $1.50 to go to Flemington. Today it costs $7 to go to the football, plus the cost of a seat, and only $4 to go to Flemington, so it has risen from half the price of entry to racing to double the price. I suppose it could truly be said that football is the sport of kings and racing is the sport of the people.

**An Honourable Member**—Hear, Hear!

**Mr TREZISE**—Referring to the national league, I know that the honourable member for Lowan, being president of the Wimmera league, is concerned—and your country leagues, president, Mr Brian Maloney, expressed concern to me about a month ago—that if the VFL goes into a national league it will telecast into the country league areas and affect the country leagues. I trust that the VFL, particularly under its new leadership, will look at that grassroots situation apart from the matters of dollars and cents.

On the whole I do not agree with the Fitzroy Football Club boycotting the grand final. I hope it wins the grand final well for its first premiership in 42 years, and I hope if the VFL does go to a national league it will think of football first and the dollars second.

## YOUTH PEACE CONFERENCE

**Mrs HIRSH** (Wantirna)—I direct my question to the Minister for Education and ask whether the Minister has investigated allegations concerning the plans for the Youth Peace Conference to be held in December and, if so, whether he can advise the House as to the outcome of these investigations.

**Mr CATHIE** (Minister for Education)—I thank the honourable member for her question because our Government made a commitment to the International Year of Peace. We were in fact the first State Government to do so and we did so because we wanted to share our concern with peoples right across the world, particularly about the horror of the possible destruction of this world in a nuclear holocaust. I do not know why "peace" is a dirty word to the Liberal Party, but it would appear to be so.

*Honourable members interjecting.*

**Mr CATHIE**—I have fully investigated the allegations made by the honourable member for Ivanhoe, which were repeated in an article in the *Sun* on Friday entitled, "Cloud over

peace cash". All I can say is that once more the Opposition has not been able to get its facts right. It was clearly inaccurate and clearly designed unfairly to discredit the International Year of Peace program and the coordinator for that program, Lynette Thorstensen. Lynette Thorstensen has done nothing improper whatsoever.

**An Honourable Member**—I did not say that she had.

**Mr CATHIE**—The honourable member for Ivanhoe certainly said that she had. Another Planet Posters is a non-profit group of young artists that grew out of the Community Employment Program—in other words, it is a great success story of a group of young long-term unemployed people who are able to use their creative abilities and initiatives in creating employment for themselves.

*Honourable members interjecting.*

**Mr CATHIE**—It is significant that not only is "peace" a dirty word for the Opposition but so is "employment", from the sound of things.

**Mr McNamara** interjected.

**Mr CATHIE**—The full title of the group is Another Planet Posters Community Access Screen Printing Project Incorporated. As that suggests, it is not a company; it is an incorporated association. Therefore, Lynette Thorstensen is not a shareholder, never has been a shareholder and in fact there are no shareholders of a group that is an incorporated association.

Secondly, Lynette Thorstensen commenced with the International Year of Peace project on 4 April 1986 as the Youth Peace Conference organiser. She immediately resigned as a public officer of Another Planet Posters, a voluntary unpaid position that she held at that time. Lynette Thorstensen was replaced within a week, on 9 April 1986, and she has had no involvement with that association since that time. However, the Opposition has alleged that Lynette Thorstensen is paying Government funds to a company in which she is involved. She had been involved as an employee, but she resigned that position at the end of February 1986, more than one month before she took up and was employed as a project officer with the International Year of Peace.

The project wanted young artists to design the poster and approval was given by the Victorian Government Printing Office to use outside designers. The use of outside design services is not an uncommon procedure. The project also had the approval of the co-ordinator of the International Year of Peace secretariat. Two quotes were obtained and Another Planet Posters was the cheapest of the quotes, so the process was perfectly proper.

Another Planet Posters was chosen for the design work because it produces excellent material. They are a group of young artists and it was very competitively priced. It is important to note that all of this work is overseen by the appropriate committees and ultimately by me as Minister for Education.

The last allegation concerned alleged left wing influence on the project. This seems to excite members of the Liberal Party, so I propose to examine the composition of the planning committee for the Youth Peace Conference. The committee includes representatives of the Young Men's Christian Association, the Victorian Association of Youth Clubs, the Student Christian Movement, Community Aid Abroad and even, dare I suggest, the Young Liberals. Apparently the left wing is infiltrating the Liberal Party.

Lynette Thorstensen has done an outstanding job in consulting widely with young people in our community and in expressing the concern of young people for peace issues. As I indicated, the draft agenda will ultimately come to me for approval.

Once again the attempts by the Liberal Party to discredit the International Year of Peace program have been shown to be absolutely without foundation.

## SALE OF DEFERRED ANNUITIES

**Mr STOCKDALE** (Brighton)—I refer the Treasurer to the raising of capital last June by way of the sale of deferred annuities and I ask the Treasurer: was this sale underpinned by any warranty or indemnity by or on behalf of the Victorian Government designed to protect investors against the possibility of an adverse ruling by the Commissioner of Taxation pursuant to section 27H of the Income Tax Assessment Act?

**Mr JOLLY** (Treasurer)—In view of the light mess of the question I will put it on notice.

## IMPACT OF GOVERNMENT ECONOMIC STRATEGY

**Mr ANDRIANOPOULOS** (St Albans)—Can the Premier inform the House what impact the Government economic strategy has had on improving the competitiveness of Victorian firms?

**Mr CAIN** (Premier)—There have been some quite spectacular results flowing from the economic strategy that the Government introduced approximately two and a half years ago because it really has created a competitive environment in which firms can operate and a whole range of measures have been introduced to reduce business costs.

As I said earlier, the Government has kept taxes and charges down and workers compensation premiums, as all honourable members are aware, have been reduced by about 50 per cent across the board.

The Government has and is continuing to remove excessive regulations and it is assisting a wide range of small and medium-sized firms to identify and take advantage of overseas market opportunities.

It is astonishing to see the number of winners out there who have identified a market and have responded with their own production to meet that market. One such example is cut flowers. Victoria is now exporting cut flowers to Europe in the season. These are the sorts of things that can be done and I was delighted to see an independent and quite objective source—the ACM August pulse survey of Victorian manufacturing firms—the Australian Chamber of Manufactures—producing evidence of an improvement in the international competitiveness of Victorian manufacturing.

As I said before, the trend in exports for a number of industries is encouraging. Increases have been reported for meat, fruit, vegetables and non-ferrous metals. Industries that are not traditionally large exporters have increased exports in the past three months.

Even more encouraging is the large number of companies indicating their plans for new export development, and a decline in import competition was experienced by a number of industries—textiles, knitting mills, chemicals and steel—so that what has been pointed out is that, overall, respondents in that survey are more optimistic about future prospects and that is very good news for Victorian manufacturing and for the State as a whole.

## CRITICISMS OF FORMER MINISTER OF TRANSPORT

**Mr GUDE** (Hawthorn)—I ask the Minister for Transport whether he agrees that the executive summary of the Ingersoll report contains clear criticisms of the former Minister of Transport for approving budgetary allocations for the Flinders Street station redevelopment project amounting to approximately $18 million without ensuring that effective cost control measures were implemented.

**The SPEAKER**—Order! I rule the question out of order because it calls on the Minister for Transport to voice an opinion in respect of a report. I ask the honourable member for Hawthorn to rephrase the question.

**Mr GUDE**—Is it a fact that the executive summary of the Ingersoll report contains clear criticism of the former Minister of Transport for approving budgetary allocations for

the Flinders Street station redevelopment project amounting to approximately $18 million without ensuring that effective cost control measures were implemented?

**Mr ROPER** (Minister for Transport)—I do not agree with the opinion suggested by the honourable member for Hawthorn, and I remind him to examine an article that appeared in last week's *Herald* where the real people who test the success or otherwise of the Flinders Street station redevelopment project, the commuters, were asked what they thought of its effectiveness and the *Herald* reported that, so far as the commuters were concerned, they now know that they have a decent facility as opposed to the run-down facility that existed in 1982.

As I said before, action has been taken in relation to this project and we are looking forward to its successful completion.

## SHOP TRADING HOURS

**Mr JASPER** (Murray Valley)—I ask the Minister for Industry, Technology and Resources whether the Government's current policy on the non-extension of general shop trading hours at weekends will be changed this sessional period, and whether this policy will be affected by the reputed and reported large cash contribution to the Australian Labor Party by a major retailer.

**Mr FORDHAM** (Minister for Industry, Technology and Resources)—No proposals are before me or before the Government, so far as I know, for general extension of shop trading hours to be introduced in this sessional period or in the immediate future.

## DRUGS IN HORSERACING INDUSTRY

**Mr STIRLING** (Williamstown)—Can the Minister for Sport and Recreation inform the House what action is being taken in the detection of drugs used in the horseracing industry which has become a matter of concern to the Victorian community?

**Mr TREZISE** (Minister for Sport and Recreation)—There has been a significant amount of publicity in recent weeks about the so-called alleged increase of drugs used in the three racing codes: galloping, trotting and greyhounds.

I believe drug use on animals involved in racing is no greater than it has been in the past. I point out to honourable members that drug use on animals is not only for "go fast" or "go slow", but the majority of drug use is for medication for horses or greyhounds that have sore legs or other ailments and is an attempt to overcome their problems.

Almost every human being takes drugs in some form, whether it be aspirin or some other medication, to overcome their ailments. However, it is not good publicity for the racing industry because it is of major importance to Victoria. Of approximately $3 billion turned over in gambling each year in Victoria, which is a major source of revenue for the Government, $2 billion comes from the racing codes.

The matter is of such importance that twelve months ago I called representatives of these racing codes to my office and we spoke about the use of drugs and how we should protect Victoria so that it remains the No. 1 racing State in Australia. It was decided that we should further investigate the situation and, in the last Parliamentary session, legislation was passed to allow 0·25 per cent of Totalizator Agency Board turnover, which in the past was used for oncourse tote installation, to be used for other purposes, and I specifically mentioned future drug research.

Recently a working party comprising veterinary representatives of the three racing codes and a representative of the Department of Agriculture and Rural Affairs was established to work out whether the drug detection and control system could be improved in Victoria. I hope that committee will report to me in the next couple of months. If any further action is required to improve the situation, it will be taken immediately.

# PETITIONS

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

## Mental health support services

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

The humble petition of the undersigned citizens of Victoria respectfully showeth:

That community mental health support services are seriously under-funded and unavailable in many areas of Victoria.

These services include psycho-social rehabilitation programs, self/mutual help groups, supported employment opportunities and supported community housing facilities for that large number of Victorians who have a psycho-social disability.

Your petitioners humbly pray that the Victorian Government will provide for the significant improvement in funding needed for these services.

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

By **Mrs Ray** (793 signatures)

## Early childhood services

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

The humble petition of the undersigned citizens of the State of Victoria showeth that they are gravely concerned at the future of early childhood services for young children and their families.

Your petitioners therefore pray that urgent action be taken to ensure that there are no cuts to the funding of children's services and that there be no reduction to the quality, accessibility and flexibility of such services in the State of Victoria.

By **Ms Sibree** (1059 signatures)

## Yarra Park Primary School

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

The humble petition of the undersigned citizens of Australia, Victoria respectfully showeth that:

In the light of plans to restructure Richmond area primary schools, we strongly oppose any proposal to close Yarra Park Primary School, Wellington Parade, East Melbourne.

Your petitioners therefore humbly pray that the Parliament assembled will take whatever action is necessary to prevent the closure of Yarra Park Primary School.

Your petitioners, as in duty bound, will ever pray.

By **Mr Remington** (1395 signatures)

## Packaging standards

TO THE HONOURABLE THE SPEAKER AND MEMBERS OF THE LEGISLATIVE ASSEMBLY:

The petition of certain citizens in Victoria shows that there is a need to end the current discrepancy in trading conditions between local manufacturers of confectionery and importers, caused by inadequate packaging laws in this State.

Your petitioners therefore humbly pray that this discrepancy should be rectified by the introduction of the recommended national packaging standards, based on a 40 per cent maximum free-space in the packaged product, which will enable equal trading opportunities for local and overseas confectionary manufacturers alike and protection for consumers against dishonest packaging practices.

By **Mr Hayward** (257 signatures)

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

## PAPERS

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

Coal Corporation of Victoria—Report for the year 1985–86.

Melbourne Wholesale Fruit and Vegetable Market Trust—Report for the year 1984–85.

Planning Appeals Board—Report for the year 1985–86.

Police Regulation Act 1958—Determination Nos 461, 462 and 463 of the Police Service Board.

Statutory Rules under the following Acts:

Public Service Act 1974—PSD. No. 32.

Superannuation Benefits Act 1977—No. 232.

Town and Country Planning Act 1961:

Geelong Regional Planning Scheme, Amendment Nos 117/1986; 159 Part 1/1986.

Hamilton—City of Hamilton Planning Scheme, Amendment No. 22.

Moe—City of Moe Planning Scheme 1966, Amendment No. 92/1985.

Tambo—Shire of Tambo (Lakes Entrance) Planning Scheme, Amendment No. 59.

Victorian College of the Arts—Report and Statement of Accounts for the year 1984.

. . . . .

The following proclamation fixing an operative date for an Act was laid on the table by the Clerk, pursuant to an Order of the House dated 3 April 1985:

Lotteries Gaming and Betting (Amendment) Act 1986—Section 7—15 September 1986 (*Gazette* No. 74, 10 September 1986).

## TOWN AND COUNTRY PLANNING (MISCELLANEOUS PROVISIONS) 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 SPEAKER**—Order! When this Bill was last before the House, the honourable member for Gippsland East raised with me a point of order concerning the status of the Bill and contended that it should be considered by the House as a private Bill.

The honourable member referred to possible benefits which may flow to a specific group of people and submitted that the Bill consequently came within the category of a private Bill. In support of this view, he referred to the practice of the House of Commons in dealing with such Bills in contrast to the passing of public Bills.

I should point out that this House has long adopted the criteria used by the United Kingdom in assessing whether a Bill is a private or a public Bill. However, the method by which this House deals with a private Bill differs markedly from that of the United Kingdom.

An examination of the Bill reveals that there are two principles embodied in the measure.

Clause 3 provides the Melbourne Corporation with the discretion to forgo an entitlement it has to legal costs and also enables the Melbourne City Council to make payments from the Town Fund to meet costs incurred by the other parties in the Wade case. This enabling power, if exercised, would confer a benefit on the other parties in the case who are now liable to meet the costs.

The tests which are applied to legislation of this kind are provided for in *May,* twentieth edition, chapter 35, pp. 891–915. *May* states, inter alia:

Private Bills are Bills for the particular interest or benefit of any person or persons. Whether they be for the interest of an individual, of a public company or corporation . . . they are equally distinguished from measures of public policy; (p. 891).

I am satisfied that the provisions of clause 3 of the Bill exhibit those characteristics.

Clause 4 of the Bill seeks to amend the Town and Country Planning Act 1961 with respect to requests for revocation of permits. The proposed change to the law undoubtedly has its origins in the circumstances of the Wade case. It is, however, a proposal which has general public application and can in no way be considered of a private nature.

The difficulty therefore is that the Bill partly meets the test required for a private Bill and partly demonstrates a change in public policy. The hybrid nature of the Bill does not readily assist any classification. The choice must therefore be made between whether the Bill is public or private.

As neither of the two principles contained in the Bill predominate, I believe the Bill should be considered as a private Bill on the basis of the narrow application of clause 3 in that it provides for individual benefits.

Accordingly, I am of the opinion that the Bill is a private Bill.

**Mr WILKES** (Minister for Housing)—By leave, I move:

That this Bill be dealt with as a public Bill and that fees be dispensed with.

When this matter first arose, it was patently obvious that the responsible authority, then the Melbourne City Council, had the power to compound, that is to say, that it had the power to enter into an agreement with both parties in litigation.

It chose not to do so, and obviously took legal advice on the matter. The power to compound was exhausted when the appeal was determined. The next step for the council was to examine its powers under sections 245 (2), 246 (6) and 246 (7), which are known as the "3 per cent clauses" of the Local Government Act. Because of the ambiguity that exists in both those cases, and because of your reliance, Mr Speaker, on clause 3 of the Bill, I point out that the Government was obliged to look at that and to take legal advice itself, which it did. The legal advice that the Government received was that the council did not have those powers under the relevant sections of the Act.

Section 245 (2) clearly states that councils can contribute to the cost of litigation in cases in which they are not involved themselves. If it were a situation in which the Fitzroy City Council wanted to intervene or intercede, it would have that power under section 245 of the Act. The Melbourne City Council did not have that power because section 245 (2) states:

A council of any municipality (including the city of Melbourne and the city of Geelong) may out of the municipal or town fund of the municipality apply any sums of money in contributions towards the cost of any litigation to which the municipality is not a party . . .

That ruled out any powers that the Melbourne City Council had under section 245. Sections 246 and 247—the "3 per cent clauses"—establish a number of prerequisites or conditions in which a council may make a contribution out of its municipal fund or town fund if it fits into any of those categories. There is only one that I believe ought to be mentioned in support of the Government's case to declare this Bill a public Bill. I refer to section 246 (7) which states:

The Council of any municipality (including the city of Melbourne and the city of Geelong) may in any year (to an extent which together with any amount granted as an allowance to the chairman of the municipality does not exceed three per centum of the revenue received by the council in that year from general and extra rating) apply the municipal or town fund of the municipality for purposes for which the application of the municipal or town fund . . . or any other Act and information as to the total amount applied and the purposes for which it was applied each year shall be included in the annual statement prepared pursuant to section 473:

It was that section to which the municipality of Melbourne referred, and I do not doubt that the municipality, like the Government, believes there was insufficient support in that section to warrant the municipality making that payment of 3 per cent out of the municipal fund.

That being the case, and because there is a public benefit associated with the Bill being declared a public Bill, broadly speaking if the Bill were drafted as a private Bill, as you have suggested, Mr Speaker, might be the case under clause 3, it would certainly restrict the municipality to some extent. There is a public benefit to be obtained from the Bill being declared and passed as a public Bill. It does not apply only to the people who were involved in the litigation of the case, but also will apply to any case in the future. You adverted to that fact in section 4 of your ruling, Mr Speaker.

It applies to any future case where a person applies, or persons apply, for a town planning permit and that town planning permit is issued where a commissioner or commissioners have been appointed by the Government of the day in lieu of the council, or by the council, if that permit is issued without first being advertised. As it is the Town and Country Planning Act that requires this, the Planning Appeals Board may revoke that permit.

There is a benefit flowing to the general public if the Bill is declared a public Bill. It is because of that and the ambiguity associated with the principal Act—as you, Mr Speaker, pointed out in your ruling, as I interpreted it—that a very fine line exists between whether the council had the power to pay the costs. Then again, if the council did have that power, it would create a precedent which might affect other town planning appeals in a not dissimilar way.

To put beyond doubt the necessity for the Bill, which has a public benefit for persons in the future who may find themselves in a similar position, the Government believes the Bill should be treated as a public Bill.

**Mr PLOWMAN** (Evelyn)—The honourable member for Gippsland East is to be congratulated for bringing to the attention of Parliament the fact that the Bill should have been considered a private Bill. Mr Speaker, your ruling makes it clear that it was a fine line to be drawn, but on balance you came down with the ruling that under the circumstances a group of individuals were to be beneficiaries under the Bill and, therefore, the Bill should have been considered a private Bill.

The object of the Bill is to give a discretion to the Melbourne City Council to assist those people who have had to bear substantial costs in trying to prove that a planning permit was issued to Mr Wade in the wrong manner. The object of the Bill is to give the discretion to the Melbourne City Council to waive all or part of its costs and to have the discretion to meet all or part of the costs of those individuals.

It would appear to be working against the objects of the Bill if we now are not prepared to accept it as a public Bill. It would simply involve considerable and extra costs to those people whom the Bill seeks to assist. If eventually the Melbourne City Council is to forgo its seeking of costs or is to meet all or part of the costs of those individuals, the costs of treating this measure as a public Bill would simply be added to those other costs and would have to be borne by the ratepayers of the City of Melbourne.

For those reasons—because such costs would add to the extreme problem that those litigants face—the Opposition would support the declaration of the Bill as a public Bill.

**Mr B. J. EVANS** (Gippsland East)—The debate is one of whether the Bill should be declared a public Bill. Having listened to the Minister for Housing, I find it difficult to relate anything that he has said to the debate. Indeed, I would suggest that the great bulk of his argument should have been put to you, Mr Speaker, when the question was raised whether the measure was a private Bill. The Minister is trying to shut the door after the horse has bolted because, you, Mr Speaker, have properly declared that this is a private Bill.

I make a further point that although members of the Legislative Assembly have laid emphasis on clause 4, a perusal of the debate thus far in the second reading of the Bill suggests that clause 4 has hardly received a mention. There is no shadow of a doubt that clause 3 is the heart of the Bill; it is the whole purpose and objective of the proposed legislation. I believe clause 3 was given that emphasis quite correctly by you, Sir, in arriving at your decision.

The important question is: what is the effect of the House deciding to treat this as a public Bill? What would be the effect if the House did not make that decision and insisted that the Bill should proceed as a private Bill? First, as I understand it, you, Mr Speaker, would be required to advertise the fact that a private Bill was before the House. An opportunity would be given to all interested members of the public to raise objections to any provision of the measure and a Select Committee of the House would be appointed to inquire into the whole proposed legislation.

In fact, that is not what the Minister for Housing is asking the House to do. He is asking the House not to make the normal inquiries that would follow from the passage of a private Bill through the House, but to treat it in the normal way.

I may have a rather suspicious mind but there are certain aspects of the measure that I have difficulty understanding. For example, it is difficult to understand why the Melbourne City Council would willingly decide to pay this huge amount of money. I suggest that the whole measure carries with it ingredients of a classic episode of *Yes, Prime Minister*, even to the point of the principal Minister concerned, the Attorney-General, wearing two hats—a scenario which featured in a recent episode of *Yes, Prime Minister* and which had rather peculiar ramifications.

The Attorney-General is also the Minister for Planning and Environment and he is wearing both hats on the proceedings of this Bill. It was suggested in *Yes, Prime Minister* that the wearing of two hats may mean either that the person has two minds or, perhaps, even two faces.

It intrigues me why a Government Minister in that position apparently did not realise that this Bill should be introduced as a private Bill and that it should have been introduced first in the Legislative Assembly and not in the Upper House. Surely the principal Minister, a person prominent in the legal profession, should have been much more concerned about the forms and practices of this House and of Parliament generally than a cow cocky from up in the bush, yet the House has had to rely on a cow cocky from up in the bush to alert this House to the fact that the Bill, which is being treated as a public Bill, should be treated as a private Bill.

The Minister for Housing interjects that the House determines that. He has made the assurance, I understand, that there is considerable public benefit in treating this as a public Bill. I should like the Minister to spell out which members of the public will get the benefit. I cannot perceive that they will be the ratepayers of the City of Melbourne who will be forking out anything up to $1 million.

I cannot help but feel that somewhere or other behind the scenes there is a payoff to come. I wonder whether the Minister for Housing can give an assurance that the payoff, after a decent interval has elapsed, is not that the Melbourne City Council will be relieved of its obligations to pay its share of the Melbourne Underground Rail Loop Authority's costs because the city council's share has been dropping down year by year.

It is typical of the episodes of *Yes, Minister*, and now *Yes, Prime Minister*, that the payoff in return for the Melbourne City Council carrying the can for the Government on this occasion is that the city council will have its obligations towards the underground rail loop cancelled in due course.

One can envisage a cynical discussion where a Ministerial adviser would say, "We are granting the Melbourne City Council the discretion to pay the costs, but, of course, it does not have to pay them." The Minister would say, "That would be a terrible thing to do;

what would happen in a situation of the Melbourne City Council not paying those costs?", and the Ministerial adviser would say, "Of course, the people involved can sue the council for them." The situation would be back to square one. The whole saga began with a court case over the failure of the Melbourne City Council to exercise its discretion. The Bill is again granting power to the council to exercise discretion and is setting up the situation for the whole train of events to occur again, but on a more massive scale than it has until now.

There is every reason to believe that the Government is trying to hide something with the proposed legislation. The circumstances under which the Bill has been introduced are highly suspicious. There is reason to criticise the Ministers concerned with the proposed legislation for not knowing enough about the procedures of the House to determine whether the measure is a private Bill. I suggest it would have been possible to have sought your advice, Mr Speaker, before the Bill was introduced. I cannot believe it did not cross the minds of the Ministers that the proposed legislation may be a private Bill.

It is not my desire to frustrate the basic intention of the Bill because I feel extremely sorry for the principals involved. However, I shall move an amendment to the motion moved by the Minister for Housing:

That all the words after "that" be omitted with the view to inserting in place thereof the words——

**Mr PLOWMAN** (Evelyn)—On a point of order, Mr Speaker, the honourable member for Gippsland East is confusing the present motion that the Bill be declared a private Bill with his second-reading address to the House in which he wishes to move an amendment. The House must satisfy the question of whether the proposed legislation is a private Bill or a public Bill before an amendment can be moved.

**Mr B. J. EVANS** (Gippsland East)—On the point of order, Mr Speaker, I had not even read out the amendment before the honourable member for Evelyn raised a point of order. For the life of me, I cannot understand how he can raise a point of order on an amendment that has not even been moved.

**The SPEAKER**—Order! It appears that the honourable member for Evelyn was seeing into the future with his point of order. While the honourable member for Gippsland East was reciting his amendment, it was being circulated to honourable members. There is no point of order and I ask the honourable member for Gippsland East to continue.

**Mr B. J. EVANS**—I have forgotten where I was up to before I was rudely interrupted; it shows the type of response one gets when one has the courtesy of circulating an amendment in advance.

**The SPEAKER**—Order! I ask the honourable member to move his amendment to the motion before the House.

**Mr B. J. EVANS**—I move:

That all the words after "that" be omitted with the view to inserting in place thereof the words "a Select Committee of this House be appointed to inquire into and report upon the procedures adopted in the preparation of the Bill and to ascertain who are the beneficiaries under the provisions of the Bill".

The Bill specifies the beneficiaries. This aspect of the proposed legislation may be misinterpreted because the initial result is that the beneficiaries shall be Wade and Ors and Thorpe and Ors. However, I suggest that the real beneficiaries will be the legal profession.

It is high time that the House instituted an inquiry by a committee of Parliament into the way the legal profession and the legal system operate in order to examine what needs to be done to prevent this sort of situation occurring in the future.

**Mr Micallef** interjected.

**Mr B. J. EVANS**—I am pleased to hear the honourable member for Springvale interject in support.

**The SPEAKER**—Order! I should advise the honourable member that the honourable member for Springvale is out of order in interjecting. I ask the honourable member for Gippsland East not to debate the merits or otherwise of the legal profession. It is not relevant to the subject-matter before the House and the amendment that is moved.

The matters before the House are whether this Bill is a private Bill or a public Bill and the amendment proposed by the honourable member. I ask the honourable member for Gippsland East to confine his remarks to the ambit contained in either the motion or the amendment.

**Mr B. J. EVANS**—I conclude my comments on the amendment by indicating that a committee of inquiry would be of great benefit to the House so that it would understand the circumstances of this particular case, which may give rise to measures that will prevent this type of occurrence in the future.

This is an important principle and the House should not lightly discard Standing Orders that for good reason have been set down for some centuries.

In recent years the House has examined Standing Orders and pruned many of the archaic and outdated Standing Orders, but nothing has been done to remove orders regarding private Bills. That is for good reason. I believe the House has a classic opportunity to put these Standing Orders into practice.

**Mr PLOWMAN** (Evelyn)—Before I put the points I wish to the amendment proposed by the honourable member for Gippsland East, I accept that the honourable member was correct in that I was incorrect in raising a point of order at that time. Perhaps it was because I was given an indication that a reasoned amendment would be moved to the second-reading motion but had no notification that it would proceed.

**Mr Micallef**—You won't want that recorded in *Hansard.*

**Mr PLOWMAN**—I am happy to have my comments in *Hansard.* If an honourable member makes a mistake he should accept it, including the honourable member for Springvale. Earlier it was indicated to me that the National Party wished to move a reasoned amendment to the motion. It was my mistake as I did not read the first part of the amendment which indicated it was an amendment to the motion. I accept the point that the honourable member for Gippsland East was making.

The Opposition does not support the amendment. The Bill is about giving discretion to councils to make a decision on the question that is under discussion. All parties in Parliament have supported the need for the autonomy of local government and that councils and councillors are accountable to their ratepayers. If Parliament wants local government to be autonomous, the Bill does precisely that. It gives the Melbourne City Council the discretion to make decisions. It is not saying to the council, "the council shall ..." It is saying: "the council, at its discretion," may do a number of things.

The Liberal Party would give more consideration to the amendment being moved by the honourable member for Gippsland East if the honourable member had put forward some concrete argument to support the measure that he is proposing.

The honourable member for Gippsland East said, "I suspect" and "I consider this is probable", but he should provide some concrete argument to support his amendment for the Opposition to give it favourable consideration.

However, at no stage did the honourable member say that it is common knowledge that the people concerned incurred expenses in excess of $700 000 and as every minute and every day goes by that sum will increase. In another debate last week I said that the additional interest to be paid on that amount since the Government first introduced the Bill is now $50 000 and that it is increasing at a rate of $3000 a week.

If there is to be an inquiry into the matter, it should not be an inquiry by Parliament but by the duly authorised body—the Melbourne City Council—which is accountable to

its ratepayers overall and at the ballot-box. For those reasons, the Opposition is not prepared to support the amendment moved by the National Party.

**Mr WILKES** (Minister for Housing)—The Government cannot accept the amendment moved by the honourable member for Gippsland East. The amendment suggests that "a Select Committee of this House be appointed to inquire into and report upon the procedures adopted in the preparation of the Bill and to ascertain who are the beneficiaries under the provisions of the Bill". It is clear that the proper procedures were adopted when the Bill was introduced.

**Mr Hann**—Quite clear?

**Mr WILKES**—Yes, it was quite clear. The Bill went through the other place as a public Bill after being introduced by the Attorney-General. The opinion was that it ought to be a public Bill and, therefore, I have moved accordingly. The procedures adopted in the preparation of the Bill were correct in every sense.

**Mr Whiting**—They couldn't have been because they were ruled out of order!

**Mr WILKES**—That is an opinion and the honourable member is entitled to that opinion. However, if one were to read the Speaker's ruling on this matter, one might change that view. The Speaker said:

> Clause 4 of the Bill seeks to amend the Town and Country Planning Act 1961 with respect to requests for revocation of permits. The proposed change to the law undoubtedly has its origins in the circumstances of the "Wade" case. It is, however, a proposal which has general public application and can in no way be considered of a private nature.

Further in his ruling, the Speaker said,

> As neither of the two priniciples contained in the Bill predominate, I believe the Bill should be considered as a private Bill on the basis of the narrow application of clause 3 in that it provides for individual benefits.

The Speaker did not believe one principle predominated over the other. That is the opinion the Speaker arrived at but it is an opinion that the Government rejects.

The Government believes this should be a public Bill and should be treated as such. The Melbourne City Council should have the right to compensate any person involved in the litigation where it believes an injustice has been incurred because of what took place.

In addition, the Government maintains that if there are other circumstances in the future—and thousands of town planning permits are issued every week——

**Mr Hann**—Does this apply to the Government as well?

**Mr WILKES**—The Bill applies to the Melbourne City Council and gives it a power not contained in sections 245 and 246 (7). In the opinion of the Government and its lawyers that power is not contained in those sections of the Local Government Act which traverse the question of ex gratia payments and payments for specific purposes by municipalities. The advice received by the Melbourne City Council was that those sections need not necessarily apply because it was a borderline case. However, the advice provided to the Government was that the Melbourne City Council did not have that power but that it should be entitled to have that power.

In any future situations where a commissioner or commissioners are prepared to authorise the issue of a permit without first advertising and without first complying with the requirements of the Town and Country Planning Act, the tribunal should have the power to revoke that permit and, indeed, will have that power under the Bill. Therefore, there are public beneficiaries in the Bill and, for that reason, the Government rejects the amendment and supports the motion.

**Mr COOPER** (Mornington)—I join with my colleague, the honourable member for Evelyn, in opposing the amendment. I listened with interest to the argument advanced by the honourable member for Gippsland East and I was especially enthralled with his

comments on "theory". That is what we are talking about. What he was describing were the forms and practice of the House, but what we have been debating is who should or should not pay compensation.

I was disappointed that the honourable member for Gippsland East did not mention the people who would be affected by the Bill. Although forms and practices of the House are important, as were other matters raised by the honourable member, the most important consideration for the House as a body representative of the people of Victoria is the effect that these matters will have on the citizens of this State.

**Mr B. J. EVANS** (Gippsland South)—On a point of order, Mr Speaker, in the light of what the honourable member for Mornington has said about theory, I direct your attention to the fact that this is a procedural motion. There is nothing theoretical about it; it has nothing to do with the effects of the Bill. It relates to how the House treats the Bill and, as such, is purely a procedural motion. I suggest that the honourable member is a long way from the terms of the debate.

**The SPEAKER**—Order! I uphold the point of order. I advise the honourable member for Mornington that it is in order for him to make a passing reference to a matter but I ask him to come back to either the motion before the House or the amendment.

**Mr COOPER** (Mornington)—You are quite right, Mr Speaker. I was making a passing reference to the fact that if the motion is carried, its effect on people who are concerned by it will be drastic.

The House must take into consideration that $3000 a week in interest charges are accumulating. Therefore, although the points raised by the honourable member for Gippsland East have some validity, the overwhelming question facing the House must be how to reach a decision that will be to the benefit of the people who are the beneficiaries. The question is whether the Melbourne City Council will have the autonomy and the right to make a decision on this matter.

**Mr B. J. Evans** interjected

**Mr COOPER**—I am surprised at the ferocity of the interjections because if one examines the policies enunciated by the National Party prior to the last election, one finds that those policies espoused in deliberate terms the autonomy of local government to make these sorts of decisions.

**The SPEAKER**—Order! Fascinating as it is, the honourable member is straying far from the matter before the House. If he wishes to continue addressing the House, he will need to come back to the issue.

**Mr COOPER**—Thank you, Mr Speaker. I am reaching a conclusion to my brief remarks. No reasonable argument has been advanced by the National Party and by the honourable member for Gippsland East that would suggest that anybody should support the amendment. In fact, justice would demand that this House oppose it.

**Mr WHITING** (Mildura)—In the absence of any great experience of the honourable member for Mornington, I refer him to Standing Order No. 168. You, Sir, have already ruled this to be a private Bill. The Minister for Housing has moved that it be considered a public Bill rather than a private Bill as you have ruled.

Standing Order No. 168 (*b*) and (*c*) provides:

(*b*) Where the Speaker has ruled a Bill to be a private Bill and unless the House expresses the opinion that such Bill should be dealt with as a public Bill, . . .

That is the current debate—

. . . he shall cause to be published in a newspaper circulating generally in Victoria, and where applicable, in a newspaper circulating within the locality affected thereby, a statement of the general nature and objects of the Bill. Any party which considers itself to be directly adversely affected by any provisions in the Bill shall submit written details of such effect within fourteen days of the date of the publication of the Speaker's statement.

(c) In the event that any party submits such written objection to a private Bill within the specified time the Speaker shall appoint a panel of examiners consisting of not less than three Temporary Chairmen of Committees to consider and report to him as to whether or not any objection appears to raise matters of sufficient importance to warrant the appointment of a Select Committee to consider the Bill.

That provision in the Standing Orders allows for the appointment of a Select Committee of Parliament and that is exactly what the honourable member for Gippsland East is proposing in his amendment.

As the Minister for Housing has already pointed out, it is a moot point as to whether it is a private or a public Bill. You, Sir, in your wisdom, have ruled that it is a private Bill. Who in this House will disagree with your ruling?

**Mr Shell**—The Speaker represents the House.

**Mr WHITING**—It happens on occasions, especially if the Liberal Party and Labor Party join forces, that a Bill is declared a public Bill. However, a good case exists as to why this should be referred to a Select Committee, because of the many unusual circumstances that led up to the unfortunate position that now exists.

*Honourable members interjecting.*

**Mr WHITING**—I agree with the Minister for Housing that thousands of dollars have been lost. I am amazed by the Liberal Party that is the supposed bastion of freedom in this State and is supposed to believe in freedom for the individual to make a choice. In the case of Thorne and Ors and Wade and Ors, was an individual choice made to go ahead with legal changes to the rulings that were made? Of course it was! I do not know where the Liberal Party will stand when it votes with the socialist Government in this State on this question. It cannot have it both ways.

**Mr Plowman** interjected.

**Mr WHITING**—If the honourable member for Evelyn thought about it, he might find that he could be on the wrong side of the House when a vote is taken.

It is obvious that the parties in this dispute were encouraged, or advised in much stronger terms, by their legal representatives to continue to fight the case. They lost the case in the end. A ruling went against them and costs were awarded against them. The situation that applies to any person with an action against another body in Victoria, whether it be the City of Mildura or the Town of Bairnsdale, is that that person has to pay his or her own costs unless the Government brings in a Bill to ensure that the local municipality pays the costs.

I do not know whether honourable members realise the precedent that will be set if the Bill continues in its present form. If this precedent is set, it must apply to every other municipality in the State that finds itself in a position similar to that faced by the Melbourne City Council.

Honourable members should seriously consider the ramifications of the Bill, the provision in the Standing Orders that allows for a Select Committee to be appointed and your ruling, Mr Speaker, that it is a private Bill. That is the situation as it now stands.

I hoped honourable members would give the Bill much more thought than they have given it. Obviously they have not had sufficient time to think about it.

**Mr MACLELLAN** (Berwick)—I believe you, Mr Speaker, have properly ruled that the Bill is a private Bill; the Minister has moved that it be treated as a public Bill, and the honourable member for Gippsland East has moved a reasoned amendment to the motion seeking the appointment of a Select Committee to inquire into the matter. The difficulty about that is that additional costs by way of interest at $3000 a week would accumulate during the work of the committee, and the committee would operate under some pressure because of that. The parties to the action would either not be paid their costs or would

have to wait further for those costs, not knowing whether they would be paid or whether there was sufficient security to cover them.

If one examines the background to the costs, apart from the fact that they were incurred—and people may be critical about that matter—one finds that certain actions of the sheriff in the ordinary course of events to recover the costs for the party awarded costs have been stayed pending this Bill being processed by Parliament. If the Bill does not proceed, presumably the sheriff is to be activated.

**Mr B. J. Evans**—Do they do that for everybody?

**Mr MACLELLAN**—I do not think it is done for everybody in the sense that the action is not always stayed. In some instances, the sheriff would already have sold people's houses to recover the costs and pay the party who received an order for costs. That has not happened in this case. Stays have operated so that houses have not been sold; people's assets have not been sold up to pay the costs ordered against them, and I presume that the party who was ordered to receive a contribution towards his costs—in this case, Mr Wade, who will not be receiving any sort of bonus but merely a contribution towards the costs that he himself would have incurred—is out of pocket for those costs.

If honourable members are to talk about beneficiaries, they must also talk about victims. The honourable member for Gippsland East is asking: who are the beneficiaries under the Bill? The beneficiaries will be those people who are currently liable to pay costs, the people who lost the case. If the Melbourne City Council decides to waive its costs or to contribute towards the costs of other parties, those people may receive a benefit by way of the council contributing towards the costs that those people would have to pay if nothing were done.

When someone obtains a benefit, someone else always loses something. The losers under this Bill, if it is passed and if the option is exercised by the Melbourne City Council, will be the ratepayers of the City of Melbourne. In that circumstance, they will lose to the extent that the council decides either to waive its own costs or to contribute towards the costs that it would not otherwise be obliged to pay. The winners and the losers can be discovered.

The procedures involved in the preparation of the Bill are a mystery to me, as I imagine they are to the honourable member for Gippsland East. I have sympathy with the honourable member. He quite rightly and properly raised the point of the Bill being a private Bill. Your ruling is to be welcomed, Sir. The motion moved by the Minister is a normal one following such a ruling by the Speaker and it has been moved on other occasions in respect of other Bills concerning trustee companies and banks that have been ruled to be private Bills but have subsequently been treated as public Bills. The question of the costs of a private Bill does not arise at all. I do not think anyone wants to ask for costs towards the private Bill, so that matter can be put aside.

The Minister is moving that the Bill be treated as a public Bill and, I take it, that it be given a fairly speedy passage when any delay will cost $3000 a week. One can understand that either the Melbourne City Council or the people who lost the case will be paying an additional $3000 a week in interest, not to the legal profession; it is interest that will be paid on the heavy costs that have been incurred as a result of the dispute.

I think the Minister confused the situation when he said that the beneficiaries under the Bill would be everybody who received a building permit which was not advertised but which would now be subject to cancellation. How the Minister decides that that is a benefit, I do not know. When one can obtain a building permit that has not been advertised and then, while one is in the course of erecting a building, have somebody go to the tribunal and have the building permit cancelled, I do not know who the beneficiary is. I should hate to be a developer or a builder of a building in Victoria and be part way through erecting my building under my permit and then find that someone had taken action to have the permit cancelled, but that is what the public part of the Bill proposes. I do not see any beneficiaries in that situation.

Under the procedural motion moved by the honourable member for Gippsland East, the beneficiaries that he would seek to have the committee identify are those people who took action against Wade and subsequently, after a number of cases and appeals, lost it and had costs awarded against them. They are the potential beneficiaries. Who will pay? Potentially, the ratepayers of the City of Melbourne will pay, if the council exercises its discretion.

On the question of how the Bill got to be prepared, I should have thought that the Minister could have advised the House of something of the complicated background of the preparation and presentation of the Bill and shortened the matter of the procedural motion used by the honourable member for Gippsland East. His moving of the motion has been useful; it has focused attention on the right issues, but I do not see the argument for establishing a committee and delaying the matter for several weeks or perhaps for months while it is examined in this way at the expense of people beyond the Parliamentary process. On balance, as a procedural motion, it was a good Parliamentary move by the honourable member; as a matter of practicality, it presents the problem that sheriffs are waiting to see whether they should do their public duty and sell up houses to pay costs. They have held their hand, so to speak, pending the passage of the Bill.

I do not know whether Wade is prepared to hold his hand in demanding satisfaction for the costs awarded to him. I am grateful for the advice, by interjection, of the honourable member for Melbourne that Wade has in fact been paid. It is then a question of who is to be refunded those moneys or whether the ratepayers will contribute, or whether the beneficiaries will be the people who have already paid. That complicates slightly the question of who the beneficiaries are. Apparently Mr Wade has received his money. It is a question of whether those who lost the legal action will pay or whether they will be repaid something towards the costs that they have already paid. The honourable member for Gippsland East raised a real question, which could perhaps have been answered by the Minister in a more direct way to spare honourable members consideration of whether a committee of the House ought to examine the matter. I do not believe that is a practical answer, because of the additional costs by way of interest that would be incurred. If the money has been paid—and I am assuming the honourable member for Melbourne is correct in that—the money has probably been borrowed to pay the costs and is incurring interest in that way rather than as a direct order of the court.

It is a question where we find ourselves with a good principle established and raised by the honourable member for Gippsland East with a difficult and practical situation and one where, on balance, the Opposition ought not to support the motion moved by the honourable member for Gippsland East but nevertheless understands why the honourable member would want to know what went wrong in the presentation of the Bill to the House, who the real beneficiaries are and why the names and interests of those beneficiaries were not directly advised to the House, rather than being left as a ruling of the Chair and on the simple turn of events. Had the Government given better advice to the House, it would not have needed the procedural motion and the discussion of the procedural motion, but could have proceeded perhaps with the merits or demerits of the Bill.

The House divided on the question that the words proposed by Mr B. J. Evans to be omitted stand part of the motion (the Hon. C. T. Edmunds in the chair).

| | |
|---|---|
| Ayes | 72 |
| Noes | 10 |
| Majority against the amendment | 62 |

| AYES | NOES |
|---|---|
| Mr Austin | Mr Evans (*Gippsland East*) |
| Mr Brown | Mr Hann |
| Miss Callister | Mr Jasper |
| Mr Cathie | |

AYES

Dr Coghill
Mr Coleman
Mr Cooper
Mr Crozier
Mr Culpin
Mr Cunningham
Mr Delzoppo
Mr Dickinson
Mr Ernst
Mr Fogarty
Mr Fordham
Mr Gavin
Mrs Gleeson
Mr Gude
Mr Harrowfield
Mr Hayward
Mr Heffernan
Mrs Hill
Mr Hill
Mrs Hirsh
Mr Hockley
Mr John
Mr Jolly
Mr Kennedy
Mr Kennett
Mr Kirkwood
Mr Lea
Mr Leigh
Mr Lieberman
Mr McCutcheon
Mr McDonald
Mr Mathews
Mr Micallef
Mr Norris
Mr Perrin
Mr Pescott
Mr Plowman
Mr Pope
Mr Ramsay
Mrs Ray
Mr Remington
Mr Reynolds
Mr Richardson
Mr Roper
Mr Rowe
Mr Seitz
Mrs Setches
Mr Sheehan
Ms Sibree
Mr Sidiropoulos
Mr Simmonds
Mr Simpson
Mr Smith
(*Glen Waverley*)
Mr Smith
(*Polwarth*)
Mr Spyker
Mr Stirling
Mr Stockdale
Mr Tanner
Mrs Toner
Mr Trezise
Dr Vaughan
Mr Walsh
Mr Weideman

NOES

Mr McGrath
(*Lowan*)
Mr McNamara
Mr Ross-Edwards
Mr Steggall
Mr Whiting

*Tellers:*
Mr McGrath
(*Warrnambool*)
Mr Wallace

| AYES | NOES |
|---|---|
| Dr Wells<br>Mr Wilkes<br>Mr Williams<br>*Tellers:*<br>Mr Andrianopoulos<br>Mr Shell | |

The motion was agreed to.

The debate (adjourned from September 9) on the motion of Mr Wilkes (Minister for Housing) for the second reading of this Bill was resumed.

**Mr B. J. EVANS** (Gippsland East)—Parliament is being asked to close its eyes to a massive rip-off by certain members of the legal profession of some of their clients, and because those clients would probably be made bankrupt, the ratepayers of the Melbourne City Council must pay their bills.

The Bill fails to come to terms with the real question, which should concern every citizen and every member of Parliament: what are we doing to prevent something like this happening again? Far from resolving the issue, the Bill opens the door for this whole mess to be repeated time and again by giving the Melbourne City Council the option of paying the legal expenses.

I suggest Parliament is providing the potential for the whole proceedings to start over again. In effect, the original litigation started over the question of whether the Melbourne City Council had properly exercised its powers of discretion. It is immaterial whether commissioners were involved or whether the city council was properly constituted when one considers the basis on which the legislation has been drafted.

If a similar situation occurred in any other profession or line of business, the Minister for Consumer Affairs would be down on those responsible like a ton of bricks. If a doctor did something similar, he would be accused of overservicing. If a tradesman were asked to repair a leaking tap and finished up replacing all the plumbing and running up expenses that would send his client bankrupt, he would have the wrath of the law on his head!

In either case, if the doctor or the plumber overserviced the client to the point where the client could not pay the costs involved, I have little doubt about the reaction of the Government if it were put to it that the Government should pay or that the money to pay the costs should come out of the public purse.

The proposal contained in the Bill gives the legal profession protection and status which is not accorded to anyone else in the community. If it were not for the fact that a prominent and popular sporting figure was the most adversely affected, it is doubtful whether anything would have been done about it. Can the Government give an assurance that this will be the only case where the legal profession can ripoff its clients to the extent of sending them bankrupt? Can the Minister ensure that anyone else who is the victim of unscrupulous and rapacious legal action will be protected in a similar way? Of course, he cannot!

If the good Samaritan were around today he would run the risk of being sued! A case that occurred in Bairnsdale a couple of months ago is very similar to this situation. The case was settled out of court for no other reason than that the defendant was afraid of the legal costs he might incur in trying to protect his innocence.

In that case a sleeper cutter was being driven home in the dark one evening when he came across stock straying on the road. He asked his wife to warn any oncoming traffic while he tried to remove the stock from the road. The stock did not belong to him nor to a neighbour but belonged to someone who lived some distance from his home.

His wife used warning lights which she raised up and down to warn the oncoming traffic. Two vehicles approached her; the first slowed down but did not stop, and crashed into the

stock. The next thing was that the sleeper cutter found himself in court defending himself in an action to recover $3500 for damages to the car.

The case was absolutely deplorable but it illustrates the sorts of legal actions that innocent people in the community can be faced with just because, as in this case, anything up to $1 million is involved, which would bankrupt anyone! The principle is as bad when a perfectly innocent individual who is doing a good Samaritan deed finds himself being sued and out of pocket $700 for what he did in the interests of the community. It is shameful that that sort of thing is allowed to continue in this country.

As I said earlier, the case was settled out of court because the defendant was afraid that he would be unable to pay any additional legal costs, even if he won the case. This parallels the Wade case; although, in effect, he won the case, Mr Wade is still well and truly down the drain financially.

The House should be tackling the question of how these massive legal costs can be justified. If a person receiving an average wage was given the job of settling this minor disagreement over the issuing of a building permit, the costs involved would be equivalent to his spending 37 years on it!

Even if one concedes that the decision that had to be made in this case was beyond the wit of an ordinary human being and therefore had to be given to someone of no less intelligence than a Queen's Counsel on $2000 a day, he would have received the equivalent of a whole year's work. It is mind-boggling to try to imagine the legal points involved and the tremendous amount of research and effort undertaken by an individual to resolve the question that everyone regards as nothing more than trivial; that is, whether or not the planning officer of the Corporation of the City of Melbourne was entitled to issue a permit without advertising it. That is all the question was, yet the House is involved in debate on issues such as those put forward by the honourable member for Melbourne.

I congratulate the honourable member for Melbourne for a great deal of his speech; he brought many issues to light. If I remember correctly, he pointed out that it took three court officials to carry the books involved into the court. How in the name of fortune can people justify that sort of action in the name of justice?

Indeed, I believe the whole case was encapsulated nicely in a television play I saw some years ago in which Robert Morley was playing the part of a judge. A woman in the court, seeing that the case was going against her, made an impassioned plea to the judge in this court of justice and the judge—Robert Morley—drew himself up to his pompous best and said, "Madam, this is not a court of justice; it is a court of law". That statement puts in a nutshell the situation that has developed here. Justice has gone out the window in the interests of what people believe is the law.

If honourable members believe I am overreacting in relation to this issue, I refer them to the report of the Lay Observer to the solicitors' and barristers' disciplinary tribunals. The report by Mr Frank Eyres, was presented to Parliament in March and should be compulsory reading for every honourable member. In his report he says:

> I think better of my friends in the profession than to believe that the shocking things they sometimes do to their clients are done wilfully or recklessly.

I ask every honourable member to listen to that statement carefully. It is a statement from a report by a man who, I believe, although I have never met him, displays a great deal of compassion and understanding. I shall repeat again the sentence that he used:

> I think better of my friends in the profession than to believe that the shocking things they sometimes do to their clients are done wilfully or recklessly.

In other words, what Mr Eyres says is that the things barristers and solicitors sometimes do to their clients are not done "wilfully and recklessly" but nevertheless they are "shocking".

We in this Parliament are just going to smooth over this episode, which I believe by anybody's judgment would have to be regarded as a shocking episode and we are going to say, "Well, these clients of barristers and solicitors will be bankrupted to pay their bills."

Of course, we must remember, when we talk about who will be the beneficiaries of this proposed legislation, that if the Bill did not go through and these clients were bankrupted and they paid 20 cents in the dollar, who will be the ones who will be missing out?

**An Honourable Member**—The lawyers!

**Mr B. J. EVANS**—The lawyers and the barristers; and I am suggesting to the Minister that when we are looking for the beneficiaries that is the point we should be looking at. It is not Wade or Thorpe and it is not the poor unfortunate people who were conned into this by their legal advisers who will be the beneficiaries of this proposed legislation; it is the barristers and the solicitors who will be the beneficiaries, because otherwise they would send their clients bankrupt and they would not get their money.

**An Honourable Member**—Neil Brown was one prominent one.

**Mr B. J. EVANS**—That is right; he was another character in the *Yes, Minister* scenario which perhaps I shall write up one of these days. I reckon I could get a lot of money for an episode of *Yes, Minister* simply by reciting the facts of this case.

No matter how shockingly or terribly solicitors or barristers may treat their clients, they get no recourse from the appeals tribunal unless they can prove that what was done was done wilfully and recklessly. The disciplinary tribunal will not take any action, no matter how blatant the action may be, unless one can prove it was done wilfully and recklessly.

To put that statement in its full context, I shall quote the whole paragraph, which is contained in page 4 of the report of the Lay Observer. It states:

> I think better of my friends in the profession than to believe that the shocking things they sometimes do to their clients are done wilfully or recklessly. The implication of this wording appears to be that only if the lawyer complained against can be proven to have acted almost with criminal intent can the complainant be assisted. But if a member of the public goes to any other supplier of service he does not have to prove that the supplier acted with deliberate intent in order to obtain compensation. In my own work, for example, if one of my bookbinders left sixteen pages out of a book I did not demand that the purchaser prove that I acted with deliberate dishonesty in selling him that faulty copy. I simply gave him a good one. There are times when it almost seems as if the clients of solicitors would be in a better position to achieve compensation if solicitors were governed by the Sale of Goods Act.

This is one suggestion. We were asked earlier for suggestions about what might be done to overcome the situation. There is one suggestion from the Lay Observer, someone who surely must be given some credit for his five years of work in that particular field.

It is interesting to note that on page 2 of his report, Mr Eyres makes the following comment, and this is also a very interesting viewpoint:

> If this report was being written to be read and understood only by the average literate adult, it could all be written in language which anyone could understand. Unfortunately, however, an important part of my readership will consist of people trained in the law. Although few lawyers are aware of this (which is one of the reasons they fail so often in communication with their clients) the law has developed a uniquely dense language which is often unintelligible even to the average literate adult.

Mr Eyres goes on to say:

> It would improve relations between members of the public and the law greatly if its professional bodies showed some awareness, in their treatment of complaints, that to at least eighty per cent of the population the cost of a court case, the subsequent high risk of compounding their problems by costs being awarded against them, is beyond their means.

I emphasize this point:

> As has been said many times, by men and women at all levels of society as well as by judges and lawyers, only the very poor and the very rich can now afford to go to court.

I repeat that:

As has been said many times, by men and women at all levels of society as well as by judges and lawyers, only the very poor and the very rich can now afford to go to court.

Surely we in this place have a responsibility in this matter. Surely we cannot allow that situation to continue and apply bandaid treatment to solve some individual problem that we cannot close our eyes to and hope it will go away. Mr Eyres goes on to say:

There is an urgent need for the creation of some system of investigation of complaints against lawyers which is within the complainant's means—in my opinion it should be free—and which does not involve further heavy payments to the same profession against whose policies and practices the complaints are being made.

I should like to remind honourable members that people who become judges and who sit in judgment on us or on anyone else who may find themselves before the courts of this land are people who are brought up in this atmosphere.

The Lay Observer says, quite specifically, that people in the legal profession have a blinkered approach. They use language that is all of their own, that takes them out of contact with ordinary people in society, and yet they are the people who become the judges who sit in judgment on lesser mortals such as ourselves.

Mr Eyres continues:

Apart from these considerations, a principal reason why an independent investigating system would be better is the fact that the Law Institute and the Bar Council have both failed to produce an evolving system of investigation. I became aware, very early in this work, of the need for knowledge and experience not to be lost, and have referred to this need several times in my reports. So far as I am aware nothing has been done about this. On the contrary, it has sometimes seemed that the more knowledgeable and the more experienced an investigating solicitor became the more likely he or she was to quietly disappear from the scene.

Those are pretty strong words to be made about a professional body representing an important profession in the community, a profession that is directly responsible for the problem that has led to this discussion taking place in Parliament today.

**Mr Wilkes** interjected.

**Mr B. J. EVANS**—If the Minister feels that I am getting a little bit away from the Bill——

**The DEPUTY SPEAKER (Mr Fogarty)**—Order! The Minister will have every opportunity, at some future time, to answer the arguments of the honourable member.

**Mr B. J. EVANS**—Bringing the discussion back to the relevant issue—and I appreciate the point made by the Minister for Housing and I think it is probably quite right—I move:

That all the words after "that" be omitted with the view of inserting in place thereof the words "this House refuses to read this Bill a second time until legislation is introduced into Parliament to control and regulate the legal profession and the judicial system of this State as far as is necessary to prevent the exploitation of clients, as has been revealed in the proceedings between Thorne and others and Wade and others in the Supreme Court of Victoria and the Full Court of the Supreme Court of Victoria (No. 5887 of 1982)".

**Mr Whiting** (Mildura)—I second the motion.

**Mr B. J. EVANS**—Among the recommendations that the Lay Observer made in his 1983 report, and to which he has again drawn attention in his 1986 report, are these:

That a printed form should be used by all solicitors on which clients are asked to give details of the work they need to be done and confirm in writing their acceptance of what the solicitor proposes to do. It would be preferable for such a form to provide space for an estimate of the costs of such work to be given by the solicitor and for this also to be accepted by the client in writing.

That consideration should be given to a revision of the system of charging by solicitors so that clients are kept informed of the amount of the debt they have incurred and asked to make periodic payments.

That urgent consideration should be given to the creation of some system providing simple quick and inexpensive settlements of small disputes.

I suggest that if the Government had acted on the recommendations made by the Lay Observer in his 1983 report—unfortunately, in this case it would have been too late because the case took place in 1983—it may well have been that the Lay Observer was aware of what was going on and that may have perhaps influenced these recommendations, but I am suggesting in the amendment that this House is totally failing in its responsibilities if it does no more than just apply a bandaid to this particular case, which has been highlighted by the fact that a prominent sporting personality is involved.

I very much doubt whether similar consideration would have been given if I or any of my colleagues found ourselves in this sort of situation. Indeed, from time to time in the area of politics, one feels that one would like to take some legal action in order to defend one's reputation and the like against attack and yet on many occasions, honourable members decline to do so because of the fear of getting themselves heavily into debt as a consequence.

The essential question that the House needs to resolve is the question of whether justice is being denied in this country because the legal system has become too expensive for the ordinary man in the street. Therefore, I commend the amendment to the House. It is an eminently reasonable one; however, I am sure that even if the Minister for Housing could come up with some sort of assurance that legislation of this kind would be introduced, the Opposition would look very favourably upon the acceptance of the original Bill in its current form, but it would be totally wrong to pass the Bill without putting a requirement upon the Government to do something about correcting this shocking state of affairs.

**The DEPUTY SPEAKER (Mr Fogarty)**—Order! Before calling the honourable member for Ivanhoe, I advise that honourable members speaking on the amendment may also be deemed to be speaking on the Bill.

**Mr HEFFERNAN** (Ivanhoe)—I do not want to be seen as the defender of the legal fraternity but I must admit that during this case, the legal profession has come under tremendous criticism from the public generally and also from Parliament. The honourable member for Melbourne was quite strong in reference to it.

I could bore the House with the full submission of the case in reference to the legal fraternity's involvement within the Wade case, but I do not wish to drag the Bill on further than it has been at this stage.

However, I wish to raise a couple of points: the article by Tim Colebatch in the *Age*, which attacked the legal fraternity on the way it handled the Wade case, was subsequently answered by the legal profession that came up with a full list of answers to all of the criticisms that had been laid at its feet. Before we do anything else, we must examine what has been gained by this situation. We ought to have learned that the legal system, as it is, is set up in the planning process right through Government, and we should remember that it has a right to be involved to this stage.

We ought not to say to the legal fraternity, "You are at fault" because the Government is at fault. Let us lay the blame where it ought to be laid. We set up the system and it allowed the people the right to appeal and go through a legal process. Citizens have the right to employ the best legal professionals available.

Now, all of a sudden because of some financial case that has received tremendous publicity in the newspapers, and tremendous coverage right across Australia, we are now deciding that something ought to be done and we are casting aspersions and abuse at the legal system.

The Wade case will go down in history and in many universities it will be referred to, in years to come, and used as an example of a major legal problem that existed in the town and country planning process. It is interesting to note that at long last the Minister for Planning and Environment is rewriting the entire Town and Country Planning Act to overcome problems such as this one.

The second point I wish to raise refers to the whole area of why something ought to be done. It is an area of tremendous historical significance and that is a major point. We are not dealing with a row of houses out in suburbia; it is an area of great significance to this State.

A planning permit was issued without advertising, in an area of tremendous historical significance to this State; that is the first mistake that was made and it is the very point that ought to be highlighted—they did not advertise it.

I should have thought that an officer of any council would have known that a property within an area of historical significance that is listed within his or her council ought to have been advertised.

In the Heidelberg City Council, where I operated for so many years, it would have been done automatically. It is all very well saying, "Who is at fault?" Somebody must have made that mistake.

I note that, after all this and the costs involved in the case, not one person's head has rolled. How could anyone in the private sector make a decision such as this and still not lose his job? Someone ought to have at least been put on the mat, but nothing has been done about that.

There has been a strong attack on the commissioners. The honourable member for Melbourne also attacked the commissioners and said that they were in charge at that time. Even if the commissioners had dealt with this matter, they would have done so under officer recommendation. Anyone involved in local government would have known that. Even if they had dealt with it they would, in turn, have had a recommendation from the officers. That particularly applies to commissioners, who rely tremendously on officer recommendations.

As the Minister for Housing says, by interjection, they are not trained to handle the situation. Therefore, they would have worked on an officer recommendation.

Once again we ought to move away from creating the situation of the commissioners being criticised by members of this House. I believe the officers involved ought to have been put on the mat completely over this matter.

In reference to revoking the permit—and this is where I believe the mistake was made—the council and the commissioners had the option of revoking it. This is where the problem came to a real head. It ought to have been revoked at all costs at that stage.

It was possible for the council to cut its losses at that stage and to revoke the permit, and it was a mistake that that was not done. Therefore, the permit was still proceeding at that stage. The people involved ought to have seen that mistakes had been made in areas of government.

If I had been involved—or anyone else in this House who has been involved in local government—I would have seen, after weighing up the facts and circumstances, that a mistake had been made and that somewhere along the line there was hope for action to be taken to preserve the area that was of tremendous significance to the city. I can understand how this eventually proceeded to the stage where the matter is now considered to be a major planning disaster in the Melbourne area and a warning to other councils.

What does worry me—and I ask the Minister about this—is that in the settlement of this case the sacrifice to be made will not occur right across the broader perspective of the legal fraternity, the councillors and the people involved. It is all very well to stand here and say that we give the Melbourne City Council the right to pay out $750 000. I am not supporting that. I am supporting the principle that the council has the right to sit down and negotiate a settlement for all parties. I am hoping that the City Manager, Mr Des Bethke, does realise that one may have to pay a sacrifice, but I believe it ought to be spread.

There is a huge lesson to be learned in public participation as a result of this case. I understand that the Minister for Planning and Environment, the Honourable Jim Kennan, will introduce a new planning Bill this session that will put the whole planning process in order, and I hope that the costs involved in resolving this matter will not be incurred again.

I agree with the sentiments expressed by the honourable member for Gippsland East: I wonder how people of lesser means can ever exercise their rights in this sort of process.

**Mr REMINGTON** (Melbourne)—The Government cannot support the amendment submitted by the honourable member for Gippsland East because it would unduly delay the desire of the Melbourne City Council to effect compensation to the residents involved. This is a confusing debate.

At present Mr Wade has received his taxed costs. I make that point because a member of the Opposition seemed to be a little confused. Mr Wade has actually received his taxed costs. I believe the residents are about $70 000 to $90 000 out of pocket. They have paid the taxed costs to Mr Wade, but Mr Wade is still $148 000 out of pocket. He won the case; the judgment was handed down in his favour, but what he was paid was not the full costs—they were only the taxed costs.

The additional costs involved that were paid by Mr Wade were well in excess of $140 000. Therefore, there is no question of the sheriff going off and selling the houses in order to pay Mr Wade, because the residents have paid him.

The only liability outstanding at present, apart from the individual liabilities of the residents concerned, arises as a result of the fact that, in the issuing of damages, a portion of the council's costs was awarded against the residents concerned. The council now needs this power to forgo collecting those costs.

The Government cannot agree to delay this process any longer because the interest on the outstanding amount of money of about $3000 a week is a very real cost in the calculation. I am fully sympathetic with the severe criticism levelled at the legal system. I do not believe it was necessarily levelled at members of the legal profession collectively who were involved in the case—although I have said that I thought Mr Brown quite incorrectly pursued the wrong course, and that judgment was extremely costly to the people concerned.

Some criticism was made of an officer of the Melbourne City Council, Mr Noonan. Honourable members must understand that when the application came to Mr Noonan, it was signed by two of Wade's neighbours as consenting to it, Mr Notini and Miss Chisholm. The judge then placed himself in this superior position and said that, notwithstanding the fact that both neighbours were agreeable to the extensions, as a professional, the officer concerned, Mr Noonan, should have known that they were wrong and that those extensions would be detrimental to the general amenity of the area. That is a fairly fine judgment to make. The judge stated:

> I am satisfied that permit No. CM 5032 is null and void because Mr Noonan, having formed the opinion that the grant of the permit may cause substantial detriment to a person or persons, erroneously placed too much emphasis upon an irrelevant consideration, namely the existence of consents by Miss Chisholm and Mr Notini.

That was a fairly high point for the judge to take. Most officers would say that, since both neighbours were quite happy with the proposal and had signed the plan—their signatures were on it—that would be fine. However, the judge took a different stance, and it was a very important position that he took.

I now raise another point that must be considered, and I mention it in this debate because it will be a point of reference in future. I understand that one can obtain a copy of the transcript, and I am told that the transcript is about 3 feet thick. Therefore, in future, people will examine in *Hansard* the various contributions made in relation to this case.

It must be understood that Mr Justice Gobbo was asked to take action preventing the alterations from going ahead. However, His Honour did not do so. It is not only the legal system that is involved but also the whole judicial system.

In fact, it took fourteen months for the case to be heard and, therefore, there is justification for concern about a system that delays a major case from coming to court for a period of fourteen months.

The other factor that has been overlooked by other speakers is the fact that the commissioners did re-examine their decision.

It was the commissioners who decided not to advertise. After the first decision was made the case went to Mr Justice Gobbo, and then went back to the commissioners. They were asked to consider a revocation of permit, but they declined to do so. It was not as though someone had just signed the permit and decided not to recommend advertising; it was not as simple as that. It was the commissioners who sat down in a session and took submissions from Wade. They had written submissions from residents, but still decided not to revoke the permit.

The Law Institute of Victoria and the Bar Council have a serious responsibility to institute an internal investigation into their professional conduct rules. What the honourable member for Gippsland South said was spot-on. It is outrageous that the case went for 26 days. As I pointed out earlier, one day the judge decided that as the case would be going for a while and as he had other board commitments, he could not hear the case. The judge acted properly, as he did have further commitments to meet, but it is outrageous that the system should allow that to happen. I was told that it cost $30 000 a day to make that determination in court.

I was told also that on another day the proceedings were taken up by barristers arguing whether the houses were terrace houses or row houses. Apparently, the difference is determined by whether there are two bricks adjourning the two houses or three of four bricks, but I do not know all the details. Specialists were called in and asked whether they were row houses or terrace houses. I do not have a clue as to the significance of the point, but it seemed important to the barristers.

One of the residents said that he went home that night, climbed up on the roof and knocked some of the cement off the adjoining wall. He discovered that it was one or the other—I do not know which. However, there is something badly wrong with the legal system if this should occur in such a major case, which is costly and devastating to the people involved.

I reiterate what I said about the case. I said that the judge allocated to a case must remain with the case. That concerns the management of the court. He must be available for more than a month, as is evident by the problem confronted by Judge Hampel. The client must be absolutely certain that the case proceeds on the day for which it is listed.

I point out that many times a case is adjourned because barristers discover that they have other cases. The legal system must overcome this problem. It is simply a case of bad management if barristers involved in a major case are also involved on another case that is listed on the same day. However, the system still enables barristers to send clients bills and be paid in those cases; it is outrageous.

The present system in Australia is grossly inefficient and highly costly. Everybody knows that. The administration of the system lacks management skills. The Law Institute of Victoria and the Bar Council should consider that aspect of their operations. This problem makes cases extremely costly and places physical and financial stress on the clients involved. Nobody will argue against that statement.

There simply must be better management of the time of the courts. It is regrettable that in this debate honourable members cannot pursue the road down which the honourable member for Gippsland South desired to take us.

**Mr Steggall**—Why not? Your heart is not in it.

**Mr REMINGTON**—My heart is in it when there is a liability. In this case the lawyers will be the winners and the residents the losers, while the people who will foot the bill are people like myself—a ratepayer of the City of Melbourne. Whatever amount the council decides upon will be paid from the rates of ordinary people and business people in the central business district.

Bearing in mind that most of the people involved have borrowed $70 000 to $90 000 at 18 per cent interest to pay Wade and their own legal expenses, it would be irresponsible on our part to undertake the type of inquiry suggested as it would take weeks or perhaps six to twelve months to complete. With the high interest factor involved it would be highly irresponsible to defer the ultimate passage of the proposed legislation for such a review to take place.

**Mr PLOWMAN** (Evelyn)—In addressing the reasoned amendment, I shall not enter into the argument for or against the legal profession in this case. The case is a great deal too complex and lengthy for Parliament to undertake a detailed discussion of it. However, there would be members of the legal profession who would regard the reasoned amendment moved by the honourable member for Gippsland East as a considerable slur on their integrity.

Undoubtedly, there is room for examination of the legal system in this State, but the Opposition considers that it is inappropriate to delay the passage of the Bill for such an examination to take place. If the honourable member for Gippsland East wished to bring about such an examination of the legal profession, he should do so by way of substantive motion and not be delaying this Bill, which is precisely what the reasoned amendment seeks to do.

In the second-reading debate and also in the debate on the reasoned amendment and on the motion that the Bill be considered a public Bill, a good argument was put that the litigants would be severely disadvantaged by additional costs if there was any further delay. An honourable member also mentioned the fact that Mr Wade had been exonerated by the court. He did not mention that the other litigants in this case were also exonerated. They incurred costs and, although they did not have costs awarded against them, they, too, were found to have had a justifiable case.

The honourable member for Gippsland East quoted Robert Morley who said, "This is a court of justice, not a court of law".

**Mr B. J. Evans**—No, it's the other way around!

**Mr PLOWMAN**—The honourable member for Gippsland East has caught me out twice today and that is twice too often. Robert Morley said, "This is a court of law, not a court of justice".

That is the whole point of this exercise. We are seeking justice for the people concerned and a delay in the passage of this Bill by the acceptance of the amendment would be a considerable injustice to those people who have been grievously affected financially by this situation.

The Bill is not setting a precedent, as was proposed. In fact, it is causing a precedent not to be set by setting down in legislation the once-off situation of the Melbourne City Council in this instance. It will certainly be a case that will be studied and quoted in the future. The honourable member for Melbourne was rather optimistic when he said that people would be studying the contributions of honourable members in this place in years to come with considerable interest. I doubt that, but it is certainly an important case that will be considered in legal circles for many years to come.

In summary, the Opposition believes any further delay would simply add to the problems already being faced by those people who are so far out of pocket, and, for that reason, the Opposition is not prepared to support the reasoned amendment.

**Mr WHITING** (Mildura)—I thank the honourable member for Melbourne for the succinct way he put his argument, which I hope he has taken up with his colleague in another place, the Attorney-General. That honourable gentleman is the only person who has the power to change the management of the judiciary and legal profession.

The honourable member for Gippsland East has a private member's Bill aimed at controlling and regulating the legal profession and the judiciary. However, so far it has been left to the Lay Observer to the solicitors' and barristers' disciplinary tribunals to point out problems involved in the legal profession. The honourable member for Gippsland East cited a case whereby someone who acted as a good samaritan in assisting at the scene of an accident, ended up having to pay $700 for damages to a car. In his report, the Lay Observer quotes a case with which I am familiar. In the sixth annual report of the Lay Observer at page 48, he states:

> Mr G was involved in a partnership deal with his solicitor. The project failed and the solicitor took action against Mr G for alleged failure to perform his share of the work entailed; Mr G counter-claimed. Mr G had lost heavily in the transaction and was financially embarrassed, so he applied for legal aid. The solicitor then wrote, without invitation, a long letter to the Legal Aid Commission arguing that legal aid should not be granted. Mr G's father complained to the Law Institute and although the commission defended the solicitor's action the Law Institute's investigating staff considered that the solicitor's action was improper and referred it to the Ethics Committee, which rejected the complaint. The solicitor failed in his action against Mr G; compensation and costs, being awarded against him. He then took action against Mr G's father for libel, based on his letter of complaint to the institute. I consider that Mr G has been denied natural justice because although his solicitor subsequently withdrew the action he has been able to use his superior knowledge and experience to cause his former client long sustained harassment and considerable financial loss, through solicitor/client and other costs. I consider also that the Law Institute's Ethics Committee, which twice considered various aspects of Mr G's complaint and each time defended the solicitor, failed to observe natural justice in its investigation.

What more damning indictment could be made against the Law Institute of Victoria Ethics Committee than that referred to by the Lay Observer. The case has been taken up with the Attorney-General. The costs awarded to Mr G were $6 000 but in the wash up the actual costs were $18 000. So Mr G is now $12 000 out of pocket because of the actions of the Law Institute. To date his application, which was made twelve months ago to the Attorney-General, for an ex gratia payment, has met with no success. Similarly, an application to the Solicitors Guarantee Fund also met with no success and Mr G is now $12 000 out of pocket for a situation in which he was, for all intents and purposes, the innocent party. Obviously there is something wrong with the judicial system and the legal profession if such a situation can occur.

I have just returned from a five week visit to the United States of America and Canada. While in America I was astounded at the attitude of the legal profession there and the depths to which it has descended. Professional people are almost afraid to take any positive action for fear of being sued for negligence.

In some States of America solicitors contract to take a percentage of the damages awarded in lieu of charging fees, which consequently gives them a desire to take on cases that may or may not be successful but which may make them a large sum of money whereby consequently they would not have to do much work to make a lucrative living. Such a system does not exist in this State.

**Mr Maclellan**—It is illegal!

**Mr WHITING**—I know it is illegal, but it may still happen, especially with a Government like this, which is attempting to put through such a Bill as this. If Parliament can approve that, it can approve anything. I am fearful that we will reach the stage where litigation will become the name of the game and every out-of-work or unsuccessful solicitor will take on litigation cases merely for the sake of obtaining costs and not having to earn a living honestly, in the true sense of the word.

I support the reasoned amendment. I appreciate the problems faced by the ratepayers in the City of Melbourne who will have to pay the costs of the litigants in this case. However, these people had the option of deciding whether to proceed with litigation. Any

person who takes a case to court to the extent that they did—obviously on legal advice—and then fails must carry the burden of that failure.

The honourable member for Gippsland East was close to the truth when he indicated that the personalities involved and the way the case developed forced the Government to introduce the Bill. Those honourable members who vote for the Bill will set a precedent whereby similar action will have to be repeated in the event of a similar case arising again.

Honourable members will set a dangerous precedent in voting for the Bill. It is time there was a full investigation of the legal profession and the judiciary to avoid reaching the situation that has developed in the United States of America.

**Mr MACLELLAN** (Berwick)—I regret that in the absence of the Premier and the Leader of the National Party there is no lawyer in the House to defend lawyers against what seems to be an anti-lawyer picnic day that has been declared by members of the National Party and enthusiastically supported by the honourable member for Melbourne.

The effect of the Bill will be that the same ugly result of cancellation of building permits obtained by people will be the subject of dispute before the Administrative Appeals Tribunal rather than in the law courts. The great benefit of the Bill will be, I suppose, that instead of lawyers conducting litigation it will now be the town planners and advisers on planning matters who do so.

Doubtless, in a few years' time, members of the National Party, supported by some members of the Government party, will be denouncing the planners and advisers and people who conduct cases before the Administrative Appeals Tribunal because the situation there will be that a council will issue a permit and it will not be a requirement for the permit to be advertised—why should it? Why should every building permit be advertised? Nevertheless, where it is not advertised it will now be possible for people to challenge the issuing of a building permit before the tribunal.

Where people have commenced work on the basis of permits, suddenly they will find that the permits are challenged and will have to be defended, that there is a possibility that the permits will be overruled and that the work will not be allowed to proceed, and the uncertainty will continue.

The heart and soul of the "Wade" case—it should be called the City of Melbourne case—really was: did the permit represent something on which the applicant could legitimately act or was it something that should be open to challenge? If it is to be open to challenge and if there are to be challenges to permits, the possibility is opened up that someone well under way with work in accordance with a permit issued by a planning authority—whether the Melbourne City Council or a municipal council or a regional planning authority, the Minister or whatever—might find that permit being challenged and might run the risk of that permit being cancelled. Either the permits should not be issued in the first place or, if they are, the people acting on the permits bona fide should be able to do so.

I suppose the Melbourne City Council-Parkville case, if I may put it that way rather than blame poor Mr Wade—he was merely the applicant—is to be a precedent. It would appear to be a precedent for the worst examples of indecision and lack of finality in the town planning process. There are good reasons on occasions for not issuing permits for people to do things, but, if permits are issued, the applicants should be able to rely on those permits to be able to undertake work.

I suppose everyone—the people who challenged the permit and carried their objections to such a high level of litigation and such a number of litigations—is now examining this matter and would far rather put up with the extensions and alterations that were made to the house than with the costs of trying to have the matter adjudicated, particularly as the house is substantially altered but is substantially as it was before being altered although a different front streetscape treatment has been applied to it since.

More than the value of the work and probably more than the value of the house has been expended in arguing whether or not the applicant Wade should have been allowed to extend at the back. If one is to believe the Sunday newspapers, exactly the same matter may rear its ugly head in New South Wales in relation to the Federal Treasurer's apparently unauthorised extensions to the back of his four-storey terrace house there.

It is not as if the applicant Wade was the only person to be in a situation like this. As the honourable member for Melbourne must surely know, new brickwork appears on old buildings right throughout the City of Melbourne very efficaciously in extensions to bathrooms, bedrooms and family rooms at the back of houses, leaving a streetscape unchanged, and if every permit for that was removed, most of the houses in the electorate that he represents would be uninhabitable. People now face the prospect of incomplete houses all over the place with permits that have been issued subsequently being challenged. This is what the Minister offers as a "solution" to the problem. It is not a solution—it is yet another problem; it is a different problem.

**Mr Wilkes**—Once off.

**Mr MACLELLAN**—The second part of the Bill is not "once off": it is the public part of the Bill which will apply all over the place and this is where the problem will arise. The problem will arise that where a permit is issued and acted upon it can still be challenged by aggrieved people.

**Mr Wilkes**—Only if it is issued under those conditions.

**Mr MACLELLAN**—As the Minister will know, very few building permits are advertised and would not be advertised unless required by the authority to be so, and if every building permit or most building permits or a substantial number of building permits are to be advertised, the newspapers and the media will be full of useless advertisements advertising the fact.

**Mr Wilkes**—Where a planning permit is required.

**Mr MACLELLAN**—The only trouble is that in many cases the building permit may or may not require a planning permit and, as the Minister would know, in most areas of the City of Melbourne, particularly where areas have been proclaimed historic, for any change within the building one may require a planning permit.

Before one can obtain the planning permit one has to ask one's neighbours on each side whether they will consent to the application. If the neighbours on each side consent to the application, the Melbourne City Council usually issues the permit, usually after one has seen a councillor and made the necessary introductions—I will not go further than that—along with the ratepayers association, the South Yarra association or the Parkville association—the watchdogs who make sure that nobody changes a building in the inner parts of Melbourne. If one has the association on side, and that means having paid one's subscription, being au fait with the association, being a nice person, having drinks at the right time on Sunday mornings, going to the right meetings and moving or seconding reports, and one applies for a permit, and the neighbours on each side, across the lane, beside the lane or wherever, do not object, the city council will take a punt and issue the permit without advertising it.

Under those circumstances, anyone can challenge it. One has done one's best, surely, under those circumstances to accommodate any interest in whether one's second storey at the back should be extended by 1 foot or not or have an extra window in it or something like that. But, no, the Minister is legislating to ensure that the building permit, when one has hammered out the hole and put the window in, can be challenged because it was not advertised.

The Minister knows that it will be a nightmare if every application has to be advertised to be secure. It will be a nightmare of advertisements and a great slowdown of the system

and an invitation for objections and disputation to various changes which have nothing to do with it.

I can instance to the Minister a ratepayer of the City of Melbourne who broached one neighbour as required by the City of Melbourne only to find that the poor person was an alcoholic and incapable of giving consent. He broached the one on the other side who said, "You should not have bought here, anyway, because you have too many children, and I will not give you consent "

For eighteen months, the constituent concerned was unable to remove the fireplace and chimney from a small, 18-foot frontage terrace house within the City of Melbourne. The application was not advertised; does that mean it can be subsequently challenged? A planning permit was not issued, but it should have been because the house was in an historic area and the work was changing the shape of a chimney. In an historic area, when one removes a brick one course above the roofline, one must have a permit. The Bill will open the possibility of challenge.

Rather than being a solution to the problem, the Bill may introduce more problems. I accept the view put forward by the National Party that the second part of the Bill will remove lawyers' costs from this area, unless an appeal is made to the Supreme Court, and that it will introduce town planners' costs and advocates' costs involved with appeals to the Planning Appeals Board. The Bill will open up a vast amount of work for town planners who will acquire a new area of economic opportunity while the legal profession will lose a small wedge of its opportunities.

The Bill will ensure that there will be no more "Melbourne City Council v. Parkville" cases, as was the case in the Wade application and the subsequent challenge. Such cases will now be quietly dispensed with by the Planning Appeals Board. Instead of worrying about costs of $3000 a week if the Bill is not passed, honourable members will be worrying about the building activity throughout much of inner Melbourne and many other parts of the State coming to a standstill until the people involved can be sure that a permit will not be challenged.

In many areas of the State, including areas represented by the honourable member for Gippsland East, to build a house on a farm one must have not only a building permit but also a town planning permit. If the building activity is not advertised, the permit can be challenged. In areas such as Echuca, depending on where one wants to build, not only must one have a building permit but also a town planning permit. If the permit is not advertised according to this Bill, this Minister and this Government, the issuing of the permit can be challenged before the Planning Appeals Board. The provisions of the Bill will provide a great opportunity for "stuffing up" the building industry of Victoria.

If a person wants to make sure that no-one gets any building work done, that person will simply take the appropriate action. He will not have to worry about the costs, as did the people involved in the Wade case. He will be able to do it himself before the Planning Appeals Board; he will be able to do it on the cheap.

As the Minister for Housing should know, the present delay before cases are heard by the Planning Appeals Board amounts to months. Even if someone were exercising his apparent rights under a permit in going ahead with a building or a development, the person who wants to stop or question the development can make an application to do so. It may be months before the board suddenly decides that the permit should not have been issued and subsequently cancels the permit, even though the building is finished.

That is the type of situation that can occur, and we will be back to the situation of the South Yarra flats. The Minister for Housing would remember that because he was the Leader of the Opposition when the issue reached its zenith in Parliament. Alterations were made to a block of flats in breach of a covenant and literally thousands of dollars worth of demolition changes had to be made to the place because someone living next door decided, long after the flats had been built, that he did not like what had been built, and, under the

convenant, required that it be changed. He went to the courts, got an order and successfully had approximately three-quarters of a block of flats demolished.

That is the very situation that is likely to arise under the provisions of the Bill. Someone may go ahead with a building permit and find out later that the permit has been revoked by the Planning Appeals Board. The solution offered by the Government in the Bill is not appropriate.

The appropriate solution is that a permit either be issued or not be issued, but if it is issued, it should be final so that people can rely on it and be confident in acting on it. The Government should not open up the opportunity where a person applying for a permit, doing the right thing by talking to neighbours living to the left and right of his property and doing all the things expected of him suddenly finds that some nark down the street who does not like his dog, his wife, his politics or the councillor he supported at the last election has decided that he will challenge the issuing of the permit because it was not advertised.

The public provision of the Bill offers a great opportunity for making the building industry more difficult and making reliance on permits a dangerous thing. The Bill will give back to the legal profession everything that the National Party and some members of the Government believe the Bill takes away.

I assure members of the National Party and the Government that for every $1 the legal profession loses as a result of this Bill, in the sense that cases will no longer be taken to the Supreme Court, it will more than make up for through the resolution of disputes that arise because of the cancellation of a building permit between the building contractor who is doing a job, the client who has engaged the builder to do the job and the planning authorities that have failed to require the advertising of the permit.

The only safe solution is for everyone to advertise in every circumstance. If I were involved in the Victoria project, I would want to be required to advertise it so that the permit would not be revocable. As the Minister would know, the variations made to that project were not advertised because the Government did not want them to be advertised. Presumably, any nark around town could, if this Bill were passed, challenge the issuing of the permit.

I suggest the solution is more ugly than the problem. The original problem was a disastrous one-off situation for those involved and it should be sorted out by Parliament and is being sorted out by Parliament. However, the solution offered by the Government is inadequate and should be reviewed.

**Mr McNAMARA** (Benalla)—I commend the honourable member for Gippsland East on the amendment he proposed. The Bill deals with a case known as the Wade case, which highlighted many of the current deficiencies within both the legal profession and the judicial system. The amendment calls on Parliament to control and regulate the legal profession and the judicial system to prevent the outrageous costs that have been highlighted by the Wade case.

I also commend the honourable member for Melbourne on his comments about the Bill. Obviously, he has done a lot of research on the matter. The arguments he put forward substantiated and supported the amendment moved by the honourable member for Gippsland East.

The Wade case developed in a strange way. It began with Mr Wade attempting to do some renovations to a property. He applied for a planning permit and, at the time of the application, the adjoining landowners, Mr and Mrs Nortini and Miss Chisholm, supported the application.

Under the town planning legislation, a discretionary power existed to determine whether or not an application for a planning permit should be advertised. On the basis of the adjoining landowners not objecting to the extension, it was thought reasonable to grant

the permit. Subsequently, Dr Falk and Mr and Mrs Thorne, owners of a property at the rear of the Wade premises, but not directly abutting the property, began agitating about the alterations. About that time Miss Chisholm and Mr Notini had a change of heart and decided to object to the alterations. Wade, of course, by that stage had commenced construction. An application for a stay of construction was made before Mr Justice Gobbo, which was not granted immediately, but the case was not heard some fourteen months from that time.

Not only are honourable members aware of the massive costs incurred by the legal fraternity in the resolution of the case, but honourable members are also aware of the delays in the judicial system that have not expedited the matter.

Most honourable members, in their remarks on the Bill, have discussed this case, but the point the honourable member for Gippsland East made, which is the substance of his motion, is that he is not dealing purely with a specific case, he is indicating that the specific case highlights inadequacies in the legal fraternity and the judicial system. The honourable member is using the Bill as an avenue to ensure that Parliament carries out a detailed investigation to remedy these matters, because it is obvious, even to blind Freddie, that if a person has a building extension that is worth $30 000 or $40 000 yet finishes up with legal costs in excess of $1 million, something is wrong with the legal and judicial systems and obviously something should be done.

I urge all honourable members to consider the motion put by the honourable member for Gippsland East because it is logical and sensible that the House addresses this problem.

There should be a stay in the proposed legislation so that Parliament can investigate these issues that have arisen out of the Wade case. These matters should be referred to the Legal and Constitutional Committee. The Government should do something about it. If the Government acknowledges the inequities in this area to the extent that it is prepared to introduce a private Bill, albeit under the pretence of a Government Bill, to accommodate these aggrieved people, the Government is neglecting its responsibilities to the whole community if it is not prepared to refer the particular issues to the Legal and Constitutional Committee, the Law Department or some other body that can examine the issues in an objective fashion.

Parliament has already established the Legal and Constitutional Committee, a body that is impartial and has tripartite representation. It is a body that has the power to hear evidence from witnesses not only from the legal fraternity, but also from all people involved in this case, Mr Notini, Mr and Mrs Wade and so on. They are the issues before Parliament.

The House is dealing with one particular case, but every week of every year the same type of problems, perhaps not to the degree where legal fees of $1 million are accrued, are occurring. It is just as severe a hardship for many people to lose $5000, $10 000 or $20 000. Parliament is bailing out people in this case—the Government is coming to the party.

The honourable member for Gippsland East indicated that there must be a quid pro quo. He suggested that the Government has done a deal with the Melbourne City Council so that it can reimburse the people who are badly affected in this case and the Government will reimburse the Melbourne City Council by dropping its demands relating to the Melbourne underground rail loop. Only time will tell whether or not the honourable member is correct.

The National Party is also concerned by the comments made by the Lay Observer, and the honourable member for Gippsland East adequately dealt with those criticisms. Criticisms have been made by the Lay Observer and the Law Institute of Victoria. The judicial system has advised the Government of the backlog in cases and the additional costs to the community. The fact the proposed legislation is before the House is an indication that even the Government recognises there are deficiencies in the system.

The honourable member for Ivanhoe discussed the new planning Act and how it would streamline the whole system. The National Party is not debating only planning matters—that is not why the issue is before Parliament. The honourable member for Gippsland East has put the motion because it affects the legal system as a whole. The honourable member gave an example of a good samaritan in the Gippsland area who attempted to chase stock off a road. The stock were not his own or even that of a neighbour but, as a result of "interfering", according to the legal system, that person has been penalised by almost $1000. Something is askew with the whole system.

The community needs a system which can advise people who are contemplating legal action. All honourable members are aware that when emotions run hot and one person runs to a solicitor, the other party is also forced to go to a solicitor; writs are exchanged and before long both parties are in court and the money adds up. One does not need to have Mr Tom Hughes, QC, at $5000 a day to accumulate large legal fees. Even the Queen's Counsels in the Wade case were paid more than $2000 a day, the junior assisting the Queen's Counsel is then paid $1300 a day; the solicitor who is standing by holding someone's hand receives $1000 a day and then there are massive court costs. The transcript costs $10 000 a copy. Apparently they have not heard of photocopies. The Wades had to obtain a copy of a transcript at $10 000 a day, as did the Melbourne City Council and the other party, each at $10 000 a day. Something is wrong with a system where each party has to pay that amount for a transcript.

Parliament needs to examine the nuts and bolts of the system. I know solicitors in practice who are concerned about the escalating costs of the system. A solicitor has been advising me on a matter this past year and he has made the point that he is just a country solicitor but his costs are $100 an hour. He has told me that if I go to court the costs will be $500 a day with counsel and so on. The advice he gave me was that we were near enough to a mutual agreement and should settle, but that if I instructed him to go to the Supreme Court then he would go. However, I should be warned about the costs.

Unfortunately, it did not appear to happen in this case.

**Mr Wilkes**—It may have happened!

**Mr McNAMARA**—I do not know whether it did or did not happen. If someone was told he might be up for $300 000 or $400 000 by appealing against the issuing of a building permit for work amounting to $30 000, one would imagine that commonsense would have prevailed over emotions that would have been running high.

When a property is listed for sale, the real estate fraternity asks the owner to sign a document giving approval for the property to be listed and he is also asked to sign it a second time in recognition that he has been shown the scale of charges.

However, no document listing the fees to be charged is provided by the legal fraternity. One must rely on the goodwill of a solicitor that he will not lead one up the garden path. It is obvious that in every profession some people will be prepared to bat on despite the odds. It is similar to the punter who is prepared to bet on the number of raindrops falling on the window.

The community must be protected from these escalating charges. Everything that has been said by the honourable members for Gippsland East, Mildura and Melbourne has reinforced that view, and even members of the Opposition have expressed their geniune concern about the phenomenal cost involved.

**Mr Plowman**—You are adding to the cost!

**Mr McNAMARA**—The honourable member for Evelyn speaks about adding to the cost. Members of the Government have also spoken about adding to the cost by delaying the Bill. What a farce! It is five months since the Government introduced the Bill and there was no hurry to get it through during the last sessional period.

Now the violins are playing and honourable members are talking about the cost of so many thousands of dollars a week. I suggest the Government should foot the cost of any additional interest payments for any delays brought about by the amendment moved by the National Party. The Government should pay that cost and reimburse all people involved for the additional interest payments.

**Mr Wilkes**—Why?

**Mr McNAMARA**—If the Government is genuinely concerned about these people, why does it not reimburse all parties to the dispute for the costs involved over the past five months? The interest that has accrued over the past five months has not been the fault of the National Party, the Opposition, the courts, the Wades or the appellants. I ask honourable members, "Whose fault is it?".

**Mr B. J. Evans**—The Government's fault!

**Mr McNAMARA**—Of course, it is the Government's fault. No one else can be blamed. Honourable members are being told that there is now great urgency in getting the Bill through the House. What a farce! The Minister for Housing, who is at the table, knows that it is a farce.

**Mr Wilkes**—No, he doesn't.

**Mr McNAMARA**—The Minister is smirking but he knows who is going to push this Bill through the House. He knows that it is "poor old Frank" because he has been lumbered with it. Why did the Bill not go through during the last sessional period? The National Party was prepared to sit for an extra week.

The National Party is concerned about the course the Bill has taken. The Bill highlights numerous discrepancies not only involving the legal fraternity but also the judicial system, and the National Party wants to redress those problems.

The Government and the Opposition have missed the point by zeroing in on this case. An important principle is involved. If honourable members are concerned about the delays, why does the Government not pick up the bat and ball? The Government should pay the interest that has been incurred for the benefit of all Victorians. It should remedy the situation not only for the people involved in litigation in this case but also for members of the legal fraternity whose profession is being brought into disrepute by massive costs such as this. Lawyers, together with other members of the community, want to see reforms introduced similar to those proposed by the National Party.

**Mr WILKES** (Minister for Housing)—In closing the debate, Mr Speaker, I thank members of the Opposition for their contributions. They were able to see the reason for the introduction of the proposed legislation.

The honourable member for Berwick seemed to confuse the issuing of building permits with the issuing of planning permits and he confused the application of planning permits as contained in clause 4. If the honourable member read clause 4, he would be aware, as stated in my second-reading speech, that:

Section 24 of the Town and Country Planning Act sets down criteria for, and provisions relating to, the revocation or modification of planning permits. The section vests municipal councils, as responsible authorities, with making decisions on whether to revoke or modify a permit. This is consistent with the substantial planning powers given to local councils in recognition of their capacity to respond to local issues and needs.

In the Wade case, however, commissioners were responsible for exercising the discretions provided in section 24 of the Town and Country Planning Act. There is a case for independent scrutiny of commissioners' appraisal of applications for revocation of planning permits.

Accordingly, the Bill inserts proposed section 24A into the Town and Country Planning Act to provide that where a commission is established, and where a planning permit has

been granted but the application was not advertised, is the only situation where it can apply; that is, where a commission has been established and where a planning permit has been granted. Also, it is not a building permit, but a planning permit.

A building permit can be issued in some cases where no planning permit is required. If the conditions of that building permit are not carried out by the person the permit was issued to, and if it contravenes the Victorian Building Regulations, the local authority has the right to order that building to be brought into conformity or it can cancel the permit.

However, in the case of a planning permit, as distinct from a building permit, where the permit has been issued by commissioners who have been appointed in the place of a council and it has not been advertised, the planning authority can revoke that planning permit and thus eliminate the problem.

I do not understand how that action would encourage any volume of litigation. It can occur only in that instance. At present the Richmond City Council is the only council that has a commissioner in place. The situation does not apply elsewhere. Therefore, a difference and a safeguard are built into the process.

The Bill is one-off proposed legislation. Whether one likes it or not, it will provide the Melbourne City Council with the means and wherefore, if it so chooses, to compensate those people who incurred costs by virtue of the fact that the planning permit was issued without it being advertised. It is up to the Melbourne City Council, not the Opposition, the Government or Parliament to decide.

The Government has repeatedly explained why the council wants this one-off proposed legislation. It does not establish a precedent because powers are already provided in the Act for individual councils under sections 245, 246 and 247 to make ex gratia payments in situations where parties have been aggrieved by decisions of councils. That provision is already in the Act and can be used at all times. However, in this case the Melbourne City Council, if it so chooses, can compensate the people involved.

The National Party has used this as a vehicle for criticism of the high costs of litigation incurred in that case. It has been admitted by everybody that the costs were high. The honourable member for Melbourne went through that in detail and members of the opposition parties have pointed it out. However, the amendment goes a lot further than being critical of high costs. It implies that the National Party is prepared to hold up the proposed legislation until further legislation is introduced to control and regulate the legal profession. The legal profession will be delighted to know what the National Party wants to do with it, as will the judicial system.

What does the National Party mean by legislation to control and regulate the judicial system in this State? The Government, quite rightly, has refrained from interfering in the judicial system and judicial decisions that have been made. The Government has attempted to isolate and insulate itself from those decisions. However, the National Party now suggests that legislation should be introduced to control and regulate the judicial system.

The National Party also suggests that it is necessary to prevent the exploitation of clients. That statement carries a clear presumption that the judicial system is responsible for the exploitation of clients. The Government does not accept that. I do not know how the National Party will explain that away, Sir, but that is a matter for the National Party.

As stated in the second-reading notes, the Government was considering broader options to obviate issues developing into disproportionate legal cases. The Government is prepared to consider that and to go even further. It is prepared to consider the possibility of bringing the Planning Appeals Board under the umbrella of the Administrative Appeals Tribunal as a further step to prevent or obviate the cost of litigation in cases such as the Wade case. The Government is aware of the high costs of litigation. It is aware that amendments are needed to the town planning provisions and that the options considered by the Government will help to prevent this sort of case from occurring again. I commend the Bill to the House.

The House divided on the question that the words proposed by Mr B. J. Evans to be omitted stand part of the motion (the Hon. C. T. Edmunds in the chair).

| | |
|---|---|
| Ayes .. .. .. .. .. | 71 |
| Noes .. .. .. .. .. | 10 |
| Majority against the amendment | 61 |

AYES

Mr Andrianopoulos
Mr Austin
Mr Brown
Miss Callister
Mr Cathie
Dr Coghill
Mr Coleman
Mr Cooper
Mr Crozier
Mr Culpin
Mr Cunningham
Mr Delzoppo
Mr Dickinson
Mr Ernst
Mr Fogarty
Mr Fordham
Mr Gavin
Mrs Gleeson
Mr Gude
Mr Harrowfield
Mr Hayward
Mr Heffernan
Mrs Hill
Mr Hill
Mr Hockley
Mr Jolly
Mr Kennedy
Mr Kennett
Mr Kirkwood
Mr Lea
Mr Leigh
Mr McCutcheon
Mr McDonald
Mr Mathews
Mr Micallef
Mr Norris
Mr Perrin
Mr Pescott
Mr Plowman
Mr Pope
Mr Ramsay
Mrs Ray
Mr Remington
Mr Reynolds
Mr Richardson
Mr Roper
Mr Rowe
Mr Seitz
Mrs Setches
Mr Sheehan
Mr Shell
Ms Sibree
Mr Sidiropoulos
Mr Simmonds
Mr Simpson
Mr Smith
*(Glen Waverley)*

NOES

Mr Evans
*(Gippsland East)*
Mr Hann
Mr Jasper
Mr McGrath
*(Lowan)*
Mr McNamara
Mr Ross-Edwards
Mr Wallace
Mr Whiting

*Tellers:*
Mr McGrath
*(Warrnambool)*
Mr Steggall

AYES

Mr Smith
*(Polwarth)*
Mr Spyker
Mr Stirling
Mr Stockdale
Mr Tanner
Mrs Toner
Mr Trezise
Dr Vaughan
Mr Walsh
Mr Weideman
Dr Wells
Mr Wilkes
Mr Williams

*Tellers:*
Mrs Hirsh
Mr John

The motion was agreed to.

The Bill was read a second time and committed.

Clauses 1 and 2 were agreed to.

Clause 3

**Mr McNAMARA** (Benalla)—I move:

Clause 3, line 16, after "case" insert "other than the costs and disbursements incurred by the plaintiffs and the appellants".

The National Party puts forward this amendment to limit the burden of costs for the Melbourne City Council in fairness to its ratepayers. This amendment was moved in another place and, although it had the sympathy of the Attorney-General, he did not give it his full support.

The National Party hopes that, in the time between the amendment being moved in another place and put forward here, the Government has had the opportunity of reflecting further on the matter and seeing that the amendment is fair to all parties and deserves to be supported.

The Committee divided on Mr McNamara's amendment (Mr Kirkwood in the chair).

| | |
|---|---|
| Ayes | 9 |
| Noes | 65 |
| Majority against the amendment | 56 |

AYES

Mr Evans
*(Gippsland East)*
Mr Hann
Mr Jasper
Mr McGrath
*(Warrnambool)*
Mr McNamara
Mr Steggall
Mr Whiting

*Tellers*
Mr McGrath
*(Lowan)*
Mr Wallace

NOES

Mr Andrianopoulos
Mr Brown
Miss Callister
Mr Cathie
Dr Coghill
Mr Coleman
Mr Cooper
Mr Culpin
Mr Cunningham
Mr Delzoppo
Mr Dickinson
Mr Ernst
Mr Gavin
Mrs Gleeson
Mr Gude
Mr Harrowfield

NOES

Mr Hayward
Mr Heffernan
Mrs Hill
Mr Hill
Mrs Hirsh
Mr Hockley
Mr John
Mr Kennedy
Mr Kennett
Mr Kirkwood
Mr Lea
Mr Leigh
Mr Lieberman
Mr McCutcheon
Mr McDonald
Mr Mathews
Mr Micallef
Mr Norris
Mr Perrin
Mr Plowman
Mr Pope
Mr Ramsay
Mrs Ray
Mr Remington
Mr Reynolds
Mr Richardson
Mr Roper
Mr Rowe
Mr Seitz
Mrs Setches
Ms Sibree
Mr Sidiropoulos
Mr Simmonds
Mr Simpson
Mr Smith *(Glen Waverley)*
Mr Smith *(Polwarth)*
Mr Spyker
Mr Stirling
Mr Stockdale
Mr Tanner
Mrs Toner
Dr Vaughan
Mr Walsh
Mr Weideman
Dr Wells
Mr Wilkes
Mr Williams

*Tellers*
Mr Pescott
Mr Shell

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

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

## JOINT SITTING OF PARLIAMENT
### Senate vacancy—Victorian Curriculum and Assessment Board

A message was received from the Council acquainting the Assembly that they have agreed to meet with the Assembly for the purpose of sitting and voting together to choose a person to hold the place in the Senate rendered vacant by the resignation of Senator the

Honourable Donald Leslie Chipp, and to recommend three members of the Parliament of Victoria for appointment to the Victorian Curriculum and Assessment Board, as proposed by the Assembly.

## RACING (SUNDAY RACING AND BETTING) BILL

The debate (adjourned from November 11) on the motion of Mr Trezise (Minister for Sport and Recreation) for the second reading of this Bill was resumed.

**Mr REYNOLDS** (Gisborne)—Although it is a small Bill, it is controversial. It is an attempt to abolish the wowser image of the Premier which has previously been promoted in the press and the electronic media.

The Bill is the result of initiatives introduced by the racing fraternity. It removes the prohibition on Sunday race meetings under the Racing Act. It enables race meetings to be held on Sundays with the approval of the Minister for Sport and Recreation.

However, before that happens, the Minister must receive a recommendation from the relevant controlling body, namely, the Victoria Racing Club, the Harness Racing Board or the Greyhound Racing Control Board.

The Bill also makes two amendments to the Sunday Entertainment Act; one amendment removes the prohibition on betting on race meetings on Sundays and a further amendment exempts an authorised race meeting held on a Sunday from the general permit provisions of the Sunday Entertainment Act.

Most of the pressure for the Bill has come from the Moonee Valley Racing Club and especially from Mr Ian McEwan, who has been forthright in leading the public debate on the matter. The racing industry is always examining ways of improving its growth and the administrators are to be commended for their attitudes and endeavours in this regard.

Country racing clubs have also sought to introduce Sunday racing, and this dates right back to the time when the late Sir Reg Ansett was Chairman of the Mornington Racing Club. For several years he sought this move. In recent times the Geelong Racing Club and the Wodonga Racing Club, as well as some harness and greyhound racing clubs, have sought Sunday racing. In certain areas there is a call for Sunday racing.

The Bill will mean that no more race meetings are held than is currently the case. Currently 97 meetings involving thoroughbred racing are held in metropolitan Melbourne and there are 400 country meetings in Victoria. As I said, the number of race meetings will be the same; the only way in which more meetings could be held was if there were an amendment to the Racing Act. Therefore, if a club wanted to hold a race meeting on a Sunday, it would have to transfer a meeting from a meeting held on another day of the week.

One of the advantages of introducing Sunday racing is that city meetings usually held on either Tuesdays or Wednesdays may be held on Sundays, which would allow those days to be available for country racing. That would be an advantage for country racing.

There is some talk within the racing fraternity and the general public that the Bill is an endeavour by the Government to swell its coffers and alleviate some budgetary problems. Since no more race meetings will actually be created, I do not know whether that is so, because if there are 97 city meetings, whether those meetings are run on a Monday, Tuesday, Wednesday, Saturday or Sunday, it will not make any difference and turnover will not be increased unless the Government increases the number of meetings that can be held.

As I said, the Bill has caused some concern in the community especially amongst those groups who wish to keep Sunday sacred and not have any gambling or sporting events held on that day. Those groups are often at odds about the fact that we have five Sundays of Victorian Football League football.

It is interesting to note that in the Australian Capital Territory at least two Sunday races are held and, in South Australia and the Australian Capital Territory, Sunday racing is permissible with the approval of the Minister. South Australia changed the Act to allow harness racing at Victor Harbor. However, that proposal died because of the lack of interest and the cost involved.

It is interesting to note the stance of the Government on this issue. I refer to the *Sun* of 15 July 1986 which announced in broad headlines—sounding almost like the outbreak of the third world war—"Premier wants Sunday racing". The article stated:

> The State Government wants racing every Sunday. The Premier, Mr Cain, said yesterday the Government was keen to see galloping, harness racing or greyhounds every Sunday—not just the day after the grand final as had been proposed . . .

The article further stated:

> Mr Cain said a Sunday race meeting could be held in the city or country, and the TAB would be allowed to provide full service.

That is in complete, stark and utter contrast to the actions of the Government and its stance with respect to other issues on Sundays. For instance, the Premier says that he wants racing every Sunday, but it has taken four years for this Government to allow the VFL to hold football matches on three Sundays a year. However, if one is to believe the article in the *Sun*, the Premier wants racing every Sunday!

Another interesting aspect in the article in the *Sun* is that Mr Hamilton, the VFL commissioner, when asked what he thought about the Premier's position on racing, said, "We would want to talk to the Government about additional Sunday games for next year." Naturally Mr Hamilton would want to speak to the Government about that, given that the Premier has openly stated on the front page of the most popular newspaper in Victoria that he wants to see racing every Sunday.

I want to know how the Premier can live with his conscience on this statement. It means that, in recent times, under the policies of this Government, Victorians can have booze, brothels and betting but not the ability to purchase a nail or a screwdriver or some other item of hardware on a Sunday. If members of the public seek to do so, they are sent to gaol. It is the greatest load of hypocrisy that I have ever seen from a Government. However, I am sure that the many speakers from the Opposition who will follow me will elucidate that point.

**The SPEAKER**—Order! I assure the honourable member that they will be out of order if they do.

**Mr REYNOLDS**—Problems will arise with Sunday racing. The industry has to decide whether it wants Sunday racing. At this stage it does not know. The Victoria Racing Club has formed a working party and I shall refer to the matters raised in its report later in my remarks. The club has produced a report that agrees with Sunday racing on just one day which is the subject of this Bill—namely, 28 September 1986, the day after the grand final, which is next Sunday week.

A number of problems must be ironed out. The most important of these is penalty rates. I refer to the costs of employing people to implement racing on a Sunday. I should like to know the stance of the Government with respect to penalty rates. After all, the Government's stance with respect to penalty rates will determine whether Sunday racing succeeds or fails. If penalty rates are not applicable, I dare say Sunday racing will be a success on a regular basis. However, that will not be the case if triple time has to be paid to staff employed on Sundays.

What will jockeys be paid? It is interesting to note that jockeys have agreed to ride on this day for nothing. Trainers are concerned because Sundays have traditionally been their one day of rest. Most people receive two days of rest on a weekend. However, racehorse trainers have only one day when they do not work the horses.

What will the farriers, who shoe the horses on race day, charge? The caterers who provide food and drink for patrons will want additional money. This applies also to horse transport drivers, attendants and so on. Public transport will need to be provided, again at greater cost to the Government and the people of Victoria and one must consider these costs as well as the cost of providing extra police.

This applies also to the salaries of course staff, and the bottom line, but not the least of these problems, is the cost of opening the Totalisator Agency Board on a Sunday.

The cost of opening the TAB will be enormous. There is no union agreement on the issue because it was never envisaged when working conditions were negotiated that TAB employees would be required to work on a Sunday. Therefore, that issue has yet to be decided.

The essence of the whole exercise is cost. I am reliably informed that it costs $3000 to open the Bendigo racecourse for a normal midweek meeting and that it would cost $9000 if that course were to be opened on a Sunday.

Of concern to the racing industry also is whether races will be held on Saturdays as well as Sundays if Sunday race meetings become a regular occurrence. At present approximately 10 000 to 12 000 people regularly attend race meetings in Melbourne. If meetings are held on both Saturdays and Sundays, as the Victoria Amateur Turf Club wishes, will the crowd be split at each meeting in two groups of 6000 and 7000 and will the turnover increase, double or just be split between Saturday and Sunday?

After all, the supply of the gambling dollar is finite. Will that reflect on betting turnover? In addition, will the courses stand any extra use? Further, will there be a problem in the event of city racing as well as country racing occurring on a Sunday? Of course, there are the three codes to consider: thoroughbred racing, harness racing and greyhound racing.

If there were no Saturday races and only Sunday races, where would the 10 000 to 12 000 people who attend regularly at Saturday race meetings go? Would they go to Sunday race meetings if there were no Saturday races? That question is extremely difficult to answer.

The broadcasting of race meetings presents more problems. Radio station 3DB has contracted with the TAB to broadcast at TAB meetings. The radio station will have a program problem with any regular Sunday meetings as its ordinary Sunday radio programs would need to be altered, amended or cancelled. Would the radio station levy an additional cost as a result of its cost increases in providing a Sunday race meeting broadcast as well as Saturday broadcasts? Will the radio station charge the TAB more than it does now?

A city race meeting at Moonee Valley racecourse on the day after grand final day, 28 September, obviously will be the first Sunday meeting; it is the only one proposed at this stage. Local media in the area of which you, Mr Speaker, will be aware, have interested themselves in the matter. The local *Community and Real Estate News* has quite a deal to say about Sunday racing. The Deputy Mayor of the City of Essendon, Cr Patrick Dowling, has been very forthright and has suggested that perhaps the council should conduct roadworks or in some other way block off the main streets leading to the Moonee Valley racecourse.

**The SPEAKER**—Order! He lost his seat.

**Mr REYNOLDS**—I wonder which faction of the Labor Party backed him. Former Er Dowling has been outspoken, as has been the Mayor of the City of Essendon, Cr Roger Gardner, in opposition to the project. They are concerned about the effect on residents in the areas surrounding Moonee Valley racecourse because Sundays are usually days when friends like to visit them, and the increased traffic and activity on a Sunday will be most upsetting. The *Community Real Estate News* of 26 August 1986, in an article on this issue reported:

State Sport and Recreation Minister Neil Trezise has told Essendon Mayor Roger Gardner the planned Sunday race meeting at Moonee Valley on Grand Final weekend is a one off situation.

I do not understand how the Minister can say that when the Premier has said that he wants race meetings every Sunday. It is somewhat confusing. Perhaps the Minister for Sport and Recreation was not in Cabinet on the day that was decided. Perhaps he and the Premier should get together on the issue.

I reiterate that there has been local opposition to Sunday race meetings. Former Councillor Dowling said that there had been no consultation, cooperation or consensus. He circularised the entire neighbourhood; the residents are against it—apparently, not only are they opposed to Sunday race meetings but also they were against Councillor Dowling! The newspaper reports state that the Labor Party is meant to be a party of consultation, cooperation and consensus. As I have said before, in its relationship with unions, it is also a Government of capitulation.

Moonee Valley residents want to know where is the consultation, cooperation and consensus on this issue. Perhaps the Minister for Sport and Recreation can satisfy their queries in the response he will make later to the debate.

Another factor is whether employees and employee organisations who do not wish to work on Sundays will be persecuted for their views. Often, for reasons of moral obligations and conscience, some people do not want to work on a Sunday, yet these people will work whenever the boss insists that they must. Will these people be held to ransom? I hope that they will not and I request the Minister to give an assurance that people who are forced to work on a Sunday against their will are able to contact the Minister so that he will take their side and endeavour to ensure that they are not victimised as a result of their moral obligations or conscience against working on Sundays.

I seek an assurance from the Minister also that the Sunday race meeting on 28 September will not start before 1 p.m. as this would give those who wish to do other things on a Sunday morning the time in which to do so.

**Mr Norris**—Such as?

**Mr REYNOLDS**—Some may like to go to the football club happy hour; others may like to go to church; and others would like to visit family. A 1 p.m. start to the race meeting on Sunday would allow them time for these activities, whereas a starting time of 11.45 a.m., as sometimes happens, would not be convenient.

What does the industry really think about Sunday race meetings? Although there has been limited time since the introduction of the Bill, I have had much correspondence. The Bill, as honourable members will recall, was introduced in great haste last Thursday. It is being debated on the next sitting day of the House. It is almost indecent haste—in fact, it is a wonder that the barrier attendants of Parliament House were able to get the gates shut so that the horses could go in! The comments that I have received, and I have circularised every race club and racing organisation in Victoria with a letter that would have been received on Friday or, at the latest, Monday, are interesting.

*The sitting was suspended at* 6.28 *p.m. until* 8.5 *p.m.*

**Mr REYNOLDS**—As I was saying before the suspension of the sitting for dinner, the Bill allows open slather Sunday racing but carries the proviso that the race meeting must be recommended by the controlling body concerned and must have the approval of the Minister. The Government has introduced the measure to eradicate the wowser image of the Premier and to further promote the Goverment's image through sport. That image was a criterion set by the Prime Minister and the star to which the Premier is trying to fasten himself. The measure will add betting to booze and brothels on Sunday!

Before the suspension of the sitting I said that I had circularised the measure to the racing fraternity. I have received some interesting views in response to the proposal. Everyone to whom I have spoken about the measure has given a different response. Given

the shortness of time in which I could inform all concerned, it has been difficult to get written responses but yesterday and today letters have been dictated to me over the phone.

Some people have said, "Yes, it is a great idea, but let us not have it every Sunday." Others, such as a Western District club, have said that they do not want it. Some of the reasons given for opposing the measure are that the penalty rates will have a disastrous effect on Sunday racing. The Maryborough Harness Racing Club thinks the measure is a great idea. As I understand the situation, that club has been slotted in to hold a trotting meeting on Sunday, 28 September. It will overcome the problem of the penalty rates by arranging the catering services via the Maryborough Lions Club, which will benefit from donations.

One particular club contacted me to say that it did not agree with Sunday racing because it would not be able to afford the penalty rates, yet it has made a submission to hold a meeting on the day in question. I do not understand how that club does not agree with the Bill yet wants to hold a Sunday race meeting.

The Thoroughbred Racehorse Owners Association has issued a Sunday racing policy but, like many other sections of the industry, it has really not made up its mind because it does not have a firm policy. It believes an adequate horse population exists to provide enough entrants but because of the shortage of available race meetings it would like to have more. It believes Sunday racing will offer more racing events. Unless the number of race days is increased by legislation, that will not happen.

It has been suggested that owners will benefit from increased opportunities provided through the proposed legislation. The association believes as other spectator sports are held on Sundays, racing should be given the same opportunity, on the basis that Sunday racing has been successful in many other parts of the world and Sunday entertainment has received increased social approval.

The association says it will support Sunday racing only if it involves the owners in no extra cost. Unless the unions bite the bullet and do away with the penalty rates, that will not be possible. Given the association's policy, it would like Sunday race meetings to be an addition to the alloted Saturday fixtures. In other words Saturday racing must continue but extra days should be allowed for Sunday meetings. That is not the proposal thus far.

The most interesting document is the report of the working party set up by the Victoria Racing Club to report on this issue. As I understand it, the working party has issued an interim report dealing solely with the subject of a race meeting or race meetings on 28 September, the Sunday after the Victorian Football League grand final. The working party will report in November on Sunday race meetings generally.

The working party has had evidence from and discussions with a wide range of people involved in all codes of the racing industry. The working party recommends that the proposed meeting at Moonee Valley should go ahead. The report states:

> The working party believes that the proposed meeting at Moonee Valley should go ahead together with the meetings of the other codes proposed for that day . . .

That is a greyhound race meeting at Sandown and a harness race meeting at Maryborough.

The President of the Maryborough Harness Racing Club, Mr Leo Crameri, has contacted me about this subject. He is keen to have the meeting go ahead because he expects it to get Victoria-wide television coverage.

After its early deliberations, the working party indicated that it could not recommend thoroughbred racing to be conducted on seven days in any one week; in other words, there must be a rest day. The different organisations spoken to by the working party are at odds; the industry has not yet made up its mind.

The view expressed in the report of the Australian Trainers Association interested me, and I quote:

The association has made submissions to both the Government and the MVRC for subsidies to cover the extra cost but both declined.

I bet the Government declined! The Government does not want to give money away, it wants to make more of it. According to the annual report of the Victoria Racing Club that was released yesterday, the Government gained $20 million from races at Flemington last season.

Jockeys have agreed to ride at a Sunday race meeting after the grand final for no extra charge, and I commend them for that attitude. That will not be their attitude for ever, but they are making the most of being part of a unique occurrence in Victoria, providing the Bill is passed.

Organisations such as bookmakers, radio station 3DB, the Bloodhorse Breeders Association and many other groups support the Bill. However, it is interesting that all the unions involved, especially the Federated Clerks Union of Australia and the Australian Theatrical and Amusement Employees Association, will not oppose the one-off Sunday meeting—and I emphasise that—but matters relating to rates of pay are still to be resolved. Those unions have not yet decided on the matter.

This is an excellent chance for the unions to show their faith and get behind this country. Honourable members have heard the Federal Treasurer talking about Australia becoming a banana republic, and that has happened in the four years that the "world's greatest Treasurer" has been in control of the coffers of this country. This is a chance for unions to do away with penalty rates, something which many members of the Labor Party and some Federal Ministers believe should happen. This is a chance for the unions to help Australia get back on the rails—by helping Sunday racing and by not asking for extra penalty rates above what they would normally get on a Saturday. This is a real opportunity for the unions to make a name for themselves, and I hope they will do just that. However, that hope will probably be in vain because the record of the unions in that regard is not good.

The working party report states:

It would be remiss if the working party did not report that a very large number of the representatives interviewed expressed definite opposition to regular Sunday racing.

While many sections agree with Sunday racing, many do not, and that is essential to the whole argument.

Arguments have been raised by the Presbyterian Church of Australia, the Uniting Church in Australia and by the Anglican Church against Sunday race meetings.

Recently, comments from Archdeacon Alan Nichols, speaking on behalf of the Archbishop, Dr Penman, have appeared in the press. An article in the *Sun* of 15 September 1986 stated:

The Anglican Church yesterday attacked the Cain Government for trying to push through Sunday racing without proper public discussion.

An article in the *Age*, of 15 September states:

The Anglican Church yesterday accused the State Government of rushing through legislation allowing Sunday horse racing in an effort to prevent debate on the issue.

In a letter dated 6 August 1986, the Essendon Baptist Church indicated to me that Sunday race meetings were a further attack on family life and increased the opportunity for Victorians of participating in gambling.

The racing industry does not yet know whether it wants Sunday race meetings. The public would like more time to decide the issue. The churches, which are vitally interested in this matter, would like a fuller and more public debate than has occurred to date.

The issue has been around for approximately six weeks, but it has not got off the ground as it should have. Normally when Bills are introduced, they are allowed to lay over for at

least two weeks. This Bill was read for a second time last Thursday and is the second Bill to be debated today, and that is unusual.

The Opposition agreed to that because the Minister for Sport and Recreation briefed the Opposition on this matter, and I have thanked him for that. The industry is divided on the matter, and I give notice that the Opposition will move an amendment that this Bill apply only to Sunday, 28 September, which will disallow any further Sunday race meetings. In that case, the matter will have to be returned to Parliament for public scrutiny. That will give the industry the opportunity of deciding whether the meetings on 28 September are a success. That action is fair and reasonable given the status of the debate within the community and the industry. The Government has proposed open slather for Sunday race meetings, and I do not believe the industry or the public wants it yet.

**Mr W. D. McGRATH** (Lowan)—The Bill has been hastily introduced; it was read a second time last Thursday and is now being debated.

As the honourable member for Gisborne indicated the Minister did provide the Bill to me on a much earlier occasion. I was able to take it through the party room exercise and there was a little more chance to consider it in some depth.

I can say from the outset that the National Party is concerned with the proposed legislation and the ramifications that could derive from it. Although it has confidence in the Minister for Sport and Recreation, when a matter is enshrined in legislation it stays there for ever and a day, but that is not necessarily the case with the Minister.

Proposed section 22C of the Racing (Sunday Racing and Betting) Bill states, inter alia:

(1) A race meeting must not be held on a Sunday except—

(*a*) in the case of a race meeting for horses, with the approval of the Minister on the recommendation of the Victoria Racing Club;

The provision also applies to harness racing and greyhound racing. However, the Minister for Sport and Recreation will not be the Minister for ever, and some time in the future there may be some other Minister for whom we do not have the same respect. Therefore, by enshrining this section in the proposed legislation we would be giving to the Government of the day open-ended legislation on recommendations for the various codes. The Government could do what it liked and Parliament would have no say in what occurred and matters would generate from there.

The National Party realises that there is some value in holding a race meeting on 28 September, the day after the staging of the Victorian Football League's grand final. The grand final has proved to be the largest spectator sport occasion, attracting more people to it than anything else in Australia, and to complement that with the race meeting on Sunday will generate a gala atmosphere for the weekend. It will also provide a tremendous input into the tourist industry in Victoria, which is necessary for the economic viability of the tourist industry. That is as far as the National Party is prepared to go. We had a serious debate on this particular subject in our party room. I believe a lot more thought needs to be given to this matter before going further down the track.

I foreshadow that amendments will be moved in the committee stage that there be a thoroughbred meeting allowed at Moonee Valley on 28 September 1986 only. To develop the argument from there, I point out that racing in this country is almost the biggest money-spinner that the Government has. On statistical information, it is the fifth biggest industry in Australia.

Last year, the Totalizator Agency Board generated more than $1 billion and out of that $70 million went to the State Government, admittedly to be used for hospitals and charities in the main. The Government is beneficiary to $600 000 a year of unclaimed bets through the Totalizator Agency Board's oncourse betting. It is a big industry; it generates a lot of money and employment. There are certainly benefits to the hotel industry and the

fashion industry that can be directly related to the racing industry. Over a number of years the various codes, harness racing, thoroughbred racing and dog racing, have generated a great deal of interest, wealth and revenue for the Government.

Bearing that in mind, it has always been traditionally a Saturday sport. However, over the years it has developed from a Saturday sport to what is termed midweek racing, with meetings on Monday, Tuesday, Wednesday, Thursday, Friday, as well as Saturday. The National Party questions whether with the proposed legislation we have the right to ask people if they want race meeting days increased from six days to seven days.

To consider some of the arguments that have been generated through the various newspapers, I do not believe there is a better argument than that put forward by Father Gerard Dowling, who wrote in *The Advocate*——

**Mr Kirkwood**—Is that a racing journal?

**Mr W. D. McGRATH**—It is not a racing journal, but if the honourable member for Preston would like to look at it, he will see that it is the Catholic journal, which is circulated throughout Victoria. It would be a good idea for the honourable member for Preston to gaze through the magazine now and again to read what is being said in a Catholic newspaper. Father Gerard Dowling also conducts a family counselling program on 3DB and 3HA on Sundays. He says:

> No to Sunday racing.

He continues:

> When I first heard the news I was stunned. I was furious at yet another attack on our Sunday, meant in our Christian concept of things to be the Lord's Day, a day of rest.
>
> As I recovered from the shock, I tossed around in my head the most effective response that I might make to this latest move by our government.
>
> Initially, I decided that this current perspective would take the form of an open letter to the Premier. I thought that I would state publicly my objections to this proposal and urge him not to go ahead with it.
>
> This idea did not get very far down the track, when I opened the Sun (16 July) and found that the Leader of the Opposition, Mr Kennett, supported the concept.

Father Gerard Dowling believed he had nowhere to go but he pressed on, and in the article develops another good argument as to why we should not continue to allow wholesale Sunday racing in this State. He continues:

> I suspect that the real truth is that Victorians don't need another day for racing; it is simply that the Government needs more of Victorians' money.

**An Honourable Member**—Who said that?

**Mr W. D. McGRATH**—Father Gerard Dowling.

**An Honourable Member**—He loves racing!

**Mr W. D. McGRATH**—I do not deny he loves racing but he says quite openly and certainly questions the need for further racing activities on a Sunday. He continues:

> With respect to the men up there in Spring Street I believe that greed is the ultimate motive behind this; their latest enlightened proposal (and it looks like they're going to be aided and abetted in this manoeuvre by their supposed opponents on the opposition benches).
>
> My other and even, more bitter objection to the introduction of Sunday racing is the likely effect that it is going to have on our society, particularly its family life. I went on record in my opposition to full-scale Sunday VFL fixtures for the same reason.
>
> Racing like VFL football is not just a sport, it is also an industry. Not only will its extension to Sunday wave "goodbye" to that special family day for the partners and children of trainers, jockeys and so on, but for those of "the bookies" and every level of the TAB—headquarters, branches and agencies.

Father Dowling goes on further with his argument in his opposition to Sunday racing. Also in an article by Rhett Kirkwood—I wonder whether this Kirkwood is any relation to

the honourable member for Preston—in the *Herald* of 14 July he puts forward some good thoughts and a good argument which I quote, and I hope I am not taking it out of context:

Jockeys, trainers, committeemen of city and country race clubs, owners—and most importantly the TAB—agreed it would be a fair idea, on a one-off basis.

That is what the National Party supports—purely on a one-off basis. He continues:

The matter must be looked at rationally and there needs to be changes in attitude if Sunday racing is to work.

It is successful in France and America—where employees work a five-day week, be it Saturday or Sunday, without penalty rates—making the situation more financially viable.

The community is not yet in that position. If Sunday racing is allowed, penalty rates will apply to those in the industry, whether they be the gatekeepers, horse trainers, jockeys, float carriers and so on. They have a right to apply for penalty rates. That will be one of the reasons why Sunday racing will not be a viable proposition. The Government needs to think through the proposal more carefully.

The Chairman of the Moonee Valley Racing Club, Mr Bill Stutt, said:

My motto is to hasten slowly.

My club's interest is to get the Sunday after the grand final and then the Government and the racing industry can look at the whole issue after that.

If the Government is *really* serious, why doesn't it give back to the industry what it takes in unclaimed dividends and fractions?

It is money which belongs to racing—and the 1984-85 total of nearly $10 million—or some of it—would go a long way to off-set early costs until Sunday racing became stabilised, if that is its wish.

The honourable member for Preston, who interjected when I read to the House the comments of Father Gerard Dowling, should ask the Government what it has done to the $10 million that rightly belongs to the racing industry.

**Mr Kirkwood** interjected.

**The DEPUTY SPEAKER (Mr Fogarty)**—Order! I know not what the honourable member for Preston saith but I know it is out of order. I ask the honourable member to keep quiet.

**Mr W. D. McGRATH**—I received a letter from a sixteen-year-old lass who is also interested in the racing industry. The Minister for Housing may realise that I am not just quoting church doctrine. Miss Sally Anson from Harrow wrote to me and stated:

I saw in the July 23rd edition of the Wimmera Mail Times that you wanted the community's opinion of Sunday racing and as I am a keen racing fan I thought I would write to you.

I am 16 years old and first became interested in the racing game about three years ago. During this time I have read about the plight of the VRC and the other metropolitan race clubs on the falling attendances; especially on Moonee Valley Stakes Day which is on the same day as the VFL Grand Final. I am in favour of this proposed Sunday meeting going ahead. Not only would more people be seeing some of the best three year old horses in action, but the MVRC would not be running at such a great loss on the day.

Miss Anson knows something about the racing industry. Her letter continues:

I am however, not in favour of continual Sunday racing; not because of personal beliefs, religion, etc, but because of concern for the participants of the horseracing industry. Owners for example, would be asked to pay $150 more per runner on the day. And what about the jockeys? Racing is already a 6 day-a-week occupation for these people and is a mental and physical strain on them. How would they fare then, if it became 7 days a week? Sunday is the only day that they have to relax and spend time with their families. No wonder they are asking for a $100 losing riding fee!

There is an alternative though. This racing could go ahead on the Sundays if there were no races on the day before. Greyhound and harness racing could be conducted on this vacant Saturday. The jockeys would have their day of rest, owners would not be required to cover overtime costs and the races would not have to compete with the football for crowds. But, Melbourne without races on the Saturday is unimaginable.

Overall, I pledge my support for the proposed MVRC meeting on the Sunday following the VFL Grand Final, but not for the continuation of this racing on a regular basis. I don't know how anybody could if they took into

consideration the strain placed on the participants of this industry. As too fewer people say, "Money isn't everything!"

When the proposal for Sunday racing was first mooted I wrote to the Victorian Country Racing Council and asked the council for its policy on a number of issues, particularly Sunday racing. On 12 August 1986, I received a reply back from Mr Jim Shannon, the Secretary of the Victorian Country Racing Council. A council meeting had been held on 11 August, just a month ago. The letter stated:

At a meeting on the 11th August the Country Racing Council considered matters raised in your letter dated 21st July. Its views are set out below:

Sunday Racing

The proposed meeting at Moonee Valley on Sunday, 28th September is not opposed.

On the question of Sunday racing in general the Council objects at this stage to any additional licences being granted for Sunday meetings but wishes to reserve any further views until the outcome of the Working Party's deliberations is known.

That is a balanced and sensible approach to the matter. I have received a number of newspaper clippings that have been circulated to honourable members during the past month. Sport, in general, claims considerable attention from all Victorians, whether it be the media or patrons at the corner hotel. Much has been said about the proposal to introduce Sunday racing. Questions need to be asked about the cost of operating Totalizator Agency Board facilities, its interstate facilities and even its right to trade on Sunday.

Thankfully the Totalizator Agency Board has stopped advertising the "lucky shop" advertisements. If those advertisements were still being shown one may question whether the board would be the subject of legal action under the Labour and Industry Act for trading on Sundays where it operates in areas that are not declared tourist areas.

A number of matters were raised with my colleague, the honourable member for Swan Hill. The President of the Swan Hill Racing Club, John Wilkinson, stated in a letter to the honourable member for Swan Hill:

Sunday racing is not a viable proposition. Jockeys demanding $100 for losing rides. Trainers' fee to increase. Owners costs doubled, trainers, riding fees, float costs, strappers, etc. Float drivers increased to $270 at a recent Sunday sale. Federated Clerks Union seeking a Sunday allowance. Cost of TAB operation. TAB agents costs. Agents working a 13 day fortnight. This would not be tolerated in any other business. Agents TAB contracts are very open, but Sunday racing not part of contract.

Totalizator Agency Board agencies are let on contract, but there is no reference to Sunday racing in many of those contracts so the agencies would not be obliged to open. Mr Wilkinson sums up by stating:

If Sunday racing is approved there must be a closed day to compensate.

As I indicated earlier, the National Party will be moving an amendment during the Committee stage that Sunday racing be allowed on Sunday, 28 September 1986 at the Moonee Valley Racing Club. I shall listen with interest to the comments of honourable members who participate in this debate. I hope the honourable member for Preston, who was very vocal earlier and critical of some of the press clippings to which I referred, contributes to the debate.

**The DEPUTY SPEAKER**—Order! I advise the honourable member that the Chair will look after the honourable member for Preston.

**Mr W. D. McGRATH**—Parliament is the forum for honourable members to represent their constituents and they should do so as they see fit.

When they make that representation, it should be open to public scrutiny.

I am pleased that the National Party is taking "conciliatory moves", as the honourable member for Swan Hill said, in allowing one-off race days; but the National Party is opposed to racing on a Sunday generally, across all codes, on all Sundays, and certainly if

the National Party supported the Bill in its present form—allowing the proposal being put forward by one of the codes on the recommendation to go ahead for a Sunday event—it would open the floodgates to weekly Sunday racing on some future date. It may not happen under the present Minister for Sport and Recreation, but it will happen somewhere down the track.

Once the idea is there in legislation, it opens up the way to go and that is why the National Party will be moving an amendment during the Committee stage but, at the same time, opposing the second reading of the Bill.

**Mr NORRIS** (Dandenong)—I support the Bill and have found it interesting listening to contributions made by the honourable member for Gisborne and the honourable member for Lowan.

The honourable member for Gisborne was interesting as he always is, but in many ways I thought it was a very negative speech. It was what one might term, in racing parlance, a two bob each way speech. It was very negative but, in the end, he was actually in agreement with the Bill. It was a very cautious speech.

The National Party has taken a conservative stance on the Bill and, in a way, I am surprised. I shall try to expand on that argument later but one of the interesting elements in the speech made by the honourable member for Lowan was his fairly lengthy quotations from the *Advocate*—of which I used to be a regular subscriber when I was an adherent at St Ignatius—and Father Dowling was critical of the introduction of Sunday racing, but I would love to have heard Father Brosnan——

**An Honourable Member**—Father Brosnan supports it!

**Mr NORRIS**—Exactly, but I would have loved to have heard Father Brosnan comment on the subject of Sunday racing. Nevertheless, I remind the House that the purpose of the Bill is to remove the restrictions that appear in the Racing Act, which prevent the holding of race meetings on a Sunday. A salient point was made in the Minister's second-reading speech, where he stated, "it must be stressed that the Government is not intending to open the floodgates for Sunday racing, but rather intends to proceed carefully in this area having regard to the views that are expressed by all relevant groups."

This is what has been interesting about the debate so far. It is a controversial measure without any shadow of doubt and, as we have heard quoted, the pros and the cons—there are cons but there are quite a few pros as well.

Sunday is sacrosanct to so many people in the community and this is the whole basis of much of the argument. I remember when I was a child my mother would not even hang out the washing on a Sunday, but times have changed.

We now have many Sunday activities, whether we like it or not and they have become a fact of life. There is Sunday football, Sunday cricket and the test matches and one day matches are coming up.

**Mr Kennett**—What about Sunday shopping?

**Mr NORRIS**—We are talking about entertainment.

**Mr Kennett**—Shopping can be entertaining.

**Mr NORRIS**—There is quite an array of Sunday sporting entertainments and I see racing as another form of sporting entertainment. I suppose the evil connotation with racing is the gambling aspect. I suppose this is the aspect that concerns members of the National Party and Father Dowling.

Personally, I am afraid I do not take that attitude but I can understand those who do. The honourable member for Gisborne wanted to underline the fact that he hoped activities did not begin before 1 o'clock because it would give people time to go to their daily worship or their happy hour at the local football club; but how does he feel about cricket

starting at 10 o'clock on a Sunday morning, the one day or the test matches? No doubt he will go along with that; but when it comes to racing, he wants it not to begin before 1 o'clock. There again, that could be the conservative element in the honourable member for Gisborne. He is, no doubt, representing many of his electors who are similarly concerned.

I suppose these feelings go back to the old Lords Day Observance Act in which many Sunday activities were forbidden. In fact, under the old Lords Day Observance Act, theatrical activities were forbidden on Sundays and yet now many theatres actually have Sunday performances because they find it more profitable; but as honourable members have said, there has been vocal opposition to the idea, and Archbishop Penman has, perhaps, been one of the most vocal objectors and his spokesman, Archdeacon Nichols, accused the Government of rushing the Bill through without proper public debate.

**An Honourable Member**—It has been on the cards and a debating point for months.

**Mr Kennett**—When did you see it first? Last Thursday with me!

**Mr NORRIS**—No, you read the papers; the Bill has been signalled for months. I do not accept Archdeacon Nichols' comment that there has not been enough time for public debate because it has been around for months. He also stated that other race meetings had been agreed to other than that one that is to be run on 28 September. The Minister has, of course, denied that; other race meetings have not been agreed to.

With all due respect to Archdeacon Nichols, he was off course a bit on that one. He said that Sunday racing is tantamount to Sunday trading which is, I believe, with all due respect to the reverend gentleman, drawing the long bow. Sunday racing has nothing to do with Sunday trading.

Sunday racing is a sporting and entertainment activity. It is a form of relaxation. Does he believe that Sunday cricket is tantamount to Sunday trading? Does he think that about Sunday football, Sunday polo, Sunday shove halfpenny or Sunday soccer? It has nothing to do with Sunday or week-end trading. There again, Archdeacon Nichols is entitled to his opinion.

I do believe racing still has that one hangover connotation of sharpsters, gamblers and crooks being involved in the activity. I think the honourable member for Gisborne mentioned public opinion polls: the only public opinion polls I have seen showed that the majority of people seemed to be in favour of Sunday racing or they could not care less. They are now used to having events on a Sunday, particularly members of the younger generation.

**Mr Perrin**—They used to drink on a Sunday.

**Mr NORRIS**—You are right, and I certainly disapprove of that!

I emphasise the point that Sunday today, whether we like it or not, does not have the "Lords day observance" connotation that it had in my younger days. Whether we like it or not, times change, attitudes change and I do not believe that someone going to a football match on a Sunday or to a race meeting on a Sunday is necessarily partaking in some sort of evil or antireligious activity.

It is up to them whether they made their peace with the Lord earlier in the day. The honourable member for Rodney is reported in the *Herald* of 21 July 1986 as stating:

> He said the National Party would look sympathetically at a one-off Sunday meeting for the day after the Grand Final but to open up Sundays to regular meetings was not on.

Members of the National Party view Sunday, as I do, as a family day. I do not see how that cuts across having a race meeting on a Sunday.

Many families go to the races and enjoy the activity together. That is true particularly of families who attend some of the beautiful racecourses in country Victoria. I should

have thought that the National Party would support picnic meetings at some of our beautiful country racecourses on a Sunday. A race meeting can bring tourism and commercial activity to small country towns. I wonder whether members of the National Party echo the sentiments of their constituents.

I honestly believe charming country racecourses would be ideal venues for families on a Sunday.

**Mr Steggall** interjected.

**Mr NORRIS**—I understand the view of the honourable member for Swan Hill, but I point out that Sunday is one of the few days of the week when the whole family can get together. The Government is concerned only with the grand final weekend when it proposes this one-off race meeting. The many visitors to Melbourne on that weekend can have an enjoyable day at the football on the Saturday and then attend the races on the Sunday.

I should have thought that the long-term connotation for Sunday races might involve picnic meetings held at country racecourses on Sundays, but my friends from the National Party do not believe that would attract tourists to the bush.

The honourable member for Lowan spoke at length about his objection to the proposal on religious grounds. I remind him that in both France and Italy, which might be said to be countries involved historically in Christianity, significant race meetings are held on Sundays, particularly the great classics.

Italy is the home of His Holiness the Pope, so it is obvious that he does not mind living in a country where Sunday racing is a regular activity and it is the day when all the classics are held.

**Mr Maclellan**—There is no racecourse in the Vatican!

**Mr NORRIS**—A similar situation applies at racecourses in the United States of America and also in the home of the ancestors of the honourable member for Lowan. Ireland has Sunday racing as a regular activity and its inhabitants do not consider it to be antireligious or antifamily. Families attend charming racecourses in many parts of Ireland and have a lovely day together.

I point out again that the Bill involves a one-off situation. I agree with the arguments put forward by honourable members that the massive costs and penalty rates that will be imposed will not make Sunday racing a successful financial activity in Melbourne. However, I should have thought it would have a future in the bush, but members of the National Party do not agree with me.

In summary, I congratulate the Minister for Sport and Recreation and members of the racing fraternity for allowing Victorians to experiment with Sunday racing. There is no basis for many of the arguments that have been put forward. Sunday racing is no different from any other sporting activity conducted on Sundays. I do not believe it will be a viable commercial operation. It is simply a one-off grand final weekend experiment so that thousands of visitors to Melbourne can have two magnificent days at the football and the races.

**Mr Steggall**—Have you read the Bill?

**Mr NORRIS**—Of course, I have read it. Victorians should be allowed this experiment. It might be a howling flop. However, it might also be a rip-roaring success. Honourable members should remember: if it has never been tried, do not knock it.

**Mr KENNETT** (Leader of the Opposition)—If ever there was a greater irrelevance in this Parliament, it must be the honourable member for Dandenong. It is ridiculous for the honourable member to contribute to the debate in the way he has this evening, particularly when he has been so stringent in his criticism of any move to extend drinking in Victoria. The honourable member has even attempted to prohibit members of Parliament from exercising their freedom of choice by smoking.

The honourable member is supporting the Government in its attempt to introduce proposed legislation that will allow Sunday racing to take place in Victoria by saying that it is only entertainment. He has supported the Government in its wish to extend the hours of drinking and to have brothels operate legally on Sundays.

The contribution of the honourable member this evening was a feeble attempt and must be seen only as a total rejection of the arguments he has become well known for in Parliament. He has often strongly criticised any extension of drinking hours, particularly among communities such as those attending sporting events. It appears that the honourable member is now in favour of such action, so if he stands up in Parliament again and expresses concern about drinking, he will not be believed.

**Mr Norris** interjected.

**The DEPUTY SPEAKER**—Order! The honourable member for Dandenong has just resumed his seat after having every opportunity of contributing to the debate.

**Mr KENNETT**—The Bill is simple. It speaks about what members of the Liberal Party believe is paramount in society today—giving individuals the right to choose what they do with their time and when to do so.

The honourable member for Gisborne expressed that view today and stated, quite correctly, that as the Bill was introduced last week without having its provisions communicated to the sporting fraternity and community groups, Parliament has a right to ensure that public debate occurrs on the Bill so that we, as politicians, do not sit in judgment on issues that should be decided by community organisations.

For those reasons and because the community has the right to greater freedom of choice, the Liberal Party has agreed to the intent of the Bill. The Bill was initially the result of a request from a race club for a meeting to be held on a Sunday so that it would not detract from grand final day.

Parliament has had only one week to consider the Bill, so it is better for the community to consider the implications and to judge the results of this one-off proposal.

The Minister for Sport and Recreation is an enthusiastic and successful racehorse owner—his horse won recently—but it would be interesting to know whether his horse will be entered at this meeting on Sunday week. That will be the Minister's choice, as it will ultimately be the choice of the people who staff the racecourses and the various other facilities whether they wish to work on Sundays.

This particular meeting that we are arguing for will, I believe, give added life to the City of Melbourne during our grand final weekend. If it is to prove successful, I am quite sure another request will be made at some future date for a similar race meeting to be held, so that a weekend can take on a very real sporting connotation.

What honourable members are being asked to do tonight is not, as the honourable member for Dandenong suggested, to simply address a Bill that limits it as a trial to one particular meeting. The Bill itself talks about, and is based on what the Premier has said publicly, the potential of a Sunday meeting every Sunday.

However, we want to take the course that the Premier took in extending football matches to Sundays, and the Premier hastened slowly. What he did was to introduce two football meetings, and that has now gone out to five, on Sundays. Who knows, with expanded competition, there may be more next year.

**Mr Trezise** interjected.

**Mr KENNETT**—We would have them when there was a demand for them. I believe what is being proved by trial is that there is a demand.

**Mr Wilkes**—Hear, hear!

**Mr KENNETT**—I am not sure whether I want the support of the Minister for Housing. It worries me that we are thinking the same way. What has happened with football is that the demand has been created, and it may be that that will happen with racing, too.

However, ultimately, the code, the unions, the owners and the public have to decide. What we are providing tonight is the first trial for a Sunday race meeting, albeit, as I believe, the Maryborough club wants to hold a meeting on that day under a different code and have dog racing as well.

There is nothing really different in what we are doing tonight from what we do from time to time with the wine festival, which has traditionally been held in the Fitzroy Gardens. In that case, legislation is put in place asking the Parliament's approval so that people can attend a major wine tasting festival over a weekend.

**Mr Maclellan**—The honourable member for Dandenong will love that!

**Mr KENNETT**—He voted for it in the past and, no doubt, he will vote for it again.

What really amazes me with this Bill is the hypocrisy of the Government in being prepared to extend. I support it, but I find it difficult to understand the motivation of the Government. Either it is simply out to create and boost tourism in this State—that is a justifiable argument, and I would also support that—or perhaps it is to increase the Government's revenue.

Obviously, the Government wants people to gamble if they see fit and for the Government to get a share of those moneys. However, what the Government is also on about is saying to us that if a TAB shop—and that is how they are advertised—is to open in a street on a Sunday, that is fine. The Government does not mind a TAB shop opening; it does not mind a brothel opening on the other side of it; and it does not mind a pub opening on the other side of it. However, the Government does not happen to believe that the people of this State are mature and adult enough to decide whether they want to go to the shoe shop next door to that.

Therefore, there is this major conflict. How is it that we have had to wait eighteen months, for instance, for the Miller report, and yet it has taken us one week to have a Bill introduced into this place to extend the operation of TAB shops on a Sunday?

Now, even you, Mr Speaker, would see the conflict and, potentially by——

**The SPEAKER**—Order! The conflict is immediately obvious to me. The Bill does not allow scope for a debate on the general issue of Sunday trading.

The Bill before the House is specific, and I advise the Leader of the Opposition that that is all I will entertain him on—the subject matter of the Bill.

**Mr KENNETT**—Mr Speaker, I am using only a passing reference to the matter, but given that you have read the Bill, I am sure——

**The SPEAKER**—Order! I assure the Leader of the Opposition that I have read the Bill. I listened to the debate in this House before the suspension of the sitting for dinner and I listened to it in my chambers after dinner. I believe the Leader of the Opposition is now stretching the credibility of the debate by talking about Sunday trading in general.

**Mr KENNETT**—Mr Speaker, this Bill removes, under the Sunday Entertainment Act, any restrictions on TAB betting shops, as they are advertised, from trading. What I am simply doing, Sir, is saying that if we are going to change the law in regard to one shop, it will simply draw out the conflict that exists. I submit to you, Sir, that it is within the provisions of this Bill.

**The SPEAKER**—Order! The Leader of the Opposition has made the point, and I suggest that he comes back to the Bill.

**Mr KENNETT**—As I said, Mr Speaker, I am making a passing reference. However, if we want this Bill to be discussed properly, I do not think it is wrong for a member of Parliament to draw the conclusions that I am drawing. I am not doing it to provoke you, Sir, but it is one of the important ingredients of this measure.

What I have said—and I shall say it once again and finally—is that we can play football on Sundays. I believe it was members of the Government who introduced that. We can play just about any sport we like on a Sunday. We now have access to brothels seven days a week; we have access to pubs seven days a week; and, if this Bill were to be passed, we would have access to TAB betting shops seven days a week.

The Opposition's suggestion will ensure that, initially, that occurs on one day as a trial effort. However, I do put it to you, Sir, that there is a massive conflict of interest. What the Liberal Party is further saying—and I take up another comment made by the honourable member for Dandenong, who referred to Sundays as family days—is that every day is family day to every family. Families themselves can determine what they do with their lives.

I do not want to judge how you, Sir, should spend your Sundays; and I have no doubt that you would not want to tell me how I should spend my Sundays. To believe, Sir, that your activity on a Sunday or mine may in any way corrupt our children or our families is no other reference than upon you and me as educators of our children.

Our children become in life the results and the end products of how we educate them. Therefore, do not blame for a moment the fact that children may be able to go to the football on Saturday or Sunday as being a corrupting influence; and do not believe for a moment that, if they were to attend this race meeting, that would be a corrupting influence. If our children are corrupted it is because we, as parents, have failed. Unfortunately, too many people today look to other people in the community to hold up as scapegoats for the failings of our children. The responsibility starts at home and, ultimately, so, too, do the priorities.

I say again, Mr Speaker, that what you do on Sundays, what I do on Sundays or what any member of the public of Victoria does on Sundays should be the business of the individual concerned, not the business of this Parliament.

This proposed legislation does not address the questions that were raised by the honourable member for Lowan, such as penalty rates. That is most unusual from our side of the House. We can understand the Government's side not being concerned with it, but if one wants to encourage activity, one should be doing it in such a way that people do not have to pay a penalty for doing something that they elect to do.

No one forces people to work. The jockeys will not be forced to ride and, on this particular day, other people in the community will not be forced to participate. I should like to obtain a commitment from the Minister that, in fact, no member of the racing fraternity or the TAB organisation will be forced to work on this particular Sunday.

I take the Minister's nod as an indication that that assurance is given. That is, if a TAB shop is to open, or if the decision is made to do so on this particular Sunday, the TAB management will not dictate to every individual that he or she has to work. In other words, the option is the individual's, and if someone does not want to work on a Sunday, that person should not be made to do so by the TAB.

The Minister has given his assurance that that will not occur, and I accept that assurance. I believe it is important. The Opposition has it in its shop trading hours policy that people should not be forced to work against their will. Therefore, the regular employee of the TAB who usually works six days a week should not be forced to work on the seventh day if he elects not to, and I accept the Minister's assurance on that matter.

The Liberal Party spent much time considering its position on the Bill. It is happy to support the justification for the Bill. That is that on this occasion a race club approached

the Minister to change its racing day from Saturday, 27 September to Sunday, 28 September. That was done for a specific reason; because of the clash of two major sporting events on the same day.

Maybe as time goes on this concept will spread. However, we should hasten slowly and consider whether the system can handle the change without trauma and without forced employment and, most importantly, whether the public wants it.

I have heard that the Federated Clerks Union of Australia, although prepared to support this one-day event, is not prepared to support open slather on Sunday. That is the union's choice.

The Liberal Party is prepared to go along with this one major employer group that is prepared to experiment with this idea and to experience what it is like to be involved with a Sunday sporting event. I hope the clubs involved on that day recognise the valuable opportunity they have been given because it is more likely that they will get only one opportunity and if they do not promote it properly and make it a family day, they will never get it again because the demand will not be there. In that case, this sort of proposed legislation will not come back again.

This is not a measure about which there should be massive disagreement between any of the parties. It has come to Parliament without limits. The game of football has already set a precedent for Sunday sport. Ultimately, people will determine whether this sort of function will work or not. It will not be Parliament that decides. Most Parliamentarians will not be at this race meeting on Sunday, 28 September, although I have already received my invitation. However, other members of the community will exercise their choice in deciding whether the program is successful.

Given the amendment that my colleague has foreshadowed, I wish the measure well. It is a step in the right direction. It recognises that the individual is paramount in determining his or her own lifestyle. However, I cannot accept without some degree of frustration the fact that this measure has been prepared, introduced and will be passed in a week when we have been waiting for eighteen months or longer to consider legislation that is similarly reflected in this Bill in terms of an individual's right to entertainment or shopping generally on a Sunday.

I wish the Bill a speedy passage and I trust that those who elect to go to the race meeting on that day enjoy themselves. I hope, as time goes on, that this will simply be another additive to what is without doubt one of the most important weekends in Victorian sporting entertainment and certainly job providing periods. Victoria has a lot to offer. If the Sunday meeting is conducted properly, it can be a further asset to this State.

**Mr LIEBERMAN** (Benambra)—I support the thrust of the Opposition's policy as presented so ably by the shadow Minister.

In my electorate in the north east of Victoria and located around the New South Wales-Victorian border, a lot of interest in the proposal has been generated by the Minister for Sport and Recreation. In fact, the Minister was good enough to visit Wodonga a few weeks ago and he indicated informally to the Rural City of Wodonga that he hoped that his Cabinet colleagues would enable him to discuss the question of Sunday racing. That city council is one of the municipalities in the electorate I represent and the Minister asked that council what it felt about the question of Sunday racing.

On the same day, the Minister was good enough to meet members of the Wodonga Turf Club, of which I was previously a member of the committee. Although I am not now a member, I have an interest in the continuing success of that club that is made up of volunteers, most of whom have worked for many years to provide entertainment for the people of Victoria.

The attitude of both the Rural City of Wodonga and the Wodonga Turf Club, in summary, was that they wanted a review of what was happening with racing in Victoria

because of the frustration experienced with the number of meetings available to country race clubs. The Wodonga Turf Club has been through some difficult times and has now turned the corner because of substantial redevelopment of the racecourse. It has received the benefit of additional races. Unfortunately, because rules for country race meetings were set in the 1930s, the only way Wodonga has been able to receive additional race meetings has been at the expense of other race clubs in the north-east. Race meetings can be transferred only within the region from one club to another. Wodonga certainly does not want other race clubs in north-eastern Victoria to suffer the loss of their own race meetings. This is the dilemma that faces Wodonga at the moment.

When the Minister raised the question of Sunday racing, the Wodonga Turf Club indicated it would enthusiastically embrace the idea of Sunday racing if that meant that Wodonga would have the opportunity of having its case considered for another race meeting in Wodonga in the racing calender year.

I approach the debate this evening to indicate that the north-eastern region of Victoria desires a review of race meetings. Wodonga is one of the fastest growing provincial cities in the Commonwealth. It should be given an opportunity of providing additional race entertainment for the community and for tourists. It should not be stifled by rules of the 1930s that are no longer relevant in this day and age.

I also wish to speak on behalf of people in my electorate who are attempting to provide sporting facilities for adults and young people in country Victoria. They have an increasing concern that the harder they work to provide facilities, to work behind bars as volunteers and on working bees to help construct facilities, the more difficult it becomes because operating costs are rising beyond their control.

They look with frustration at the mass exodus of Victorian people every weekend—and certainly on Sundays—into New South Wales to spend Victorian money on poker machines. It is relevant, in a landmark debate dealing with Sunday racing, for one sport to consider the changes that are occurring in our environment in our State. I urge the Minister for Sport and Recreation, in the consideration of an issue that undoubtedly will be taken forward into the next sessional period, to come back to Parliament with a report on the quantification of Victorian money that leaves Victoria simply because our facilities do not match those of other States.

I am not arguing that Victoria should have poker machines. However, in this 50th Parliament of Victoria, honourable members should be made aware of up-to-date information about the number of Victorians who choose to travel out of the State every weekend to play poker machines or spend money in other States.

That is something that has to be evaluated in the context of deciding whether Parliament is going to change the basic rules in relation to activities such as this.

**Mr Ross-Edwards**—What does this have to do with the Bill?

**Mr LIEBERMAN**—It is relevant. I want Parliament to know the feeling of the people in the Rural City of Wodonga. Those people expressed these concerns to the Minister for Sport and Recreation when he visited the area.

I support the idea that the Melbourne racing clubs should have the opportunity of holding a race meeting on the Sunday after the grand final. That is an appropriate decision for Parliament to make.

However, due to the short time the community has had to consider the Bill, it is not appropriate to arbitrarily allow Sunday race meetings to be held throughout the whole of the year. The section of the Bill that deals with that aspect requires careful consideration, debate and consultation with all groups.

The Government should also examine the increasing evidence of poverty and the spending of money by low-income families, especially on gambling. I mention that as a

person who is concerned about society. I am not a wowser. I believe people should be able to spend their money how they wish and to gamble if they wish.

However, if the Government wants gambling to continue on Sundays at race meetings, it ought to have a proper debate on the effects of gambling, covering the pluses and minuses.

I find it absolutely incredible that Parliament should be made to wait for the tabling and discussion of a report by Robert Miller on the question of deregulating the retail industry and other areas, and yet be asked to agree to a blanket piece of proposed legislation which will enable race meetings to be held on Sundays throughout the year.

The deregulation of race meetings ranks as the lowest priority of all compared to the economy. I do not understand how any Government can hold its head high and argue for extended race meetings while it ignores the problems of the economy and the real issue of how deregulation in other areas of the economy would provide jobs and encourage investment and initiative. Those questions are not being responded to adequately by the Government.

**Mr Maclellan**—The Government believes it is all right to have drinking and prostitution on Sundays.

**The SPEAKER**—Order! I should advise the honourable member for Benambra that I have allowed some latitude during the debate on the other matters that he is attempting to raise and which the honourable member for Berwick is attempting to lead the honourable member to, but I will rule the honourable member is out of order because the debate is narrow in respect of the Bill before the House and I ask him to return to it.

**Mr LIEBERMAN**—I agree with your ruling, Mr Speaker, that the Bill should be treated narrowly. It should be dealt with quickly on the basis of having a race meeting on the day after the grand final. However, honourable members should reject the attempt by the Government to be given a broad mandate to have Sunday racing throughout the year. The Government has not done its work properly. This is a shallow attempt to introduce Sunday race meetings throughout the year and the Government has been found out and it ought not be allowed to get away with it.

As the honourable member for Berwick suggested by interjection, certain other matters happen on Sundays, but I will not refer to those matters.

The Bill proposes that race meetings to be held other than on the day after the grand final can be held with the approval of the Minister for Sport and Recreation on the recommendation of the Victoria Racing Club. That is an inadequate piece of drafting because the Bill contains no criteria that the Minister has to have regard to before he gives his approval.

A race meeting is being held on the Sunday following the grand final because the grand final is a special day for all Victorians. There will be many tourists in Melbourne to see the grand final and those people should be given the opportunity to spend their dollars and enhance the Victorian economy by boosting the racing industry through attending a race meeting on the day following the grand final.

Assuming the Bill is passed in its present form, what sort of criteria will the Minister use when giving approval for race meetings following recommendations by the Victoria Racing Club? I do not want my comments to be interpreted as meaning that I have no confidence in the discretion of the Minister. The honourable gentleman does a good job in the areas for which he is responsible. However, the honourable gentleman will not always be the Minister responsible for this area.

Victorians should not be asked to have foisted on them, after a week of consideration, a piece of proposed legislation that will give the Minister carte blanche to approve race meetings on Sundays on the recommendation of the Victoria Racing Club.

Drafting of legislation giving Ministerial discretion has been criticised heavily in all of the Westminister style parliaments over the past two or three years as a warning that if society wants proper, decent laws that can be defended, legislation that is so vague should not go through. Such vague legislation that has no basis in logic should not be allowed to go through.

The Bill should not be allowed to pass in its present form because there is no rationale or argument for allowing the expansion of these activities in the State. The community will ultimately demand that Parliamentarians lift regulations on activities where those activities should be left to the choice and the goodwill of the people themselves. That is what I support as a member of the Liberal Party. I do not believe in total deregulation—throwing the baby out with the bath water without proper debate and evaluation.

The Opposition is adopting a responsible attitude by informing the Government that it has not done its homework and that it has left the case unargued and unresearched by asking Parliament to ignore the submissions of important groups and to give the Minister carte blanche to approve the holding of race meetings on any Sunday. That is not on and the Opposition cannot accept that.

It is not right although the 50th Parliament of the State of Victoria continues to have laws on its statute-book which provide that people will be subject to gaol, fine and confiscation of their property if they choose to work on a Sunday to support themselves and their families, at the same time as it is dealing with proposed legislation which says that one can gamble on a Sunday. It is not good enough.

It is about time this Parliament got its priorities right and the Government faced the real issues facing our economy and future and brought on a debate dealing with the real issues regarding what should be happening in our State.

**Mr J. F. McGRATH** (Warrnambool)—I voice my opposition to the Bill which opens up the whole ambit of Sunday racing. I declare at this stage that I look at the Bill from one or two different aspects. The first aspect is as a father of five and a family man, and the second aspect concerns the end result and what this will mean to the industry in terms of cost and who will ultimately pick up that cost.

As the member for Warrnambool, which has many racing clubs, I express extreme disappointment at having only four days in which to present the Bill to the clubs concerned. Although there has been talk for some time about the proposed legislation being introduced, it was only last Thursday afternoon that the Bill was made available to honourable members other than those responsible for sport and recreation matters.

It was with some difficulty that I tried to circulate copies of the Bill to and communicate with the vital parts of the industry that will be affected by the proposed legislation. I speak not only about racing clubs, but also about the owners, trainers, jockeys and all those people associated with them, including farriers, stable hands and strappers who are also affected by the Bill.

If honourable members are really thinking about the long-term best interests of the industry, they should consider the cost aspect. Are we really thinking about doing a big deal on 28 September or any other Sunday? I think that is what it is all about. The Moonee Valley Racing Club realised that many people would be in Melbourne during that weekend and the club was keen to direct them to Moonee Valley and capitalise on the number of people who visited Melbourne to attend the Royal Melbourne Show and the grand final. A leading jockey, Mr Pat Hyland, is quoted in the *Age* as saying:

> ... the VJA had given an assurance to MVRC and the Government that it was "quite happy to go along and give it a try ...

He meant the 28 September meeting—

> "After that we would then expect to get the same rates that would apply to other unions involved in running the race meeting."

**Mr RICHARDSON** (Forest Hill)—On a point of order, Mr Deputy Speaker, there is a conversation going on between the Minister for Sport and Recreation and members of the gallery, which is out of order.

**The DEPUTY SPEAKER (Mr Fogarty)**—Order! I uphold the point of order.

**Mr J. F. McGRATH**—Pat Hyland is further reported as having said:

> Sunday could then become "just another day" of racing and the novelty would wear off.

He questioned the effect that Sunday racing would have on the lifestyle of jockeys. Yesterday afternoon I rang Pat Hyland to see if he had any further views. It was interesting to note that he told me that at 3 o'clock on Sunday he was lounging around enjoying the day with his family, which was how he traditionally spent Sunday. He is concerned that Sunday racing will fragment a lifestyle he has developed. Mr Bob Hoysted, who represents the trainers' association, also views with concern the move for Sunday racing. He stated:

> We try to have a light staff in on Sundays to ease the cost, otherwise the charges to owners would be higher . . . and we also like to give our staff a bit of time off.

Obviously the racing fraternity considers Sunday to be very much a low-key day. Many trainers do not work their horses. Therefore they do not need to bring in appropriate staff and the costs are kept down. It is a more casual day. They probably feed the horses in the morning and at night, check on them in the afternoon and that is all. With Sunday racing, one will find all of that changed. It will be a costly measure and, as Mr Hoysted clearly states, the owners will be the ones who will pay.

I believe the owners will have something to say about that in the long term. I was interested to hear an interjection earlier in the debate from the Minister for Housing, who said that the owners do not have to run the horses. I suggest that if the owners do not race the horses, honourable members will not need to debate Sunday racing or any other Bill associated with racing. Honourable members need to keep in mind the fact that owners need to be protected in the exercise of their pursuits as well. An article in the *Herald* on 18 August 1986 stated:

> The committee of Victoria's strong racehorse owner's body, the Thoroughbred Racehorse Owners' Association, today urged members to withhold support for Sunday racing unless mooted extra costs were offset.
>
> The Association president, Mr Gerald Cunningham, said it was unfair that the owners should have to meet the "greatly increased costs and that these should be borne by the "beneficiaries of Sunday racing—namely the government and the race clubs concerned".

One keeps coming back to the point about the added costs and how they will be met. It is becoming clear that the Government and the race clubs are not intending to increase the stakes or make adequate provision for the increased costs associated with trainers' activities on Sundays. Obviously the trainers will pass the costs on to the end users—the owners.

It is interesting to note that Bert Newton, a well-known personality, has voiced opposition to the legislation. Mr Newton said:

> . . . the industry was realistic on Sunday racing. "Who is going to pay for it?" he asked, suggesting that consistent Sunday racing could threaten the existence of the very small owner because of increased costs and "erode the one (rest) day we have left" . . .

An article in the *Age* of 18 July 1986 refers to a Victoria Racing Club committee report in 1974 by Mr C. A. Morris on the feasibility of Sunday racing in the metropolitan area. According to the article Mr Morris suggested that penalty rates would make Sunday racing unprofitable for city clubs and cause administrative headaches. That was back in 1974 and clearly the penalty rates and associated costs are considerably higher in 1986 than they were in 1974. The Government has failed to think long and hard about the effects of the proposed legislation on the costs to the industry.

The *Sun* "Weekend" best summarised the situation when it stated that Sunday racing might be the Trojan Horse that the State Government uses to increases the percentage taken from TAB punters to gain extra revenue. The newspaper stated that the same people

who will not allow anyone to purchase a spanner or a nail on a Sunday and who winced when the Victorian Football League requested Sunday football, want Sunday race meetings as soon as possible.

The article refers to another aspect of racing: strappers. It states that all strappers are members of the Australian Workers Union whose award prescribes a maximum 40 hours a week Monday to Saturday after which overtime is paid at double time rates, or on a basis of days off. This means that if strappers work on Sundays, they will have two days a week off and this will apply pressure to trainers. Trainers either will have to do the work themselves or employ other people to do the work.

These are the sorts of problems that the Government has not perceived as being problems associated with the introduction of this legislative measure. There should have been much more consultation on the issue of Sunday racing. The consultation that has occurred has been narrow.

The proposed legislation affects the firm Garrett and Griffiths, which is a large transporting firm that has a fourteen-float facility for floating horses between racecourses, studs, and so on. Mr Reeves, the managing director, believes it will cost him $260 a man per Sunday if he is forced to work on a Sunday. Mr Reeves will not be able to obtain the figure that he quoted from racing clubs because they have said that they will not pay him any extra. He will charge that amount to the trainer and, ultimately, the cost will be borne by the owner. These issues make one wonder what this Bill is really about.

Recently at a meeting in Ballarat, country trainers and owners were questioned and gave their views on the issue. Jockey, Chris Barrett, said that he supported the President of the Jockeys' Association, Pat Hyland, who said that Sunday is a day that jockeys look forward to because it is the one day that they do not have to ride trackwork and it means also that they can have a decent meal on the Saturday night instead of enduring the wasting and hard work that goes on in the fraternity of jockeys throughout the week in the course of their profession. Their Saturday nights offer them a reprieve and give them their get-up-and-go the following week.

A great character in the racing industry, Mick Mallyon, summarised their point of view by saying, "I am probably behind the times, but I reckon every man is entitled to one bloody day off a week." No one really believes everyone should work seven days a week, yet this is what will happen under the proposed measure.

I reiterate that consultation on this issue has been narrow. It has not been long enough or broad enough. At this stage, country TAB agencies have had very little opportunity of making any input to the question of Sunday race meetings, although city agencies have had that opportunity. I question the hypocrisy of the Government in its opposition to an extension of trading hours when it is considering allowing TAB agencies to be open for extended hours. To draw the attention of the House to the situation of TAB agents, I shall quote part of their submission. Point No. 6 states:

> Our financial request for this day is based on the fact that Agents will work 13 out of 14 days from 22nd September to 4th October, leading into the busiest period of the racing year. We would require $200.00 per point, to open our doors, plus the usual turnover allowance applicable and payment of casual wages for the day.

The honourable member for Swan Hill says that it does not sound like a sport, and I agree. The submission continues:

> We are aware that the Federated Clerks' Union is seeking a rate in the vicinity of $30 per hour. . .

This is getting into big dollars. It illustrates the amount that TAB agents will get in turnover for the day when they are faced with those sorts of costs in the employment of staff. These agents could be pushed into a situation of being unable to employ staff. They may try to operate their businesses themselves, perhaps with the help of their wives. As a result, services will suffer and the racing industry will suffer.

The agents' submission states further that the hours of business on that day should be kept to a minimum. They suggest opening half an hour before the first race and closing

half an hour after the last race. That will create a deal of havoc amongst association members. They are very nervous about it because with all their obligations encompassing the number of meetings held throughout the year, already they are working six days a week. In addition to a Sunday meeting they will still have interstate meetings, a trotting meeting, a dog meeting and country race meetings and they will then be required to work seven days a week.

I reiterate that I oppose the Bill on several aspects. The one that really hurts me most concerns Sunday as a family day. I listened carefully to the contribution of the honourable member for Dandenong, who is not now in the Chamber. He carried on a treat about what he thought should happen, which was contradictory to some of his performances previously on the dangers of drug and alcohol abuse and associated problems and costs.

In this debate he has espoused throwing every activity in to a Sunday on the assumption that because some activities happen on a Sunday, why not all and why not let everything happen. His is a pathetic approach: to allow Sunday race meetings simply because something else happens on Sundays, so everything else ought to happen. In previous speeches he adopted strong moral standards on the questions of alcohol and drug abuse, yet he is prepared now to throw people to the wolves and to encourage gambling on Sundays. That is an irony.

I suggest that the Minister for Sport and Recreation ought to keep looking over his shoulder. Perhaps the honourable member for Dandenong is vying for the Ministerial portfolio of sport and recreation. The honourable member for Dandenong spoke of the potential opportunities in the racing industry and expanded his remarks to include family race days, taking racing back into the country, picnic race meetings and all sorts of things to occur not just during the week but also on Sundays.

Obviously, he is eyeing the Minister's job. I am not quite sure that he will fit the bill. Certainly, with his comments on the international experiences in France and Italy he was laying the groundwork for a challenge to the Minister's position. Honourable members should observe what happens. The honourable member for Dandenong had the audacity to criticise the honourable member for Gisborne for having a bet each way. The honourable member for Dandenong ought to denounce the TAB for having a bet each way—certainly, the honourable member was having a bet each way.

I emphasise my opposition to the proposed legislation. It is yet another fragmentation of Sunday as the family day. That is my view and the view of many people who contacted me over the weekend from Friday through Saturday and Sunday. I had many telephone calls on Sunday from people expressing their strongly-held views on this measure. I feel very strongly about it. Sunday should be maintained as traditionally a family day and it must be ensured that people are able to spend their time with their families.

Furthermore, honourable members should reflect on the question of who will pay ultimately. It will be the racehorse owner. The Minister should consider this seriously. He ought to appreciate, as a lot of other people do, the costs involved in racing horses and the further costs that will be involved with the introduction of penalty rates into an industry that is suffering escalating costs.

I criticise the Government for introducing the Bill at such a late stage and for directing people to the conclusion that the measure provides for Sunday racing on only one day and then at the last minute opening up the whole ambit of Sunday racing. The Government should be castigated for that action. I oppose the proposed legislation.

**Mr SHELL** (Geelong)—The comments I wish to make about the proposed legislation are few but they are important. As the member for Geelong, representations have been made to me about the proposed legislation. I have received a letter from the Secretary of the Geelong Presbyterian Church, which is in the mainstream of traditional churches in this country. The secretary advised me that the church opposes the Bill.

I have received representations from the Anglican Archbishop of the Melbourne Diocese opposing the Bill as well as from the Moderator of the Uniting Church of Australia. I have received no representations from the Anglican, Uniting or any other church in Geelong other than the Presbyterian Church.

*Honourable members interjecting.*

**The DEPUTY SPEAKER (Mr Fogarty)**—Order! The House will come to order.

**Mr SHELL**—However, from my association with the Baptist, Anglican, Uniting and Charismatic churches in Geelong it has been suggested that they are also opposed to the proposed legislation, but I have not received any written or verbal communication to that effect. I pass those views on to honourable members for their consideration.

**Mr WILLIAMS** (Doncaster)—This Bill is to legalize Sunday racing. We have legalized massage parlours—or brothels as they ought to be called—and booze on Sundays. It seems the Cain Government is out to legalize everything except looking after the handyman who wants to buy some nails, a hammer or anything to fix up his home on a Sunday. We have not implemented any measure to encourage the handyman to stay home with his wife and family.

The Cain Government is intent on breaking up families, on having husbands drinking at the public hotel and gambling on the Totalizator Agency Board. How many of them will go to the races on Sunday? I suggest not too many!

The measure aims at open slather TABs every day of the week including Sundays so that the Government can receive a bigger take from the TAB to squander on peace movements and other way-out activities on which it is so intent to waste taxpayers' money.

The Premier is supposed to be a man who stands for high moral values. I remind the House that in an article published in the *Sun* on 15 July 1986 the Premier stated categorically that the Government wanted racing on every Sunday. This was for gallopers, trotters and the dogs. I am not an expert on racing and its different codes, but I suppose the Premier will authorise Sunday racing for other codes.

The Premier said that the measure was not for a special one-off event after the VFL grand final. He said that there will be race meetings in the city and in the country and TABs will be open at every meeting. The Bill removes the prohibition on Sunday race meetings from the Racing Act. That is a tremendous change in our society and not some piddling little alteration to our way of life. The measure will enable Sunday racing with the approval of the Minister for Sport and Recreation on the recommendation of the relevant controlling body.

The Minister regards himself as an ordinary, average Australian but he will be given horrendous dictatorial powers to change the way of life of every Victorian. I know in his heart he does not want to do that but, if the Bill is passed, our way of life will be changed.

The Sunday Entertainment Act is to be amended to allow betting at Sunday race meetings. Every day of the week people will risk their money on the races; that is, unless they have inside information. I know the Deputy Speaker will not allow me to talk at length about rigged race meetings but there is no doubt that unless one is on the inside, the odds are stacked against the mug punter.

The press, especially the *Sun*, reports the doping of racehorses, various racing rackets and everything that goes on in the industry that does the ordinary mug punter out of his honestly earned income. The Sunday Entertainment Act will also be amended to exempt Sunday racing from its permit provisions. It will be open slather if the Bill is passed through this House and another place.

I cannot find out who wants the measure. Some racing clubs believe they will make money out of the Bill, and press articles suggest only the odd racehorse owner or two

wants Sunday racing. Even the punters do not seem too keen on it. I read in a press report that one big professional punter said that the TAB jackpot will not be big enough to handle Sunday racing and would not give him enough professional competition. He did not think too much of the proposal.

I am told the TAB will need a turnover of at least $5 million from each Sunday race meeting to break even. It appals me that $5 million will have to be invested in a Sunday race meeting before the board breaks even. The board will be unable to avoid paying penalty rates. If it does, there will be wholesale strikes. If the penalty rates are not paid to the clerks, there will be no racing any day of the week.

I doubt whether the Victoria Racing Club wants Sunday racing. That is the greatest racing club in Australia. I understand it has yet to make up its mind. On the grapevine I heard that the staff of that club do not want Sunday racing.

I am totally opposed to Sunday racing but I have listened to my Leader, a number of my colleagues and the Minister for Sport and Recreation. I am not King Canute; I cannot hold back the waters! Compromises must be reached but I do not see why I have to compromise until the Victoria Racing Club working party has reported on all the implications of Sunday racing. That report will not be available until the end of November or later.

I want to read in the report the implications of Sunday racing on the economics of the industry. I want to know much more about the horse population, breeding and so on; about the allocation of race meetings between the city and country; how Sunday racing will affect the other codes; whether greyhound racing and trotting will be held on Sundays; and what will happen to cricket, football, basketball and various other sports. They also have their place and have a right to be looked after.

I want to know how it will affect media coverage. If we are going to have national football and if television stations are going to broadcast interstate football matches, what will be done about Sunday racing? I understand that it will also be televised.

I want to know what will happen to the broadcasting stations. Honourable members remember what happened to radio station 3UZ when it lost the contract to broadcast race meetings; radio station 3DB now has that contract. I have shares in the Herald and Weekly Times Ltd, and I would like to know what is going to happen to those shares.

I want to know what will happen not only to the punters but also to their wives and children and anyone else who may be affected by the evils of Sunday racing.

Mr Ian Miller, joint Vice-Chairman of the Victoria Amateur Turf Club—a most prestigious organisation—believes the Government naturally favours Sunday racing as a revenue producer, but he warns that there will be many problems involved for the clubs staging Sunday racing. The Victoria Racing Club and the Victoria Amateur Turf Club have a lot more homework to do on this subject before Sunday racing can be introduced. Why the Government wants to rush through this full-blown measure at this time boggles the imagination.

Mr Geoff Torney, Chairman of the Victorian Country Racing Council and Vice-President of the Ballarat Turf Club is equally emphatic about the harm that Sunday racing will cause to country racing. If Sunday race meetings are agreed to across the board, it will make it extremely difficult for country racing clubs to remain viable.

In an article in the *Sun* of 16 July, Mr Brian Meldrum poses the question, "Who wants Sunday racing in Victoria?". It is fascinating to hear the responses Mr Meldrum received. According to the article, Mr Meldrum conducted a survey at the Ballarat races. One trainer to whom he spoke, Mr Ian Saunders, described Sunday racing as "a pain in the arse". Mr Saunders asked, "Can the tracks take any more racing? They will end up like ploughed paddocks".

Another authority, Mr Frank Morgan, President of the Ballarat Turf Club, stated that Sunday racing will be "a killer for country clubs cost wise". I have had conversations with and heard the honourable member for Central Highlands Province in another place, the Honourable Jock Granter, and he has shared with me his enormous knowledge of country racing.

Mr Pat Hyland, President of the Victorian Jockeys Association, has indicated that jockeys will want penalty rates and will want a losing riders fee of $100. He referred to the statements of Mr Bob Hoysted, President of the Australian Trainers Association, that trainers would want their pound of flesh from the owners. Not all owners are wealthy people like Mr Holmes a Court. Some of them are battlers, like the Minister for Sport and Recreation, the Treasurer and other members of the Labor Party who are proud to be racehorse owners. According to their statements of interests, those honourable members must be dependent on their Parliamentary salaries and they would have little to spend on high fees for losing riders. Mr Hoysted is emphatic that, without help from the clubs, trainers could not carry the extra cost of Sunday racing.

Mr Bob Armstrong, a trainer from Mornington, is emphatic that union demands will eventually make Sunday racing uneconomic. Trainers and small owners cannot afford to pay the huge costs involved not only with trainers' fees but also with extra costs falling on racing clubs in paying their staff double time and triple time for working on a Sunday. As Mr Armstrong pointed out, the unions are shrewd enough not to kick up too much fuss at the moment. They are not saying anything now, but if the Bill is passed, we will then see massive union action to enforce penalty rates.

Mr Ray Quinn, Secretary of the Victorian Jockeys Association made it quite clear that a lot of bridges must be crossed before jockeys will consider riding on a regular basis on Sundays.

I have given enough evidence to indicate that the racing industry does not want Sunday racing, and I shall now refer to the issues of family life and leisure time. If Parliament should stand for anything, it should stand for the preservation of family life in this country not only for the ordinary citizen but also for the wives and families of jockeys, trainers, drivers, Totalizator Agency Board clerks, those who serve liquor in the booths, those who serve in the dining rooms and so on. Those people are entitled to rest on a Sunday like the remainder of the community.

I was pleased that the honourable member for Warrnambool mentioned that Pat Hyland, Chairman of the Victorian Jockeys Association, wants to spend Sunday at home with his family like everyone else.

I have been authoritatively informed that the Totalizator Agency Board section of the Federated Clerks Union of Australia is against Sunday racing, as are Totalizator Agency Board agents. When questioned on the feasibility of opening TAB agencies on Sunday, the general manager of the board, Mr Jim Carroll, indicated that he was confident that the right formula would be found to enable the board to operate on a Sunday.

What does he mean? Does he mean that the TAB will pay its staff triple time? Does he mean that payments to the racing clubs will be reduced? Does he mean that payments from the board to hospitals and charities that are dependent on the profits of the board will be cut back?

What about the feelings of the people who live around the racecourses at Moonee Valley, Flemington, Sandown and other locations? Most of the racecourses are in electorates represented by members of the Labor Party. Just as the issue of council amalgamations could have put out of the Parliament the distinguished honourable member for Albert Park, the Minister for Public Works, in time to come, this measure could put out the honourable members for Ascot Vale and Essendon.

Counsellor Monica Hayes, an Essendon councillor—the honourable member for Essendon ought to listen to this—said that Sunday was the only day residents living near

the Moonee Valley Racecourse were free of crowds, noise and parking restrictions. There is enough intrusion on these people and people do like to have Sunday as a day of rest.

Residents in a recent council survey unanimously opposed the planned meeting at Moonee Valley. What has the honourable member for Essendon got to say about that? In the good old days when the Liberal Party stood there strongly, a few heads would have rolled, even in Broadmeadows, because once upon a time the Liberal Party held the seat of Broadmeadows.

I shall now speak about the opposition of the churches to this matter. All the churches, understandably are opposed—it does not matter who they are—to the denigration of the Sabbath. Colonel Ron Shetcher, Chief Secretary of the Salvation Army, says that he is opposed to all horseracing, especially the idea of Sunday racing. He says that the more outlets there are and the more gambling that is available, the greater the test and temptation that is placed on people.

The Very Reverend Fred Chamberlain, Dean of St Patrick's Church—I am pleased to hear the comments from the National Party. We were at St Patrick's at the opening of Parliament when the Reverend Fred Chamberlain delivered one of the most powerful speeches I have ever heard on the responsibilities of members of Parliament. I have a responsibility to Parliament to uphold the standards of civilized Christians in the community, and I hope that honourable members on the other side who are responsible to members of the Catholic community will talk to the Reverend Fred Chamberlain about what is the authoritative view of people in the Catholic community on Sunday racing.

Because of my interest in the criminal community I know Father Brosnan, but I believe the beloved Father Brosnan is not an authority on the views of the Catholic Church about racing on Sunday. Father Chamberlain said that Sunday racing will lead to further devaluation of the Sabbath.

The Reverend Alex Kilgour, Moderator of the Uniting Church in Australia, Synod of Victoria, said that it is difficult to see how the proposed introduction of horseracing on Sunday could be in the best interests of the majority of the people in Victoria—that is not the voluble minority which seems to get the ear of certain people in the Labor Party such as the Minister for Sport and Recreation who is now joining the table again, and for some reason or other the Premier is in agreement. The Reverend Kilgour said that Sunday is the traditional and probably the only available day in the week for many family activities—many people in the racing industry are proud to be Christians—and they are entitled to have their say and have the day respected.

Why should it be dishonoured because some people in the Labor Party want to foist Sunday racing on the community. The Reverend Kilgour says that to entice people away from their Christian duty on Sunday is bad enough, but to prevent people from engaging in their Christian activities by making them work on Sundays is a sacrilege indeed. When one considers all the people in the racing industry, transport, catering, the media and all these other activities, are we going to deny these rights to many of our fellow Victorians?

Archbishop David Penman of the Anglican Church maintains that Sunday racing would devalue that day as a day of worship for Christians and it would encourage the weakening of the family unit.

I believe there is no justification whatsoever for this measure. I shall listen to reason in my party room and in Parliament if I can be satisfied that there will be justice for those who work in the racing industry. I shall be satisfied if the family unit is protected; I shall be satisfied if there is no demoralisation of the community at large on Sunday, but I am far from convinced of that. There is no power on earth from my Leader downwards to force me to vote for this measure in the future unless I am satisfied on those points.

**Mr ROWE** (Essendon)—I rise to speak on this Bill because certainly the constituents of the electorate I represent will be most affected by the proposed legislation. At the outset I say that in Essendon there are a number of venues which impact upon the residential

character of the Essendon electorate. We have two racing clubs in Essendon, not only the Moonee Valley Racecourse but also the Victoria Racing Club in Flemington. We have the Essendon Football Club, which is located in the middle of a residential area, and there are the showgrounds.

Honourable members know that Essendon Airport is located in the electorate and all these things impact upon the residential nature of my electorate. Certainly any proposals of this nature impact on the people of the Moonee Ponds area. We know that the people who have moved into the area are well aware of those institutions that have a long history of association, whether they be sporting or commercial venues, such as the airport, and they are well recognised as they have been in operation for many decades.

Those who move into the area know there will be racing at Moonee Valley and so forth, but what I believe they would be concerned about is any increase in the use of these venues which would impact detrimentally upon the residential area.

The Bill certainly removes the restriction on Sunday racing and I believe that is a desirable move for the reasons that have been outlined by the Minister in his second-reading notes. Certainly over that particular weekend we want to make Melbourne a focal point as a tourist destination. It is the weekend of the grand final and honourable members would be well aware that people come from the country and interstate to visit Melbourne on that occasion. We should sponsor that and we should support it.

Certainly a desirable economic outcome will generate a lot of work and a lot of income throughout the State, and that is something about which we can all be proud. We want to ensure we get the best benefits possible and certainly the concept of Sunday sport is something that I support. I do not care whether people are interested in the gallops, harness racing or the football, but Sunday is a day for recreation. If people want to go to the races on that day, so be it. I believe we should allow that to occur. From the way in which some honourable members have been speaking in the House, one would have thought that attendance at the proposed meeting on that day was compulsory and therefore it would impact on other opportunities. That is not the case.

This will free up the environment in which we live for those people who follow racing. They can attend on Sunday rather than Saturday. That is an important point that needs to be recognised. In terms of the people living around that vicinity, particularly around the Moonee Ponds area, I know the area quite well as I was involved in a long-term campaign some years ago which was opposed to the introduction of night trotting in that area and that was because there was to be a dramatic increase in the use of the venue which would have had a detrimental impact on that environment.

Tremendous restrictions were placed on the venue, especially with lighting, sound recordings and parking facilities. Restrictions were imposed through the planning procedures which required patrons attending harness racing meetings at the Moonee Valley Racecourse to use the parking facilities within the course. It has worked to the benefit of the long-term patrons in particular and to the benefit of residents in the area. The people who live in that area now know they are protected by the parking restrictions and patrons who patronise night trotting know they will be booked and face significant fines if they park in the neighbouring streets.

The responsible body, in this case the local council, needs to impose the same sort of restrictions for Sunday race meetings so that people know there are designated areas for parking. A large number of car parks are established for commercial shopping areas in the Moonee Ponds business district which will be vacant on Sundays and which can be utilised for the benefit of patrons attending Sunday race meetings, but more importantly, as the Minister for Sport and Recreation has indicated, the clubs themselves have been urged to notify people intending to visit the course on Sundays to use the parking facilities that are within the course itself.

If the Essendon Council is advised that it needs to impose parking restrictions in order to protect the residents living in that area, generally in single-fronted houses around that

area and who should be able to enjoy visits from family and friends on that particular day, which is traditionally a day for that sort of activity, then residents need to be issued with parking permits so that that can still occur.

That is the sort of balance that needs to occur at the local level and which needs to occur for the successful operation of the venue at the local level.

In listening to the debate, one could be forgiven for believing that it was mandatory for the community to attend the Moonee Valley Racecourse on 28 September. The Bill provides for a race meeting in lieu of the normal Saturday race meeting. It is not an additional meeting. If the Moonee Valley Racing Club and the local municipality sort out the appropriate restrictions required and the necessary encouragement to patrons, it will mean a lessening in the amount of inconvenience to the people about whom I am most concerned.

I would be concerned if the Moonee Valley Racing Club decided to have an alternative function on that Saturday in lieu of the race meeting. It was suggested that there would be a double-header meeting for harness racing on that day. That situation was not discussed by the Moonee Valley Racing Club in discussions with the local council or myself. That would be an unfortunate development.

The major theme and emphasis in the Bill represents an important step forward. It is important for Victorians, especially those in Melbourne, who will have the opportunity to attend sporting, recreational and cultural activities on any day of the week, whether it be a Saturday or a Sunday.

I have no hang-ups about people attending race meetings on Sundays. That is not of concern to me. Nor is it a concern to the majority of people in Essendon. I say once more, Parliament should pass the Bill but ensure that there is protection for the local residents.

**Mr GUDE** (Hawthorn)—I am greatly concerned with this Bill. It concerns me, first of all as a parent, secondly as a citizen of the State and, thirdly, as a member of Parliament. It does so for one principal reason: the indecent haste with which the Bill was introduced. The motion for the second-reading of the Bill was moved on 11 September, yet it is a Bill that affects the fabric of society. It is one which changes the opportunities for people to be involved in gambling and all of the aspects that are associated with racing in society as a direct result, simply by the stroke of a pen.

The community at large has had no genuine opportunity of making their views known on the proposed legislation. The honourable member for Geelong, just a few moments ago, made the point that he had had very few references made to him by the church communities in his area. It may have escaped the attention of Government members, and other honourable members, but it did not escape my attention, that the honourable member was involved as a lay preacher in that community, an involvement of which he is proud. I share that recognition of pride that the honourable member has for that involvement.

It is interesting that the community has not had an opportunity of making its views known to its friends, even a member of the flock—members of the community have not even come to him. The reason ought to be obvious to everybody. It is simply that the community has not had an opportunity. The Bill has had no major media coverage. I guarantee the honourable member for Geelong, on this occasion, did not forward a copy of the Bill to the church organisations in his area, or to specific leaders of his community. The honourable member is a great door knocker. He openly says that is the reason why he is constantly re-elected.

On 9 September in the Geelong newspaper, it was reported that the honourable member stated that if there was an election held this year the Labor Party would lose. That is what the honourable member told the Geelong Trades Hall Council and well he might have said that because, if this is the stamp of the Government that he represents in the community, if this is the way in which it goes about redirecting proposed legislation to the

community, if this is the way it goes about consulting with the community, is it any wonder that the Australian Labor Party has no hope of being re-elected in the next State election.

The Bill removes the prohibition on Sunday race meetings and considerable emphasis has been placed on the holding of a Moonee Valley Racing Club meeting on 28 September. It has been said that many people will want to attend the Victorian Football League grand final and, therefore, the Government ought to reallocate the race meeting on that day.

The Bill is not about one race meeting at the Moonee Valley Racecourse, it is about the opportunity for the three codes of racing to make application, with Ministerial approval, to hold race meetings on Sundays. It provides the opportunity to expand race meetings altogether.

I refer the House to the Miller report.

**The SPEAKER**—Order! I advise the honourable member that the Bill does not provide the opportunity for a discussion on the Miller report in respect of Sunday trading.

Order! The time appointed by Sessional Orders for me to interrupt business has now arrived.

On the motion of Mr FORDHAM (Minister for Industry, Technology and Resources), the sitting was continued.

**Mr GUDE** (Hawthorn)—In the report——

**The SPEAKER**—Order! I advise the honourable member that the Bill does not provide a vehicle for debate on the Miller report. The Bill is narrow in its intent and I intend to contain the debate to that subject matter.

**Mr GUDE**—I understand that each year there are some 600 applications received requesting an opportunity to be involved in Sunday entertainment and those applications cover sporting organisations and the like.

I also understand that in a certain document, there is evidence that each and every single application was approved by the municipality concerned; not one single application was denied.

Why, then, is it now necessary to amend an Act specifically with respect to the racing code? No community reference has been made to the Government that would indicate that there ought to be that change. Indeed, its own inquiries relating to the Sunday Trading Act have evidenced the opposite. Ample evidence exists that the matter ought to be set aside and that the community ought to be given an opportunity of making a contribution to debate on the question.

There is ample evidence that there has been no genuine request from the community for an extension. I support the proposition put forward by the Opposition spokesman on the Bill. The measure has been introduced in haste, it is ill conceived and an opportunity has not been allowed to enable appropriate consultation to occur in the community.

On the motion of Mr HANN (Rodney), the debate was adjourned.

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

## ADJOURNMENT

**Flinders Street station redevelopment—Cobram passenger rail service—Installation of audio loop—City of Oakleigh—House removalist charge—Australian Academy of Tai Chi—Swimland Pty Ltd**

**Mr FORDHAM** (Minister for Industry, Technology and Resources)—I move:

That the House do now adjourn.

**Mr GUDE** (Hawthorn)—I raise a matter for the attention of the Premier concerning the scandal of Ministerial involvement in the mismanagement of the Flinders Street station redevelopment project and the need for the Premier to order the release of all documents.

The scandal is not about whether a public servant was incompetent and was sacked after the event, it is about the fact that the former Minister of Transport, who is now the Minister for Labour, had responsibility for the project, was intimately involved in it and yet did nothing to solve the problems that arose from it.

Government in this State, and throughout Australia, operates under the principle of Ministerial responsibility. The doctrine, in effect, means that the Minister himself is generally responsible for what goes on in his or her portfolio. A Minister cannot hide behind the cloak of office. A Minister cannot blame somebody else, he or she must accept responsibility.

It is not good enough to pretend that nothing was known about the issue. It is a Minister's job, whether or not he or she knows about it, to be responsible for what goes on in his or her department. That is what the doctrine of Ministerial responsibility is all about. That is what the former Minister of Transport was trying to avoid and that is what the current Minister for Transport is trying to cover up.

The former Minister of Transport, was in this project all the way up to his neck. It was one of his projects; he was in it from day one. If honourable members opposite do not believe me, why do they not ask the current Minister for Transport for copies of the minutes of the project directorate?

If they asked for the minutes of the project directorate meeting of 13 January 1983, they would find amongst the distribution list in all its resplendent glory the name of the former Minister of Transport, Mr Steve Crabb. In addition, copies were distributed to Mr Reiher, Mr Strouse, Mr Duggan, Mr Yates and Mr Kudlicki.

The document clearly indicates that the Minister was aware of what was happening. He had the opportunity of attending meetings and at times may have attended them. In addition, the project management sent to the former Minister, Mr Crabb, the project's financial statements for month after month, which recorded budget estimates, budget expenditures and budget overruns. That was done for 36 months of which I am aware, but I have before me only the document for June 1986. Where are all the other similar documents that have been denied the Opposition under freedom of information legislation thus far? Where are all the other documents relating to this issue that I have requested under the freedom of information legislation going back to 17 October last year?

Those documents were available to the former Minister of Transport and to the current Minister for Transport. Why has it taken so long for that information to be made available when the project commenced in 1982? Why did they take no notice when these two documents and their ilk were available to the respective Ministers month after month?

Mr Crabb was the Minister of Transport when issues contained in the documents were raised, yet he did nothing about the cost overruns. If one reads the report of Mr Ingersoll, one clearly recognises the *Yes, Minister* language used in the report. Page 36 states:

> K. Kudlicki took the "running" on the project under the umbrella of the Ministry, and clearly the Ministry continued to regard the project as a Ministry project even after budgetary responsibility passed to the MTA from July 1984.

In the best interests of *Yes, Minister,* a senior public servant is recorded there as saying that the Minister is as guilty as sin and that he was involved in all aspects of the project. Public servants have been dismissed but the Minister is still being paid a Ministerial salary while being responsible for another Ministry.

**The SPEAKER**—Order! The honourable member's time has expired.

**Mr JASPER** (Murray Valley)—I wish to raise a matter for the attention of the Minister for Transport. I appreciate the support of the former Minister of Transport and the Government in returning the passenger rail service to Cobram. I have worked with the Government, and the former Minister particularly, in ensuring that the most efficient service is provided for people in the Cobram–Numurkah area to the west of the Murray Valley electorate.

In so doing, I have raised with the former Minister and current Minister areas of concern brought to my attention that need to be improved to guarantee an efficient service. I have received complaints from people utilising the service and have followed them up so that V/Line can improve the service for country Victorians. As the Minister for Transport is leaving the Chamber and this is important, I ask the Premier to listen to my comments and perhaps respond on his behalf.

With the cooperation of the Government, the Ministry of Transport and the local member, the best possible service will be provided and this will enable people to return to the passenger rail service between Cobram, Numurkah, Shepparton and Melbourne.

A constituent from Cobram wrote to me raising problems she experienced on a journey from Melbourne to Cobram on the evening of Friday, 5 September.

In all sincerity, this constituent complains about the behaviour and bad language of the people who travel on that train.

I should like to just highlight some points that she makes in her letter. She states:

> I would like to list the problem areas as I saw them—
>
> Teenage girls who left the train at Mooroopna had water fights in the train aisle using V-Line paper cups.
>
> Youths smoked in B Car—a non-smoking carriage which affected the middle aged lady sitting opposite me who had emphysema. She had to take several doses of ventolin to overcome the problem of the smoke.
>
> There were many youths very much under the influence of alcohol who even though there was no buffet available chose to walk up and down the aisles with cans of beer in their hands, spilling this as they went. Cans of alcohol were bought onto the train in their hand luggage.
>
> The language used in this train was far worse than anything I have ever heard in my 12 years employment at Cobram High School. It continued on till the youths departed the train, some at Mooroopna, Shepparton and a large number at Numurkah.

This constituent said in her letter that it was evident that the decent people of our country had heard about "Friday night" train travel and were nowhere to be seen.

She said that it appeared that the train generally was carrying a majority of people who were returning from Melbourne to the northern part of the State after working in Melbourne during the week, or youths travelling home for the weekend.

I raise this matter and the content of the letter because I believe they highlight some of the problems that travellers experience on this train. This is not the first time I have raised this sort of issue.

I believe some attention needs to be given to the people who are travelling on the train by having additional conductors. Perhaps it will mean that on selected occasions, such as when the train is crowded on a Friday evening, there will be two conductors on the train to ensure that there is better behaviour and that people who want to use the service—who perhaps want to be in a non-smoking area, in an area where they can be comfortable without hearing bad language and without being drenched with beer, water and other things by other people travelling on the train——

**An Honourable Member** interjected.

**Mr JASPER**—It is no joke if one is on the train. The Minister should take some action to improve the service for people travelling on the Melbourne to Cobram passenger rail service.

**Mr NORRIS** (Dandenong)—I address my remarks to the Minister for Public Works, and I ask him to investigate the possibility of a feasibility study to install the audio loop in buildings that are to be constructed, renovated or restored by the Public Works Department to assist people who suffer hearing loss.

It is a very sad fact to realise that more than 900 000 Australians do suffer some form of hearing impairment, and only in recent years has there been a proper appreciation of the difficulties faced by people suffering hearing loss.

I know of the difficulties from personal experience. My mother suffered a 90 per cent hearing loss and my father also had a servere hearing impairment. In my own case, as a matter of fact, I have 50 per cent hearing, so it is a family problem with me. Therefore, I do have a particular interest in this application.

Hearing Awareness Week is rapidly approaching and I believe it is possibly a good moment to draw this matter to the Minister's attention. My remarks are aimed at assisting people who wear hearing aids.

There again, many people do not realise that people wearing hearing aids pick up all sorts of acoustical sounds and noises. If one is in a room and has on a hearing aid, the aid actually picks up all the extraneous noise as well, and it is often very difficult for a person wearing a hearing aid to actually be able to hone in on the speaker, depending on the acoustics.

Often if one is in a room where there is an amplifier in use, one thinks, "That is good—there is amplification". However, it is often not good for a person wearing a hearing aid because, very often, there is distortion or extraneous noise and the hearing aid wearer, as I say, has great difficulty in hearing the speaker's words clearly.

The audio loop system consists of a microphone, an amplifier and, in the place of a loudspeaker, a coil of wire placed around a room. Sound waves from the speaker's voice going into the microphone are changed into an electric current, amplified and then sent through the coil which emits a magnetic field in the room.

The field is picked up by the telephone pickup coil of a hearing aid, amplified and converted back into sound. Hearing aid users sitting within the loop system can pick up a speaker's voice or other auditory stimulus with a minimum of distortion and no background noise simply by turning on the telephone switch of their hearing aids.

Another excellent use of the audio loop is that it can serve specific areas. An audio loop can be placed in a church to service the first two pews and those with hearing appliances can sit in those pews or in any area of a room, public hall or theatrette that is fitted with an audio loop. Those people with hearing problems can have perfect sound through their hearing aids.

Fortunately, many people are now not afraid to admit to hearing losses or to wearing hearing aids. That is an enormous step forward for hearing loss sufferers.

I ask the Minister for Transport, who I know has a personal interest in this matter, whether his department could conduct a feasibility study into the value of the installation of audio loops in Government buildings under construction or being restored by his department.

This is not an expensive system; it is cheap to install and would be a wonderful gesture towards the forthcoming Hearing Awareness Week.

**Mr LEIGH** (Malvern)—I direct my remarks to the Premier in the absence of the Minister for Police and Emergency Services who represents the Attorney-General in this House. I refer to a case that was recently heard by the County Court and resulted in no legal action being taken. It concerned two Oakleigh councillors who faced the courts over a charge of attempting to defraud the voters of their rights.

The councillors concerned, Cr John Perryman and Cr Leone Medlyn, are both Australian Labor Party councillors in the municipality of Oakleigh and are attempting to obtain from the State Government an amount in excess of $200 000 as compensation for what they claim to have been wrongful arrest.

I am aware that in the last sessional period the honourable member for Clayton led a deputation, which included the two councillors, to see the Attorney-General to discuss their problems.

I seek from the Premier an assurance that the Government will not pay these people a cent unless the court so decides. I say this for a number of reasons. Firstly, it should be remembered that this case concerned attempts by the ALP to defraud the voters of the City of Oakleigh by running a blue and white ticket that stated, "Help Andrew in Canberra". The people that the votes helped were Australian Labor Party members. It was a dirty trick and one that some years later was used at Nunawading.

**Mrs TONER** (Greensborough)—On a point of order, Mr Speaker, the honourable member for Malvern is reflecting on a decision of the courts. It is most inappropriate that he allude to any such decision made by the courts.

**The SPEAKER**—Order! I was attempting to listen carefully to the honourable member for Malvern to ensure that he was not doing what the honourable member for Greensborough suggests he was doing. I do not believe he was reflecting on the decision of the courts and I do not uphold the point of order.

**Mr LEIGH** (Malvern)—The fact is that quite obviously the Australian Labor Party knew what took place at Oakleigh. I am not attempting to have either Cr Perryman or Cr Medlyn convicted; that is for a court to decide and I do not reflect on the decision of the court.

It was well known that Australian Labor Party supporters were present on the day and were participating. These people knew who were the perpetrators and they could have solved the problem by telling the police who the people were.

I ask the Premier for an assurance that the State Government will not do a "Murphy" and provide money to its mates. The taxpayers are entitled to have their money spent properly.

If at some point in the future a court decides that these people were wrongfully accused and that they deserve compensation, the Government should provide it, but under no circumstances should the Government provide such compensation outside a court ruling.

I refer to comments reported in the *Regional Progress* where Cr. Medlyn is reported to have said that the Local Government Department, at that time, was politically biased and that the then Minister for Local Government, Mr Wilkes, knew very little of what was going on in his department.

Cr Perryman wants to be the next honourable member for Clayton but he cannot fill that position because of the comments attributed to him in this newspaper article regarding what happened during this legal action. However, both Cr Medlyn and Cr Perryman will decide whether the present honourable member for Clayton returns to Parliament after the next State election. Those two councillors will also decide whether the honourable member for Oakleigh will return to Parliament.

Cr Perryman is the powerbroker in that local community. One should have no doubt that these people know who were responsible for the actions that have taken place. The Government, through the Attorney-General, has a responsibility to ensure that under no circumstances should those people receive compensation unless it is so decided by a court. The Australian Labor Party knew what was taking place in the community and attempted to cover it up because it was in its own interests, just as it did in Nunawading.

**The SPEAKER**—Order! The honourable member's time has expired.

**Mr W. D. McGRATH** (Lowan)—I refer a matter to the Minister for Transport and it concerns a constituent of mine, a Mr Peter Glare, and an account that he received for $170.

Peter Glare operates a house removalist business in Horsham. He has been charged for V/Line staff attendance during a house movement over the Edith Street crossing on the main Melbourne to Adelaide rail line. The crossing is located approximately 1 mile from the Horsham railway station.

He believes there was no requirement for railway staff to be present at the crossing because the railway telephone wires were found to be 120 millimeters above the height of the load. However, it was decided by V/Line that five men should be used to man the crossing. I found this out through inquiries of V/Line staff. I am appreciative of their honesty in the description they gave of what they did on the job. I was told that they provided five men at two hours labour each, which, at $17 an hour, comes to total of $170.

When V/Line staff man a crossing for a house movement, two men are located, one on each side of the crossing and about 1200 metres away ready to use warning detonators; one man is located at the crossing and two are used to check the overhead wires. The charge is made from work point back to work point, not just for the time on the job.

In this instance the time on the job would have probably taken 2 or 3 minutes at the most while they supervised the house movement over the crossing. The height of overhead wires and any other obstructions had been checked prior to the house movement and no obstacles were found. It was merely a matter of the prime mover pulling the load across the railway crossing. It appears to be an excessive charge for that level of supervision by V/Line personnel.

Although supervision may be needed at crossings for house removalists, in this instance $170 appears to be an excessive charge for such a straightforward job. I ask the Minister to investigate the matter to determine whether Mr Glare can receive some financial relief.

**Mrs TONER** (Greensborough)—I direct the attention of the Minister representing the Minister for Sport and Recreation to a matter that was raised in the *Age* on Wednesday last week concerning difficulty experienced by the Australian Academy of Tai Chi which a couple of years ago was thrown unceremoniously out of the Fitzroy Gardens where members of the academy had the habit of carrying out their gentle art.

It was unfortunate that during his visit last week the Deputy Premier of China, Wan Li, himself a great exponent of tai chi, should have been aware of the difficulties faced by the sport in finding a suitable venue.

On my recent visit to China I was impressed by the parks and the streets in the morning where the Chinese people engage in this wonderful, gentle sport which must be very good for the health of all concerned. The sport of tai chi has been going on for seven centuries and its exponents have not suffered any casualties or injuries to date because it is such a gentle activity.

The Melbourne City Council, through the auspices of a by-law officer, threw the members of the Australian Academy of Tai Chi off the Fitzroy Gardens and they have had enormous difficulty in finding a spot where they can engage in their exercises. The exercise is so gentle that I do not think it would disturb a single blade of grass. A misunderstanding must have arisen as to the nature of the movements involved. The sport is supposed to be moving meditation. Although it requires careful control, it is a sport that is much less dangerous that some of the traditional sports in which one engages.

This evening the House spent several hours discussing Sunday racing and I am glad to see the people who are committed to that sport have the capacity now—on an experimental basis on a Sunday—to go along with that. We should be making the same endeavours with this sport. It would surely enhance our relationship with the Chinese if we gave a

commitment to their sport as well as to the hundreds of people nationally who have taken up the art of tai chi.

I ask the Minister for Sport and Recreation to make representations to the Melbourne City Council so that what was an officious action in the first instance, and probably based on misunderstanding, can be redressed.

Indeed, when those activities are restored once again to the Fitzroy Gardens, it would be appropriate that members of Parliament should also participate—especially the elderly members. The sport would be more in keeping with their time in life and with their health than jogging, swimming and many other sports which sometimes act to their detriment. I ask the Minister to take up the matter urgently with the Melbourne City Council so that tai chi can once again be restored to the Fitzroy Gardens and members of Parliament and many other Victorians can participate in this sport.

**The SPEAKER**—Order! The honourable member for Glen Waverley has 4 minutes.

**Mr E. R. SMITH** (Glen Waverley)—I raise a matter with the Treasurer on the subject of WorkCare and a reclassification of WorkCare rates. It is almost a year to the day since I first drew the attention of the Treasurer to an organization, Swimland Pty Ltd, in the electorate that I represent. A year ago Swimland Pty Ltd was classified in the category of "sport and recreation", which draws a levy of 2·66 per cent. The firm complained that it should have been classified in the category of "Education NEC". I do not know the meaning of "NEC", nor have I been able to ascertain its meaning.

As a result of the representations that I made on behalf of the firm, the Treasurer reclassified the firm to the "education" category which attracted the lower levy. For the past ten months Swimland has been paying the rate of 1·045 per cent under the reassessed classification that it was given.

Unfortunately, over the past few weeks the Accident Compensation Commission has reneged on that decision and has decided to levy Swimland Pty Ltd at the higher rate. Apart from the inconsistency shown on the whole issue, the owner of Swimland Pty Ltd, Mr Norm Hogg, a constituent of mine, is very put out because he has budgeted and planned throughout that period for the lower rate and, accordingly, his activities have been planned around the lower amount. Now, he is being slugged with the higher amount of 2·66 per cent—almost treble the lower amount.

Another inconsistency is the rather incredible statement in the letter from the Accident Compensation Commission that:

> Under an industry based classification system employees are classified to the industry in which they operate which, in your case is the sport and recreation industry.

This pearl of a statement was made:

> The occupation of your employees is largely irrelevant for classification purposes.

I reiterate that twelve months ago after a Minister intervened on behalf of my constituent, Swimland Pty Ltd, got justice; however, a year later the statement is made, "The occupation of your employees is largely irrelevant for classification purposes".

I draw this matter to the attention of the Treasurer because I should like him again to take up the whole matter of Swimland Pty Ltd to ensure that Mr Hogg is given the justice that he so richly deserves.

**The SPEAKER**—Order! Before calling the Premier to respond to a number of matters that have been raised with him, I advise the House that I believe the honourable member for Hawthorn's introductory remarks particularly under Standing Order No. 108 contained imputations and improper motives against the former Minister for Transport and those remarks, therefore, under Standing Order No. 108, are out of order. I ask the Premier to ignore them in his response to the honourable member for Hawthorn.

**Mr CAIN** (Premier)—The honourable member for Hawthorn raised the issue of the Flinders Street station redevelopment. At the outset I state that I believe the project was conceived to change the face of one of Melbourne's major landmarks and, as the Minister for Transport said this morning, the way in which it has been received by the Melbourne public has been demonstrated by a recent poll that was conducted. It is a landmark that was allowed to fall into a state of total neglect—and I use the word advisedly—by the former Government.

Melburnians and particularly commuters using Flinders Street station have already benefited from the changes that have occurred. When the project is completed it will be something of which this city can be very proud indeed.

I commend the former Minister of Transport for achieving that. In a relatively short space of time he was able to transform the face of the Melbourne transport system and not just Flinders Street station. He acted positively—unlike Ministers of Transport in the former Liberal Government who ran away frightened from the transport problem. Minister after Minister of the former Liberal Government did not know what to do. They became utterly paralysed.

As a first priority the former Minister of Transport rescued—which is the right word to use in this context—the infrastructure of the transport system from a terminal illness. There was a judicious injection of capital into the transport system.

**Mr Brown**—What do you mean by "judicious"?

**Mr CAIN**—In this case "judicious" means wise. The result is that we have excellent trains, trams, buses and a range of transport facilities that we did not have before. I commend the former Minister of Transport for that. He made public transport something of which the city and State can be proud. Former Liberal Ministers of Transport ran away from it in droves. They would not go near it.

Mr Speaker, I respect your comments about the remarks made by the honourable member for Hawthorn about the former Minister of Transport. I have listened to his nonsense. He has been aided and abetted by the honourable member for Gippsland West. For a week the honourable member for Hawthorn has been thrashing around like a big fish in shallow water on this issue. He is trying to win leadership on it.

*Honourable members interjecting.*

**Mr CAIN**—Members of the Opposition laugh! They laugh because they all believe the leadership would not be worth having. Who would want to lead that rabble?

The honourable member for Hawthorn has behaved the same way now as he did in March and April when he tried to do a job on the Public Works Department. He was thrashing around then in the same way as he is now by making allegations——

**Mr Kennett**—He is right!

**Mr CAIN**—Except that we were right and you are wrong! The honourable member for Hawthorn made allegations about a number of people in the Public Works Department. The Minister invited the honourable member to provide proof but he would not tell the police anything. Remember, the police approached him.

**Mr Kennett**—Nor did Peter Batchelor and nor did Steve Crabb!

**Mr CRABB**—The honourable member for Hawthorn would not tell the police anything. That is the sort of attack he makes. The Minister asked him about his allegations but the honourable member came up with nothing. That was five months ago, and he is doing exactly the same thing now.

**Mr Simpson**—He still thinks he will beat the larrikin!

**Mr CAIN**—The honourable member for Niddrie is right; the honourable member for Hawthorn believes this is the issue on which he can make his run for the leadership. The way he is handling it, he has no hope. He is wrong now just as he was in March and April when he tried to do a job on the Public Works Department.

Any member of the Liberal Party who is trying to make a run for the leadership of that lot is wasting time. Who can take the Opposition seriously when it suggests it is the next Government? Who can take it seriously when it does not have the honourable members for Benambra, Forest Hill and Polwarth in the shadow Cabinet? That is a fact. The Opposition will not be taken seriously while it goes on with that.

**Mr Kennett**—You have just destroyed the chances of the honourable member for Forest Hill!

**Mr CAIN**—I do not know whether he had any chance because he does not like the Leader of the Opposition. I do not think he ever had a chance.

The attack that was made on the former Minister of Transport was absurd, cowardly and not in accord with the facts. I have already indicated to the House what has taken place in respect of this issue. As I stated before, the former Minister of Transport did a monumental job in getting the transport system working. The Government is now endeavouring to assist the people in transport to do their best.

Mr Ingersoll had been given a job to do and, with the Minister for Transport, the Treasurer and me, he is working to ensure that a wide range of management improvements are made in the transport area. The Opposition does not know anything about that. The Opposition would not know what it is like to tightly manage anything. Honourable members know what the Liberal Party did to housing and ethnic affairs when it was in government and how the Leader of the Opposition, when he was the Minister for Housing, put a ceiling on the staff and had consultants driving lifts. The Leader of the Opposition should not come into this House and tell the Government how to manage anything because he was a total disaster as the Minister for Housing and no-one would have a bar of him in anything else.

The Ministry of Transport is being cut by the actions of Mr Ingersoll. Operational and management staff is being reviewed.

**Mr Kennett**—Is Mr Ingersoll a Minister?

**Mr CAIN**—The interjection shows how ignorant and how lacking in understanding are members of the Opposition. The decisions in respect of management and hiring and firing are made by Mr Ingersoll. The Opposition seems determined not to understand that. I repeat: those are matters for management.

There has been and continues to be a systematic review of a whole range of work practices. At the request of the Minister for Transport, there has been a review of what has taken place in respect of the Flinders Street station redevelopment project.

The Director-General of Transport has examined the project. Last night the honourable member for Hawthorn received documents that summarised the matters which the director-general has examined and upon which he has acted. I presume the honourable member has read the documents, but to hear him thrashing around in the House tonight, one wonders whether he comprehends what Mr Ingersoll has done in respect of management in the transport system.

I make this point clear: managers must take responsibility for delivering results. Where objectives are clear and the funds are approved, there is then a requirement to deliver the service professionally. Clearly, there have been management problems with the Flinders Street station redevelopment project. Senior management in the Ministry of Transport has identified the source of those problems and has acted to remedy them. Everyone seems to understand that except the would-be Leader of the Opposition, the honourable member for Hawthorn.

That honourable gentleman goes on revving up the issue like a worn out record, trying to get more mileage out of it when he knows, if he has examined the documents carefully, that it is a matter of management and administration that Mr Ingersoll has acted to remedy.

I believe the Flinders Street station redevelopment project is in hand; the redevelopment is an impressive achievement and, for my part, I commend the former Minister of Transport for what he achieved in that area and Mr Ingersoll for what he is doing in conjunction with the present Minister for Transport to ensure that Victoria continues to get the best transport system available to it and a far better system than it had for the 30 years before the Labor Party came into office.

There has been a monumental change in transport and we intend to go on making improvements. Honourable members opposite can make all the attacks they like, they can go on with all the hot air and thrash around as much as they like but we will continue with our objective of getting a decent transport system for this State. We will continue to ensure that management is able, has the backing and the authority to make those decisions that will ensure we get the best administration in transport and elsewhere.

The honourable member for Malvern raised matters that were before the courts involving a number of Oakleigh residents. My understanding from what he said was that they have been applicants for assistance with their legal costs, consequent upon their being acquitted or discharged—I am not sure what it was. That, as I have always said, is not a matter for Government; it is a matter for the Legal Aid Commission.

The Government has consistently said that those matters to do with the investigation process and with the judicial process are on the same footing as the process of dealing with requests for legal aid and are not matters for Government; they are in the province of and the responsibility of particular authorities—in this case, the Legal Aid Commission.

*Honourable members interjecting.*

**Mr CAIN**—The honourable member for Greensborough raised the question of tai chi exponents, the devotees who apparently have been told that they ought not to practise their art in the Fitzroy Gardens. I could not agree with her more that that gentle art should be able to be performed by anyone anywhere so far as I am concerned. I have seen in China, thousands of people practising this art when I have been on my morning run. They were out in the streets and elsewhere.

**Mr Gavin** interjected.

**Mr CAIN**—As the honourable member for Coburg says, "There were thousands of them". I shall certainly do all I can to induce the Melbourne City Council to be more tolerant and more understanding of those who seek to use our parklands for recreation.

**Mr Kennett** interjected.

**Mr CAIN**—For once I agree with the Leader of the Opposition who says, "That is what they are for". Of course they are and anyone who would suggest that parklands should not be used for that purpose I find astonishing. If it is believed that the Government can help and that I or the Minister for Sport and Recreation should make representations to the council about this matter then I am happy to do so.

The last matter raised for my attention was by the honourable member for Glen Waverley. I shall bring the matter—I believe it is the categorisation of various classes of employees—to the attention of the Minister. I can only say that, on all the advice I am receiving both in the sense of hard data and anecdotal advice from places that I visit, WorkCare is an overwhelming success.

I do not for a moment assert that it has not had problems, but what I do assert is that since it came into operation on 1 September there has been a dramatic improvement both from the point of view of the injured workers and from the point of view of the employers.

On the levies on employers, I believe the figure is averaging in the order of 2·2 per cent of wages and salaries and that is 0·2 per cent better than the 2·4 per cent commitment that was given at the time the Bill was introduced.

Of course it is far better than the average rate that they were paying before WorkCare came into operation and the saving is in the order of $500 million in the financial year just completed. The time that is being taken to deal with WorkCare applications by or on behalf of injured workers is much lower than it was. They are dealt with in the order of an average of sixteen days from when they are lodged. Legal costs have been reduced and perhaps most importantly of all, the thing that has been overlooked, is there is a much stronger inducement and incentive for injured workers to seek rehabilitation and that is after all one of the main thrusts of the Act.

It is not just about compensation, it is about rehabilitation and getting people back into the work force as quickly as possible.

Mr Speaker, as was proposed at the introduction of WorkCare, a review will be carried out by the Government over the next few months and I shall refer the matter that the honourable member for Glen Waverley has raised with me tonight to the Minister concerned but I believe the matter is already one of the matters that will be the subject of that review.

Finally, I assert that WorkCare is high among those many great achievements of the Government.

**Mr ROPER** (Minister for Transport)—The honourable member for Murray Valley raised the matter of the train service on the Cobram line and expressed his concern about the carryings on of some passengers on that train service, I remind honourable members that if the previous Government had had its way the honourable member would have nothing to complain about, because there would not have been a train service and the honourable member for Murray Valley mentioned that fact.

I will have those matters the honourable member raised addressed because the Ministry is concerned about vandalism and bad behaviour on trains anywhere. On country services, in particular, bad behaviour can cause significant disadvantages to passengers who have to travel for long periods.

The honourable member for Lowan raised the matter of a charge for staff to oversee house removals in his area and provided me with documents relating to it. I will have that matter investigated and will report back to him.

**Mr WALSH** (Minister for Public Works)—The honourable member for Dandenong raised the matter of audio loops for people with a hearing impairment. I suffer from hearing loss and I certainly agree with the honourable member that audio loops are of great value, especially in meeting halls, to people who wear hearing aids. Background noise causes considerable inconvenience to those people.

Officers of my department have undertaken investigations concerning the technical evaluation of audio loops and are familiar with the technology. They are aware that the Law Department has submitted proposals to the Public Works Department for installation of audio loops in courts. Audio loops are not expensive to install and can be installed in classrooms, school halls, conference rooms, public galleries, cinemas and courts.

I am receiving some background noise now from some pest in this place. The installation of audio loops will be of great value to people with hearing problems. Many people in our community wear hearing aids, including myself and the President of the Legislative Council. Many people here are not afraid to wear hearing aids and they are of great value to them.

I find the hearing aid of great value to me in my occupation as a member of Parliament and as a Minister. They have an added advantage in that sometimes one can turn the hearing aid off and, therefore, get rid of the noise from a pest.

I will talk to officers of my department again regarding audio loops but I am sure the department can install them in places where they will be of considerable value to people who wear hearing aids. I thank the honourable member for raising the question as I know he takes a great interest in those people who are disadvantaged.

The motion was agreed to.

*The House adjourned at* 11.24 *p.m.*

**Wednesday, 17 September 1986**

**The SPEAKER (the Hon. C. T. Edmunds)** took the chair at 11.4 a.m. and read the prayer.

*QUESTIONS WITHOUT NOTICE*

## SPONSORSHIP OF INTERNATIONAL YEAR OF PEACE ACTIVITIES

**Mr LEIGH** (Malvern)—Will the Minister for Water Resources confirm that the Melbourne and Metropolitan Board of Works has sponsored activities for the International Year of Peace; if it has, at what cost has it done so and how does the Minister justify spending ratepayers' moneys for this sort of event?

**Mr McCUTCHEON** (Minister for Water Resources)—In answer to the honourable member for Malvern, it is obvious that the Board of Works was supporting the activity at Brimbank Park.

It was very well received. I believe it was a well-designed display; it was visited by the Japanese consul, and some thousands of schoolchildren went along and took part in what was a process designed for the participation of children and adults in various activities relating to the cause of peace in this International Year of Peace.

I do not know the exact figures on the Budget, but I shall get them for the honourable member and make them available to him.

## FRINGE BENEFITS TAX

**Mrs TONER** (Greensborough)—Can the Premier indicate his response to a public call by the Leader of the Opposition, later confirmed by letter, to oppose the fringe benefits tax and, in particular, the claim of the Leader of the Opposition that manufacturing industry in this State would be adversely affected by the tax?

**Mr CAIN** (Premier)—I am aware of a public call that was made by the Leader of the Opposition earlier in the week, and after that I did receive a letter which was astonishing in some of its terms. It was replete with inaccuracy and misrepresentation.

*Honourable members interjecting.*

**Mr CAIN**—That is what we have come to expect now.

The letter contains a number of assertions about the motor vehicle industry in particular. The Leader of the Opposition suggests that I should go with him on a pilgrimage to Canberra.

*Honourable members interjecting.*

**Mr CAIN**—Well, I want to make clear. I am not going to play "Tweedledee" to his "Tweedledum". I am not! The Leader of the Opposition can try for his own audience and go to the Prime Minister without me if he wants to, but I do not intend to make up part of that audience. The reason I am not making up part of the audience is that I am not going to go on a mission that condones the rorts that the fringe benefits tax seeks to get at. That is what this is about, and I am not going to condone the rorts that honourable members know, I know and everybody in this country knows, have been going on for years.

I think the Leader of the Opposition has become quite desperate to lead a demonstration or deputation somewhere, some time. That is all he is concerned about. It does not matter what the issue is.

*Honourable members interjecting.*

**Mr CAIN**—I believe the Leader of the Opposition has really become a populist without a cause. That is his trouble.

Can I just say this: as with most things now, the letter that I received seems little concerned with the facts. What it alleges is—just listen to this!—that 30 000 jobs in the manufacturing industry in Victoria are under threat. That is almost the total number of jobs in the whole motor vehicle industry.

What the Leader of the Opposition is suggesting is that General Motors-Holden's Ltd, the Ford Motor Co. of Australia Ltd and all other companies are going to close their plants this year. That is what he is suggesting.

The real facts are—and it is much more complex than the Leader of the Opposition can understand—that there has been only about a 10 per cent to 15 per cent decline in demand for Australian-produced cars. That is on a very high base. They have had a terrific run over the past four years, as all honourable members know, and a very high base.

Those honourable members who represent the Geelong region know what is happening with the Ford motor company down there. Honourable members who represent the western suburbs know what is happening with the Ford motor company at Broadmeadows and GMH at Port Melbourne.

It is true that there has been a fall away in the sales of luxury cars—imported cars. Sales have taken a dive to the extent of some 40-odd per cent, but that is what the "J" curve is about, is it not? I should have thought that it was about replacing imports with local produce.

**Mr Brown**—Tell us about the "J" curve?

**Mr CAIN**—If the honourable member for Gippsland West wants to know about the "J" curve, I can tell him that the business community, on the advice I have received, not just anecdotal but on hard data, believes the motor industry is in reasonably good shape at the moment. The honourable member should have a look at what its orders are and he should ask industry what the orders are.

*Honourable members interjecting.*

**Mr CAIN**—I repeat: businessmen are reasonably confident about the local product. The Leader of the Opposition had better make up his mind on what the fringe benefits tax is about. It is not about the motor industry per se; what it is about is ensuring that people get tax relief. There is only one way they can get tax relief and that is by ensuring that those who have been ripping off the system in the past pay their fair share.

I do not think anybody minds people minimising their tax payments if it is within the law, but what concerned people was the smart plans, the shuffling bits of paper around which meant that huge income earners did not pay tax; they paid no tax at all and were proud of it. It was the thing to be proud of on the cocktail party circuit. They were proud of it and that is what the fringe benefits tax is aimed at abolishing.

The Leader of the Opposition has to make up his mind on whether he supports a healthy, local car manufacturing industry. Does he support that? Does he support the local car manufacturing industry which is increasingly more competitive through the combined efforts of the Button car plan and the State Government in supporting the car manufacturing industry and the car parts industry or does he want to support rorts that have been going on right across this country? That is the issue.

I am not prepared to go along on that sort of exercise because that is what it is about. It is giving sanctuary—support, explicit and implicit—to those who have been robbing the decent pay-as-you-earn taxpayers in this country for years. This Government does not support it.

## COMMONWEALTH GAMES TRIP BY MINISTER FOR SPORT AND RECREATION

**Mr DICKINSON** (South Barwon)—I direct a question to the Minister for Sport and Recreation. Is it a fact that the Minister's overseas trip at the time of the Commonwealth Games cost taxpayers more money than the State Government actually contributed to the fund to send athletes to the games? Did the Minister return from his visit to the Nottingham Sport Centre with any significant proposals to benefit the Geelong region?

**Mr TREZISE** (Minister for Sport and Recreation)—Apart from the Commonwealth Games, there were a number of other various matters connected with my trip. The Opposition should compare the cost of trips of Ministers of this Government, especially the Minister for Sport and Recreation, with the cost of trips of Ministers in the previous Liberal Government.

*Honourable members interjecting.*

**Mr TREZISE**— I trust that tomorrow the honourable member for South Barwon will place a question on notice asking me to compare my overseas trips with trips taken by the previous Liberal Party Minister for Youth, Sport and Recreation. Perhaps the honourable member will place a further question on notice seeking a comparison of overseas trips undertaken by Ministers of the Labor Party Government and Ministers of the former Liberal Party Government. I anticipate that in fact he will not place those questions on notice as he will not want them answered.

The honourable member's question referred to the sole purpose of my trip being an opportunity of seeing Victorian athletes at the Commonwealth Games in Edinburgh. He mentioned also my visit to Nottingham, England. I went to Nottingham at the invitation of the honourable member for South Barwon himself. Is that correct or incorrect?

*Honourable members interjecting.*

**Mr TREZISE**—The honourable member for South Barwon had been urging me for several months to visit England, particularly the Nottingham Sports Centre. In fact, he had been twisting my arm month after month for me to go to Nottingham. As it was, his suggestion was sound because the Nottingham Sports Centre is an excellent project. I spent a day at Nottingham looking over various water systems.

The honourable member for South Barwon wanted me to visit Nottingham with a view to determining whether similar facilities on this scale were appropriate for the electorate that he represents. After examining the Nottingham facility, I made a request for further information which I am awaiting from Nottingham so that the Government might consider something of that sort in the electorate of the honourable member for South Barwon.

I reiterate: the costs of Labor Party Ministers' overseas trips are very small compared with the costs of former Liberal Party Ministers' overseas trips. I did not go overseas purely for the Commonwealth Games event. My trip was for other purposes also and included the request from the honourable member for South Barwon that I visit Nottingham.

## TEACHING SERVICE CONCILIATION AND ARBITRATION COMMISSION

**Mr HANN** (Rodney)—In view of the Government's decision to transfer industrial relations matters in the Teaching Service to the Industrial Relations Commission and away from the Teaching Service Conciliation and Arbitration Commission, will the Minister for Education advise whether the Government now intends to abolish the Teaching Service Conciliation and Arbitration Commission? If so, when and, if not, what will be the function of the commission in the future?

**Mr CATHIE** (Minister for Education)—The Teaching Service Conciliation and Arbitration Commission is still sitting. The Government has made a decision, in principle, that the whole area will be placed under the Industrial Relations Commission. That has been consistent Government policy over a long period. Discussions are proceeding with all relevant parties, including the teacher unions, as to how best to achieve that result.

## VANDALISM

**Mr CUNNINGHAM** (Derrimut)—Will the Minister for Transport inform the House what action has been taken by the Government to reduce the impact of vandalism on trains?

**Mr ROPER** (Minister for Transport)—The problem is serious, particularly on the metropolitan system but also, as the honourable member for Murray Valley has previously referred to, occasionally on the country rail system. Last year vandalism cost the metropolitan rail system $4·5 million for repairs. That figure leaves aside the fact that vandalised trains were not available for use. When the "Danz in the streets" was held during the Moomba festival this year, public transport taking people home suffered; 6·5 trains not being available for the following morning's peak period.

The problem of graffiti is significant in its damage to trains and its offensiveness. In May this year, the Government established a graffiti task force of railway officers to address the problem of young people going out, generally late at night, and defacing trains. Since the establishment of that task force, some 82 people have been charged with 244 offences. One fourteen-year-old lad has been charged with 57 counts of damaging property.

The chief groups involved are 14, 15 and 16-year-old youths. Fourteen fourteen-year-old youths are charged with a total of 74 counts of damaging property; 28 fifteen-year-old youths are charged with 59 counts; and twelve sixteen-year-old youths have been charged with 66 counts of damaging property. In addition, there are between 60 and 80 suspects currently under investigation.

That action is having an effect, and as the effectiveness of the courts comes into account, it will have more effect. It is important to detect offenders and give the distinct impression that reoffending will result in redetection. The Government has established mobile controls and now has a contract with Wormald Security to improve the security of train stabling areas.

I do not suppose anything is completely vandal resistant, as the honourable member for Gippsland West has recently discovered, but the Government is considering the use of vandal-resistant products. A prototype of a vandal-resistant seat is expected to be delivered for trial in October. The Government is examining different types of shatterproof material because a minimum of 2000 train doors and windows are broken every year at an approximate cost to the taxpayer of $1 million. Material proofing products are being considered and the Government is looking at a new type of floor covering—treadmaster rubber flooring—that will be used in a couple of carriages in an experiment to ascertain whether it will assist in dealing with the alarming problem of vandalism.

The basic problem is the general community problem of vandalism. All public agencies suffer from that, but the rail system has certainly suffered severely and the actions the Government is taking are aimed at reducing the cost to the community and ensuring the availability of trains.

## QUEEN VICTORIA MEDICAL CENTRE

**Ms SIBREE** (Kew)—I refer the Premier to his responsibility for women's affairs and remind him that the Queen Victoria Medical Centre was built by women for women and partly funded by women. I ask the Premier whether he will instruct the Minister for Health to ensure that the specialist services of various kinds now available at the medical centre

will be retained either at the hospital site or somewhere in central Melbourne when the hospital closes next year.

**Mr CAIN** (Premier)—Both the previous and the present Ministers for Health have shown a keen appreciation to ensure that services are provided where they are needed and for the persons for whom they ought to be provided.

The decisions taken in respect of the Queen Victoria Medical Centre and Prince Henry's Hospital points out the caring concern of the Government to ensure that hospital services are located where they are needed. That is probably the real distinction between this Government and the former Liberal Government.

The Government has had resistance from the Opposition to the significant moves of moving hospital services from the Melbourne area to the western suburbs, in the case of part of Prince Henry's Hospital, and to the south-eastern suburbs, in the case of the Queen Victoria Medical Centre.

I understand what the honourable member for Kew is saying about specialist services. I am saying I believe the Minister for Health is aware of the issue and is conscious of the needs of women and other specialist groups in the delivery of health care services.

The announcement by the Minister for Health last week about Prince Henry's Hospital points up that matter in the starkest possible fashion.

**Ms Sibree** interjected.

**Mr CAIN**—If the honourable member for Kew would listen for a moment I might be able to accommodate the problem that she seems to feel. The honourable member should not read just one press release, but should examine the line taken by the Minister for Health. The honourable member will note that there is a clear policy of relating services to needs and that is what was lacking for 25 years.

Five major hospitals exist in the metropolitan area, but the people are not there any more. In Sydney the Government started to move hospitals to the population centres 10, 12 or 15 years ago, but what did the Liberal Government in Victoria do right through the 1970s?

**Honourable Members**—Nothing.

**Mr CAIN**—That is right, absolutely nothing.

The Liberal Government of that time let the system that had been built up in the 1890s and 1920s go on and on without any regard to where people lived. That is what has happened. There has been a marked change. The Government and the Minister relate services to people's needs.

## INCREASE IN PUBLIC SECTOR EMPLOYMENT

**Mr ROSS-EDWARDS** (Leader of the National Party)—I refer the Treasurer to the figures of the Australian Bureau of Statistics which show that the rate of increase in public sector employment in Victoria is twice the average rate for all other Governments, State and Federal. I ask the Treasurer to give his support to the imposition of a freeze on staff replacements as presently imposed by the Governments of Western Australia, Tasmania and the Federal Government.

**Mr JOLLY** (Treasurer)—I thank the Leader of the National Party for his question. It should be recognised that the State Bank is regarded as part of the public sector, but it competes in the marketplace on equal terms with private banks. Because of the great success of the State Bank it has increased its employment considerably.

The State Bank of New South Wales is considerably smaller than the State Bank of Victoria. As the Leader of the National Party is aware, the State Bank is the most effective State bank in Australia and competes well with the private sector.

An increase in part-time employment in the health industry has occurred and that needs to be taken into account because the figures of the Australian Bureau of Statistics refer to full-time and part-time employment. The introduction of the 38-hour week and the concept of non-nursing duties means that the community receives better health services.

The Leader of the National Party should be proud of the fact that Victoria has the lowest unemployment rate of any State of Australia and one of the reasons is increased employment in areas like the State Bank.

The arbitrary approach of a freeze in public sector employment would cut into essential services and the approach preferred is the one that will be outlined in the Budget that I will present later today.

## ROYAL AGRICULTURAL SHOW

**Mr McDONALD** (Whittlesea)—Will the Minister for Property and Services inform the House of the theme of the Government's display at this year's Royal Agricultural Show and provide details of the Government's continuing support for the show?

**Mr McCUTCHEON** (Minister for Property and Services)—I thank the honourable member for Whittlesea for his question. I am pleased to announce that the Government pavilion will be opened today by His Excellency, the Governor of Victoria. It contains some twenty exhibits by Government departments and agencies.

The various Government agencies that have contributed make a worthwhile contribution to the Royal Melbourne Show and this year the theme of the Government pavilion is "Victoria together". This theme reinforces the Government's policies and its determination to help unite both rural and urban Victoria at a place such as at the Royal Melbourne Show.

The show is an important function in the life of Victorians and it is important in building up agricultural enterprise and in educating the people of Victoria about what is going on in this State.

The Government pavilion has traditionally had awards presented by the Premier for the best display and this year the panel of judges includes the Assistant Editor of the *Sun News-Pictorial*, Mr Ron Wells; Mr Wayne Rankin of the Rankin Design Group Pty Ltd; David Lomax of the Melbourne College of Decoration; and Terry and Gaynor Daniher will also be taking part in the judging of the most popular Government exhibit.

The display in the Government pavilion will be open until 27 September. Admittance is free and sections of the display will form part of the Bendigo and Ballarat shows later in the year.

## SALE OF DEFERRED ANNUITIES

**Mr KENNETT** (Leader of the Opposition)—I refer the Treasurer to the deferred annuity transactions by State agencies and ask whether the Government has sought or obtained legal opinion on whether such transactions are subject to Australian Loan Council restrictions and, if so, whether the Government will publicly release any such opinion it may have sought or obtained.

**Mr JOLLY** (Treasurer)—It is obvious that the Leader of the Opposition does not understand Australian Loan Council arrangements but in order to assist him, the Loan Council arrangements that have been in place are known as voluntary global limits, and I underline the word "voluntary". Although the Victorian, New South Wales and Tasmanian Governments are all willing to cooperate and provide details of their borrowing programs for 1986–87, the Queensland Government is not prepared to do that because it is not prepared to be involved in the voluntary global arrangements and the Australian Loan Council limits.

Secondly, I point out in relation to deferred annuities, in as much as they apply to organisations that are required to work within the global limits——

**Mr Fordham**—Such as the State Electricity Commission.

**Mr JOLLY**—Yes—I thank the Minister for Industry, Technology and Resources for that interjection—they work completely within Australian Loan Council guidelines so the deferred annuity arrangements for providing finance for capital expenditure has been followed by the State Government because it is a cost effective form of raising money.

It means lower rates of interest, low interest repayments and, therefore, less taxation burden on Victorians, and that is obviously important.

However, I stress that they are within Australian Loan Council limits and the Leader of the Opposition is merely astray once again.

## SALE OF GOVERNMENT EMPLOYEE HOUSING

**Mr J. F. McGRATH** (Warrnambool)—My question is in reference to a Government decision to sell thousands of Government houses used for employee accommodation, and I ask the Minister for Property and Services whether he will make available to the House a list of all Government employee housing in Victoria that has been designated as "required to occupy".

**Mr McCUTCHEON** (Minister for Property and Services)—The Government has certainly made a decision that a large number of Government employee houses are no longer in the "required to occupy" category. I cannot say that there is a final list because a number of the houses are not on clear title. They have been constructed on Government property that will not be subject to separate title, and therefore, some of these houses will be sold to take away. But I will endeavour to provide for the honourable member a list of those houses that will come up for sale in due course.

## DEVELOPMENT OF HOSPITAL AND RELATED FACILITIES IN SOUTH-EASTERN SUBURBS

**Dr VAUGHAN** (Clayton)—I ask the Minister for Transport representing the Minister for Health in this place what progress is being made on the development of hospital and related facilities in the south-eastern suburbs of Melbourne?

**Mr ROPER** (Minister for Transport)—I thank the honourable member for the question, particularly because it demonstrates that Government members are interested in hospital services in the south-eastern suburbs of Melbourne as opposed to Opposition members who, as shown by the honourable member for Kew, are continuing their policy of denying the residents of the south-eastern suburbs adequate hospital services.

The honourable member for Kew is one of a long line of Liberals who deliberately attempted to ensure that the people of the south-eastern suburbs did not have adequate hospital services. Sir Henry Bolte was the first. In 1961 he promised that there would be a hospital next to Monash University and that promise was repeated by Liberal Premiers every three years thereafter without any hospital ever being started.

The former honourable member for Oakleigh at one stage actually produced a booklet and distributed it in the period just before an election. It had, as the hospital being proposed, a model of a hospital from Sweden. It had no reality to it whatsoever.

I am pleased to be able to inform the House that the Sir Henry Bolte promise of 1961 is being carried out by the Cain Government which started work on the relocation of the Queen Victoria Hospital in 1982 and those hospital beds are going to be a significant addition to the capacity of the people of the south-eastern suburbs to have hospital services of a truly excellent nature where they need them.

I remind the honourable member for Kew that in terms of the Royal Women's Hospital, it is very close to the Queen Victoria Hospital and is a place of great excellence in women's health not only in Australia but also the world. The relocation of the Queen Victoria Hospital will substantially increase the number of beds in the south-eastern suburbs.

I might also add that that particular relocation was sought by the Queen Victoria Board for many years. Indeed, the honourable member for Syndal would be aware of the representations that Mrs Hamer, the president of that committee, made to both the then Government and myself in relation to that and she and the board were extremely pleased when the Government took the action that it did.

It is not only the Queen Victoria Hospital that is assisting the people of the south-eastern suburbs. Anyone who now goes to the Frankston hospital area will see two substantial cranes which are at last building the hospital to fit into the very expensive hole dug by the previous Government. Anyone who sees that will really appreciate that the hospital construction program for the southern and south-eastern suburbs is going very well and is providing the service that the people should have had in the 1960s.

## PERSONAL EXPLANATIONS

**Mr ROPER** (Minister for Transport)—Mr Speaker, I wish to make a personal explanation. Last Thursday during the debate on the Opposition's adjournment motion, I informed the House that Ms Sue Calwell of the Melbourne Tourism Authority had informed the Ministry that she had been the person to propose Ms Leonie Ryan, a potter, for a shop at Banana Alley.

Yesterday, the honourable member for Gippsland West accused me of misleading the House and this was reported in today's *Sun*. This morning I spoke to Ms Calwell to confirm the advice that she had given on September 9 to the Ministry. She confirmed to me that she had been seeking to assist Ms Ryan to find an appropriate location in Melbourne and had thought that Banana Alley would be appropriate. She contacted Mr Kudlicki and subsequently had a meeting with Ms Ryan and Mr Kudlicki to discuss the availability of a shop for Ms Ryan. Following that meeting, she discussed the matter with Mr Don Dunstan to seek his support for the proposal, which was forthcoming.

The material I put before the House last Thursday, Mr Speaker, has again therefore been verified.

**Mr McCUTCHEON** (Minister for Property and Services)—Mr Speaker, I wish to make a personal explanation. Yesterday during question time, in answer to a question from the Leader of the National Party concerning Government office space in the central business district, I stated that the rental that had been paid for three buildings in Victoria Parade, sold by the previous Liberal Government, was $30 million. That figure should have been $13 million and I corrected it in *Hansard*.

However, the Government is tied into a 27-year lease as a condition of the sale of the buildings and the total rental that will be paid over that period is $46 million.

## PETITIONS

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

### Packaging standards

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

The petition of certain citizens in Victoria shows that there is a need to end the current discrepancy in trading conditions between local manufacturers of confectionery and importers, caused by inadequate packaging laws in this State. Your petitioners therefore humbly pray that this discrepancy should be rectified by the introduction of the recommended national packaging standards, based on a 40 per cent maximum free-space in the packaged

product, which will enable equal trading opportunities for local and overseas confectionery manufacturers alike and protection for consumers against dishonest packaging practices.

By **Mr Hockley** (18 signatures) and **Mr Sidiropoulos** (117 signatures)

## Sunday racing

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

The humble petition of the undersigned citizens of Victoria sheweth concern and vigorously opposes the proposed extension of horse racing, harness racing and dog racing on each Sunday of the year. Your petitioners therefore pray that.

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

By **Mr Jasper** (56 signatures)

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

## PAPERS

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

Members of Parliament (Register of Interests) Act 1978—

Summary of Returns—June 1986—Ordered to be printed.

Cumulative Summary of Returns—September 1986—Ordered to be printed.

Statutory Rule under the following Act: County Court Act 1958—No. 233.

Town and Country Planning Act 1961:

Cobram—Shire of Cobram Planning Scheme 1979, Amendment No. 19/1985.

## CORRECTIONS BILL

**Mr MATHEWS** (Minister for Police and Emergency Services) moved for leave to bring in a Bill to make provision for the administration and management of correctional services, to make consequential amendments to certain Acts and for other purposes.

The motion was agreed to.

The Bill was brought in and read a first time.

## NATIONAL TENNIS CENTRE (AMENDMENT) BILL

**Mr TREZISE** (Minister for Sport and Recreation) moved for leave to bring in a Bill to amend the National Tennis Centre Act 1985.

The motion was agreed to.

The Bill was brought in and read a first time.

## PLANNING AND ENVIRONMENT BILL

**Mr WILKES** (Minister for Housing) moved for leave to bring in a Bill to establish a framework for planning the use and development of land in Victoria and for other purposes.

The motion was agreed to.

The Bill was brought in and read a first time.

## WORKS AND SERVICES (FURTHER ANCILLARY PROVISIONS) BILL

**Mr JOLLY** (Treasurer) moved for leave to bring in a Bill to make further ancillary provisions for certain works and purposes for the financial year 1986–87.

The motion was agreed to.

The Bill was brought in and read a first time.

## APPROPRIATION (1986–87, No. 1) BILL

*(Budget Debate)*

**The SPEAKER** announced the presentation of a message from His Excellency the Governor recommending that an appropriation be made from the Consolidated Fund for the purposes of the Appropriation (1986–87, No. 1) Bill and transmitting Estimates of Revenue and Expenditure for the year 1986–87.

**Mr JOLLY** (Treasurer), pursuant to Standing Order No. 169, moved for leave to bring in a Bill to appropriate certain sums out of the Consolidated Fund for the service of the financial year 1986–87 and to appropriate the Supplies granted in this session of Parliament and for other purposes.

The motion was agreed to.

The Bill was brought in and read a first time.

**Mr JOLLY** (Treasurer)—I move:

That this Bill be now read a second time.

Mr Speaker, the Victorian economy is performing better than the rest of Australia and we enjoy the lowest unemployment rate in the country.

Yet the challenges to Government have rarely been greater than in the drafting of the State Budget for 1986–87.

The challenge is to provide the environment for sustained economic growth and employment expansion in the private sector.

The challenge is to achieve a balanced Budget in the face of a $150 million loss in revenue resulting from the dramatic drop in world oil prices.

Unprecedented expenditure restraint was a Budget imperative and this had to take place without cutting back on essential services.

I am pleased to inform the House that the Government has met these challenges head-on. We have made the hard decisions for the long-term benefit of the Victorian community.

Recurrent spending will increase by only 6·6 per cent—the lowest increase for a generation.

We have kept our promise on taxation. There will be no increases in taxation revenue above the rise in the Consumer Price Index plus economic growth.

There are no new taxes and no increases in taxes. There are no cuts in the services people need.

Our rigorous approach to expenditure restraint makes it possible for me to announce tax relief in significant areas.

We will increase the general exemption level for payroll tax from $230 000 to $250 000. We will also raise the level at which the 6 per cent rate phases in from $1·2 million to $1·3 million.

Some 4700 employers will benefit from these concessions costing $3·7 million in 1986–87 and $9·0 million in a full year.

As initiatives relating to the Economic Strategy we will abolish stamp duty on marine insurance and on certain corporate debenture issues, and extend the settlement period allowed between the purchase of shares by a broker, as principal, and their non-dutiable sale.

I am pleased to announce further concessions on Land Tax. When the present Government came into office about 180 000 people paid Land Tax. Reforms in our first Budget cut that number to 80 000.

In this Budget, we will extend the exemptions from Land Tax further still. Pensioners who hold a Health Benefit Card will automatically pay no Land Tax on their home.

This measure will protect the position of pensioners who are asset-rich but income-poor—people whose homes have increased dramatically in value while their ability to pay Land Tax has not.

The Government has also decided on certain strategic expenditure initiatives to achieve particular economic and social objectives.

I will be providing more details, but these initiatives include the provision of $21·5 million in 1986–87 for programs with an emphasis on home and community care, especially for the elderly and mentally impaired, on women's health and the recruitment of nurses. Provision has been made for additional special needs teachers, and teacher and integration aides.

There are also initiatives for the rural sector—the implementation of the Timber Strategy, improved regional delivery of services and new salinity projects.

The State will provide funds to ensure that at least 50 per cent of Year 12 students can get tertiary places.

Housing has received a special priority with a 21 per cent increase in the allocation of works and services funds. As part of its overall review of the housing situation the Government has decided to remove the stamp duty exemption which has been available for some first home buyers.

I would like to outline the approach which has made these initiatives possible, and which has allowed us to maintain, and in some cases expand, essential services.

The Government, at an early stage, rejected the idea of arbitrary cuts across the public sector. Across-the-board cuts would have made up the revenue shortfall. But they would have meant cuts in essential services.

Instead of cutting services, we have systematically and rigorously looked at how we deliver those services. We are making sure that we get the best value out of every dollar we spend—that Government is as efficient as possible.

Since coming to office, this Government has introduced sweeping reforms designed to make the public sector more efficient, flexible and responsive to people's needs.

Those reforms have stood us in good stead in drafting this Budget—a Budget for difficult financial circumstances.

Victoria is the only State in Australia which requires all Departments and Agencies, as a matter of course, to achieve specific efficiency targets in delivering the services they provide.

Last year we gave Departments a target of a one per cent productivity improvement. This year the target will be one and a half per cent.

The size of our revenue shortfall has made further savings necessary in this Budget. With improved budgeting processes, and the cooperation of Ministers, it has been possible to achieve these savings without depriving Victorians of essential services. The value of savings achieved for the Budget in 1986–87 is well over $150 million.

Only in areas of low priority have any services been cut, and in areas where the continued subsidy of non-essential services by the taxpayer could no longer be justified.

The Government's success in cutting back on unnecessary expenditure, even after allowing for new initiatives, is reflected in the Budget estimate that recurrent expenditure will increase by only 6·6 per cent in 1986–87. Not only is this the lowest rate of nominal increase for around a quarter of a century, it is well below the expected increase in the inflation rate and represents a real cut of around one per cent.

The expenditure restraint which this Budget delivers provides Victoria with the basis for continued strong economic growth throughout 1986–87.

The private sector has responded with enthusiasm to the Victorian approach of concentrating on the State's competitive strengths.

Before outlining the Government's revenue and expenditure proposals for the current financial year I will refer briefly to the Budget Result for 1985–86.

## BUDGET SUMMARY

### *1985–86 Budget Result*

When I presented the 1985–86 Budget I estimated that total payments from the Consolidated Fund for that year would be $9713·6 million, and that the Fund would be in balance at the end of the year.

In the result, actual payments were $9686·3 million, or $27·3 million less than estimated.

This overall saving reflected the Government's tight control over expenditure programs during the year. This was achieved despite the effect of a number of special factors which have been reported during the course of the year in the published monthly Budget assessments.

The special factors included the higher than anticipated pension payments flowing from the early retirement scheme, and the shortfalls in revenue in hospitals and from railway freight operations which required additional Budget supplements.

Total receipts were also $27·3 million less than the Budget estimate this time last year.

A major factor in this result was the unexpected drop in petroleum royalties of $25·6 million against the original estimate.

Apart from oil royalties all other State receipts finished up $0·6 million above Budget and Commonwealth payments to the State totalled $2·3 million below the Budget estimate.

State taxation receipts finished up $69·4 million, or 2·3 per cent, ahead of the Budget estimate. This resulted mainly from higher payroll tax collections, reflecting strong employment levels, and from higher than expected stamp duty revenue in the areas of land transfers and share transactions, particularly those associated with company takeovers.

Expenditure on Works and Services finished up $60·8 million below the originally estimated figure of $1852·4 million. This resulted from an easing back in some areas of public capital spending during the year. However, generally there was a high rate of achievement of budgeted spending in the works area which reflected improvements in the management of capital projects.

More detailed comment on the Budget Outcome for 1985–86 can be found in Budget Paper No. 5.

*1986–87 Summary*

Estimated receipts and expenditure on the Consolidated Fund in 1986–87 each total $10 394 million.

Recurrent revenues and expenditure are expected to be broadly in balance at June 1987 with a nominal surplus of some $300 000.

The estimated increase in recurrent expenditure this year of 6·6 per cent, compares with a 9·6 per cent actual increase last year. This reduction in the main stems from positive Government action to achieve productivity improvement and efficiency gains in the delivery of departmental services and in public administration generally.

Borrowings and other receipts available for non-recurrent outlays are estimated to increase by $181 million, or 10·1 per cent, over 1985–86.

Last year the target for productivity improvement was 1·0 per cent. For 1986–87 and subsequent years the objective was set at 1·5 per cent per annum. As has been explained previously, these targeted savings exclude certain non-discretionary items in an agency's service delivery cost base so that they can be realistically applied.

By requiring an annual productivity improvement the Government is pressing program managers in the budget sector agencies to pay ongoing attention to the need to deliver program outputs more efficiently.

In addition to the general budgetary policy of across-the-board productivity improvement the Government has this year implemented a program of specific efficiency gains amounting to some $77 million in 1986–87 and higher amounts in subsequent years. The gains will be achieved in the following areas—$25 million in transport, $20 million in education, $12 million in health and $20 million in other agencies.

The rationale for these efficiency gains in the various areas is set out in Budget Paper No. 2.

The receipts available for the general works and services area reflect the cutbacks in the availability of funds from sources controlled by the Loan Council, as well as a conscious policy response by the Government to the continuing high levels of activity in non-dwelling building and construction in Victoria by the private sector.

Within budget agencies there will be a marked shift in resources towards housing, following the Government's decision to nominate the maximum allowable amount of the loan component of the Loan Council program—namely $116·8 million—for housing purposes. These funds are received from the Commonwealth at concessional rates of interest.

For other budget sector areas the agencies will be constrained to a program which meets contractual obligations, continues on a normal basis with works in progress, maintains existing labour forces and involves no real increase in maintenance spending.

In preparing the 1986–87 Budget, the Government has reviewed two important matters, namely the arrangements surrounding the Thomson–Cardinia system and the mechanism for meeting the Government's commitments to flexible tariff arrangements for the Portland and Point Henry smelters. A new agreement has been reached with all the relevant agencies concerning the Thomson–Cardinia system. Full operational and financial responsibility for the system will pass to the MMBW, which will as a result gain a virtual doubling of its water allocation, enabling a deferral of capital expenditure, and the ability to benefit fully from future augmentation of the system. This will be a highly cost effective way of providing additional water for Melbourne.

The MMBW is entering into a commercial contract to provide up to 60 000 megalitres per annum to the Mornington Peninsula and District Water Board and will provide water on a commercial basis to additional downstream users. In recognition of the historical

nature of the previous arrangements, and its obligations to existing downstream users, the Government will write off 30 per cent of its contributions under those arrangements—a present value amount of some $60 million. The MMBW will assume all the debt and reimburse the Government over five years the remaining payments, amounting to a present value of $135 million. The gain to the Budget in 1986–87 from this change will be about $60 million.

The profit outlook for the Government's 35 per cent investment in the Portland smelter has improved sharply in the past 18 months. This improvement has arisen from the devaluation of the $A and the improved productivity of the smelter, which is now close to any smelter in the world in terms of cost competitiveness. Having regard to these factors, the Government has decided that any flexible tariff payments in respect of the Portland smelter will be met by the Portland Smelter Unit Trust rather than by the Budget. Payments in respect of the Point Henry smelter will continue to be met from the Budget. The saving to the Budget will be $7 million in 1986–87.

I will comment further on the estimated receipts and payments during the course of my speech. A commentary on the broad strategy is contained in Chapters 3 and 4 of Budget Paper No. 2, and detailed explanations are contained in Budget Papers Nos 4 and 5.

## BUDGET CONTEXT

### *The Victorian Economy in 1985–86*

Last financial year was the third year in a row of strong growth in our non-farm Gross Domestic Product.

This was the general outlook forecast in last year's Budget Papers. It is pleasing that the private sector responded positively to the improved cost competitiveness of Victorian industry as a result of the devaluation of the dollar and the introduction of the WorkCare reforms and the restraint in Government taxes and charges.

While there was a decline in the growth rate in the latter part of the year, employment continued to grow and unemployment continued to fall.

The number of jobs in Victoria in 1985–86 increased by 4 per cent, and Victoria recorded the lowest unemployment rate of any of the States in every month of last financial year.

At the end of 1985–86 the unemployment rate was 5·8 per cent.

Private Gross Fixed Capital Expenditure on dwellings and equipment in Victoria was significantly ahead, in relative terms, of the rest of the nation. Dwelling approvals for houses declined 6·8 per cent for Victoria compared with a decline of 11·6 per cent for Australia.

The strength of our building and construction activity has been maintained. It is interesting to note that since 1983–84 the value of work done on private sector projects has grown in real terms by about 50 per cent in Victoria compared with 40 per cent for Australia.

Overall, gross non-farm product increased by 4·1 per cent for Australia and by 4·3 per cent for Victoria. However, most importantly, employment growth and the decline in unemployment were relatively stronger in Victoria than in the rest of Australia.

### *1986–87 Economic Outlook*

It is not usual in a State Budget to dwell on international economic issues, given the nature and scope of State Government responsibilities. However, the events of recent times affecting our international trading and financial position have been of such significance that they must necessarily impact on our policies.

Governments, along with other sections of the community, have to play their part in exercising restraint and in directing resources to improve our overall competitive position. We have the opportunity to make the adjustments which are necessary to meet changed circumstances, and it is important that they are made and that the burden is spread on an equitable basis.

The devaluation of the Australian dollar over the past eighteen months has provided increased price competitiveness for Australian products. This must be exploited. The private sector must seize the opportunities for both increased exports and greater domestic sales and make the necessary investment for this to occur.

The Victorian economy is especially well placed to benefit from this situation as it has a high proportion of Australia's import competing manufacturing capacity.

A detailed assessment of our economic performance in 1985–86 and prospects for the current financial year is contained in Budget Paper No. 2. However, I want to highlight a number of items of particular significance in the Budget context.

- Employment growth in Victoria is forecast to be slightly higher than for Australia over the course of the year. This will maintain our foremost position in the employment area.
- Total real private business investment for Australia is forecast to grow by 1·5 per cent in 1986–87, including an increase of 3 per cent for buildings. In Victoria, investment in buildings is expected to be stronger than for Australia, and overall business investment will grow at a faster rate here than for the nation as a whole.
- Investment in dwellings is expected to decline in 1986–87 but that decline will be slightly less for Victoria than for Australia as a whole. An upturn is forecast in the second half of the year.
- Assuming that the decision in the forthcoming national wage case reflects the degree of discounting favoured by the Commonwealth Government it is expected that award wages will increase by about 4·6 per cent for the year, a similar result to that of 1985–86, and that average weekly earnings will grow by about 6·4 per cent.
- The Consumer Price Index is forecast to grow by around 8 per cent through the year to June 1987.
- Non-farm economic growth in Victoria is forecast to again exceed that for the rest of Australia.

*Longer-Term Economic Objectives*

The Victorian Economic Strategy has been successful in stimulating jobs and growth in the private sector. The pre-conditions for strong export growth have now been set, providing the foundation for jobs into the future.

In its Technology Statement released in July the Government announced the results of its assessment of the potential role for Victorian producers in new technological developments.

The Statement outlined a four point immediate program to build increased commercial development on Victoria's research base and to accelerate the incorporation of new technology into Victorian industry. The implementation of this program is essential for Victoria to be the most dynamic State economy in Australia in the years ahead and to provide job security into the future.

In summary, the immediate program covered—

1. the creation, with Government support, of a wide range of new institutions and partnerships to contribute to the objectives which I have just outlined.
2. the development of a technological infrastructure in Victoria.

3. the encouragement of larger enterprises to enter into the process of commercialisation of Victorian research.

4. support, through the Department of Industry, Technology and Resources, for the activities of smaller companies in Victoria through an increased equity base for the V.E.D.C. and other programs.

Last year $30 million was spent through the Department of Industry, Technology and Resources on high technology joint ventures and the Government will maintain its commitment to the overall program.

*Social Policy Objectives*

A central thrust of the Government's overall policy is the development of a Social Justice Strategy which will be the blueprint for achieving those longer term adjustments which are necessary in our community to improve equity and fairness.

Priority has been given to the development of the Economic Strategy with its emphasis on stimulating the economy of the State and maximising its competitive advantages.

With clear results now evident from the operation of the Economic Strategy it has been possible to pay more attention to social development policies and to ensure that all Victorians, regardless of economic or social background or circumstances, have access to the services which they require.

The State Government is the principal provider of social expenditure on health, education, housing and other basic community services. It is essential that these services are equally accessible to all, and that they are flexible and responsive to the needs of different groups in the community.

In the current circumstances of increasing budgetary constraints the Government has been particularly concerned to promote increased efficiency and effectiveness in the administration and delivery of community services and ensure that expenditure is targeted to those areas of greatest need.

Details of specific program expenditures appear in Budget Paper No. 5 but it is relevant to mention some of the main features.

- The Youth Guarantee initiative, providing a continuation of post-secondary compulsory schooling opportunities and enhanced vocational education and training facilities.

- The creation of a further 1000 work/study positions for young people in departments and instrumentalities to provide opportunities for work, and structured and recognised training.

- Increased apprenticeships, particularly the State Additional Apprenticeship Scheme, under which a further 220 young people will be placed in apprenticeships.

- Increased access for adults to retraining opportunities.

- Continued support and assistance to the long term unemployed.

- A computerised Courses and Occupational Information System to provide a comprehensive job and courses information bank for schools and other centres dealing with young people.

- The system of concessions on a range of State and Local Government and Statutory Authority taxes and charges.
  This year these concessions are estimated to cost some $350 million.

- The Poverty Action Program, administered by the Department of Community Services, and the Community Credit Program, administered by the Ministry of Consumer Affairs. These Programs are designed to tackle, at their source, a number of problems faced by lower income groups, and increased funding has been made for their extension during 1986–87.
- Progressive decentralisation of administration of services and promotion of opportunities for people to make input into the design and delivery of services.
- Progressive de-institutionalisation of certain health and welfare services and re-orientation of services away from custodial and protective modes.
- The success of the WorkCare reforms, with improved occupational health and safety programs, and health promotion campaigns.
- Special provisions and arrangements for housing finance for low-income households.

A more detailed statement on Social Development Policies and the Budget will be found in Chapter 6 of Budget Paper No. 2.

*Budget Reform*

The Government is maintaining momentum on its program of budget reform.

I draw the attention of Honourable Members to a major change in the Budget Papers which have been circulated.

The Appropriation Bill this year has been considerably shortened by the transfer of block item information to Budget Paper No. 5. There is not less material available, but the form of the Appropriation Bill now more appropriately relates to those expenditures for which Parliamentary authorisation is being sought, and to designated line items within particular programs such as salaries, certain finance charges and various grants.

The reduction in the extent of detailed appropriations is one consequence of the successful implementation of Program Budgeting. The emphasis is on management accountability for program results and the need for greater flexibility in the management of resources. The new format of the Appropriation Bill serves to considerably enhance the program focus in the whole Budget process.

Another change in the form of the Appropriation Bill is the deletion of a number of non-specific appropriation matters relating to works and services expenditure in the Department of Water Resources and the Rural Water Commission, and in Education.

These provisions were previously included in the Appropriation Bill but, technically, because of their nature were more properly handled in a separate piece of legislation.

The Government currently has under detailed examination the full range of legislation and regulation which relates to resource allocation. It is proposed to re-draft or amend the framework to reflect current circumstances and requirements where the achievement of program objectives and accountability is of at least equal importance with financial compliance. The results of the current review will be brought to the notice of the Parliament for appropriate consideration.

Budget Paper No. 2 provides information on the Works Planning, Programming and Budgeting Project which is currently under way to improve the efficiency of capital budgeting processes in the public sector.

**1986–87 OUTLAYS**

*Current Account*

Current Account expenditure to be met from the Consolidated Fund in 1986–87 is estimated at $8 419 million.

As I have already mentioned, this is an increase of 6·6 per cent over last year, and reflects the Government's firm policy of expenditure restraint.

Details of the expenditure proposals for the various Departments and Agencies will be found in Budget Paper No. 5.

The expenditure figures take into account the targets for productivity improvement and efficiency gains to which I have referred.

Despite the low rate of growth in overall expenditure the Estimates allow for some high priority expenditure initiatives for which supplementary funding has been provided. There are other policy initiatives with a high priority which have been funded by the reallocation of resources within the Departments or Agencies concerned.

The increased flexibility introduced into the Budget process through Program Budgeting, productivity savings, and improved information systems has enabled the Government to switch resources from low priority activities to high priority services.

In this context I draw attention to the following items in the total outlays:—

- The Government, through the Victorian Tourism Commission, and in conjunction with the Melbourne Tourism Authority, is prepared to join with the private sector in a major international tourist marketing campaign to expand international tourism in Victoria, and therefore employment in Victoria's tourist industry. Public funds of up to $3 million a year for three years will be provided to match funds from the private sector or from other sources for this purpose.
- The Government is establishing a Working Group under Sir Gustav Nossal to investigate, and make recommendations in relation to the number of young people studying science and mathematics through to the final year of high school.
- Funds will be provided, on a matching basis with the institutions concerned, and with the support of private industry, for technology research and development in our Colleges of Advanced Education. An initial allocation of $500 000 has been made in 1986–87.
- Provision of $5·7 million to support the implementation of the Government's recently announced Timber Strategy. This initiative recognises that the State's timber resources are an important asset for long-term economic development.
- Action is being taken, at a cost of $3·0 million in 1986–87 and $4·5 million in 1987–88, for specific initiatives in meeting the health needs of particular groups in the community. These cover the improvement of women's health services, the strengthening of community psychiatric services and improved palliative and hospice care and district nursing services for the elderly.
- In the Education area, provision has been made for the appointment of 90 special needs teachers and an additional 40 teacher aides and integration aides, and additional resources for computer development and workplace education.
  Education allowances for pupils in Government schools will be increased by 5·5 per cent.
- $1·3 million has been provided to meet the costs in 1986–87 of initiatives connected with the Intellectually Disabled Persons and the Guardianship and Administration Board legislation. The expenditure in a full year is estimated at $3·2 million.
- A major identified need in the transport area is the provision of expanded passenger services in the outer metropolitan area. Details of this initiative will be announced by the Minister for Transport.
- Approval has been given for the appointment of 150 additional public servants in order to release an equivalent number of Police for policing duties. This represents

the final stage of the staffing requirements for the implementation of the 38 hour week. The cost is $1·4 million in 1986–87 and $3·3 million in a full year.

- An allocation of $900 000 has been included in the Police and Emergency Services Programs to cover the cost of bullet proof vests for Victoria Police.
- Expenditure on the State Additional Apprentices Scheme in 1986–87 is estimated at $8·9 million. This includes provision for a further intake of 220 apprentices in 1987. $1·8 million has been allocated for Payroll Tax Rebates for Apprentices and Trainees.
- An appropriation of $6 million is provided to cover the cost of recruiting 500 nurses from overseas to strengthen the staffing of the public hospitals system.
- A special allocation of $1·8 million has been made for the Department of Agriculture and Rural Affairs towards the costs of regionalisation of the Department's operations and the strengthening of its position in rural areas on a long-term basis.
- Funds of $15 million will be provided in 1987 for tertiary places. This should enable an additional 1300 places to be funded by the State Government in tertiary educational institutions in 1987, making a total of over 2500, under the program introduced last year to increase opportunities for Victorian youth.
- Improved efficiency in country freight services, through infrastructure development, advanced technology and better management resulted in a reduction of 5 per cent in average grain freight rates.

The provision for Treasurer's Advance under Program 729 is $73·8 million. This is $47 million less than for last financial year, and is an indication of the lower requirement, in current circumstances, to cover the expected cost of anticipated wage awards to be handed down during the course of the year.

*Capital Outlays*

Budget Paper No. 5 provides detailed information about the planned capital budgets for the Budget Sector agencies.

Housing has received a special priority in this year's works programs. The allocation of works and services funds will increase from $239·4 million in 1985–86 to $290·3 million this year. This increase of $50·9 million, or 21 per cent, reflects the Government's decision to nominate the maximum possible proportion of its Loan Council Borrowing Program for housing purposes.

The level of funding allocated for housing in 1986–87 is expected to provide for the handover of an additional 3100 units to the public housing stock and for a level of new commencements sufficient to achieve a similar level of handovers in the following year.

Spot purchase activity is a key element of the strategy for achieving an acceptable geographic spread of new public housing units throughout the community. For 1986–87 spot purchase handovers are expected to be 840 units. While this is a lower figure than last year it reflects the increased emphasis which is being placed this year on new house construction.

The housing program includes an increased allocation of $32 million this year for activity associated with the physical improvement of housing estates. Expenditure last year was $24 million. This increase is in line with the Government's election policy commitment to provide $120 million on this area during its present term of office.

The allocation from the Works and Services Account for transport for 1986–87 is $681·4 million, compared with $644·0 million last year, excluding finance charges. In 1985–86, $104·7 million was allocated from works and services funds to fund capitalised interest payments. This year, all interest payments previously attributed to the transport authorities will be appropriated to the Treasurer in Program 726. The extent to which interest is

capitalised has been reduced by some $40 million in 1986–87 as part of the Government's policy of progressively reducing capitalised interest in the budget sector.

To achieve lower servicing costs for the accumulated debt of the transport authorities the Government intends to transfer this debt to the Victorian Public Authorities Finance Agency, and to provide for its restructuring and future management using the full array of modern liability management techniques. The Agency will also handle future borrowing requirements for the transport sector.

The allocation for metropolitan public transport will enable a number of high priority new projects to proceed, including the commencement of the Jolimont decentralisation project.

Overall funds for roadworks will be slightly less in 1986–87 than last year as a result of the reduction of some 6 per cent in real terms in the level of Commonwealth funding in this area. Funding from the State Budget is being maintained at approximately the same level as last year in real terms.

Road Traffic Authority Programs to improve road safety and traffic flow will continue with a proposed expenditure of $57 million. Special attention will continue to be paid to the "Accident Blackspot" sites and to the SCRAM linking of traffic signals program.

Works and services expenditure in the community services area will increase significantly this year. This reflects the transfer of responsibility for the Office of the Intellectually Disabled and for senior citizens centres from the Health Department.

Increased spending by Police and Emergency Services reflects an additional allocation of $3 million for helicopters.

The Government has allocated to the Capital Development Fund in the Treasurer's Programs an amount of $26 million for subsequent allocation to budget and/or non-budget sector agencies for projects which meet required evaluation processes. As I have mentioned, the Government has under way a project for the strengthening of the capital expenditure approval and development process to improve the efficiency and effectiveness of capital budgeting in the public sector.

Chapter 4 of Budget Paper No. 2 provides information for Honourable Members on the Public Authorities Works Programs and Sources of Funds, and data for overall Public Sector Gross Fixed Capital Expenditure.

**1986–87 REVENUE**

Detailed information on the various categories of estimated receipts into the Consolidated Fund for the current year is contained in Budget Paper No. 4.

As I have already indicated, the Government's budget strategy for 1986–87 has been to avoid any increases in tax rates for the year and to keep overall increases in fees and charges below the expected inflation rate.

Again, for 1986–87 taxation cuts are proposed and I shall refer to these shortly. These initiatives are directed at advancing the Government's economic and social strategies.

The total estimated receipts for 1986–87 are $10 394 million—representing an increase of 7·6 per cent over actual receipts last year.

In summary these estimated receipts are as follows:—

| | | *$ million* |
|---|---|---|
| *Recurrent receipts* | | |
| State Taxation | | 3296 |
| Other State sources | | 1750 |
| Financial Assistance Grant | | 2475 |
| Other Commonwealth sources | | 898 |
| | a total of | 8419 |

| | | |
|---|---|---|
| *Capital receipts* | | |
| Loan Council Programs | | 302 |
| Commonwealth Specific Purpose Payments | | 528 |
| Transfer from Works and Services Account | | 904 |
| State Development Account | | 87 |
| Other State sources | | 154 |
| | a total of | 1975 |

The Government has undertaken that the real tax burden, measured as a percentage of State non-farm Gross Domestic Product, will not increase over the four-year life of the present Parliament.

The benchmark is the figure for 1984–85, which was 5·0 per cent. The percentage is estimated to fall this year to 4·8 per cent.

State Taxation receipts are estimated to increase by 6·5 per cent in 1986–87. This is a decrease in real terms, reflecting the full year effect of the taxation reductions provided by the 1985–86 Budget and the concessions proposed in this Budget, which I will now outline.

*Payroll Tax*

It is proposed to increase the general exemption level for payroll tax from $230 000 to $250 000 and to raise the level at which the 6 per cent rate phases in from $1·2 million to $1·3 million.

The cost of this indexation concession, which will benefit some 4700 employers, will be $3·7 million in 1986–87 and $9·0 million in a full year.

*Land Tax*

The Government will index the land tax scale rate to take account of the average increase in land values in Victoria in 1982–83 for the purpose of calculating 1987 land tax liabilities. Under the present legislation, land tax liabilities for 1987 will be based on indexed site values as at June 1983.

As a result of the indexation proposal the increase in land tax revenue in respect of 1987 assessments will be restrained to be about 5·8 per cent, which is less than the weighted average in land values in Victoria during the twelve months immediately after June 1982, the date to which the metropolitan municipal valuations relate.

This action will reduce land tax revenue from what it would otherwise have been by $5·4 million in 1986–87 and $9·9 million in a full year.

The Government will broaden the coverage of principal residence exemptions to include holders of Pensioner Health Benefit Cards. This benefit will increase the numbers eligible by some 25 per cent at a cost of $75 000 in a full year. Eligibility will be automatic once cardholder status is established.

As no assessments are issued where land tax liabilities are less than $20, landholders with aggregated land values up to $68 139, in 1983 values, will pay no tax.

*Economic Strategy Initiatives*

As a positive initiative to assist both exporters and the local insurance industry, as well as reducing transport costs the Government has decided to remove the present stamp duty which is imposed on marine insurance relating to all commercial transport of goods, both within the country and to international markets.

The Government will remove stamp duty on the issue of certain debentures, with either fixed or floating interest rates, that are widely distributed in the wholesale market with the objective of encouraging the development of a corporate debt market in Melbourne.

Legislation will also be introduced to extend from 2 to 10 days the settlement period allowed between the purchase of shares by a broker, as principal, and their non-dutiable sale. This initiative is in line with overseas practice and will encourage brokers to make a market and to increase the volume of financial activity in Victoria.

*Avoidance and Evasion*

The Government is maintaining its attack on avoidance and evasion of taxation.

We have consistently moved against these practices by tightening legislation, improving taxation collection procedures and by establishing lines of communication, and procedures of cooperation, with the Commonwealth and other States.

It is proposed to introduce a number of legislative amendments to further combat avoidance and evasion in relation to stamp duties and business franchise fees.

While the main effect of these measures is to protect the tax base, it is expected that additional revenues from the legislative changes, and other anti-avoidance and evasion activities, will be of the order of $10 million in 1986–87.

*Fees and Charges*

As I have indicated, the Government has acted to contain fees and charges as well as taxation.

For 1986–87 the Government has adopted a continuation of a 7 per cent guideline for increases in Government fees and charges per unit of service. This is lower than last year's inflation rate and is expected to be lower than the corresponding increase in the Consumer Price Index this year.

Total receipts from fees and charges, again apart from inter-agency transfers, in 1986–87 is estimated at $176·0 million.

The Government's Consumer Price Index ceiling also extends to charges for goods and services provided by public authorities and includes electricity, gas and MMBW water charges. The charges for all of these authorities will fall in real terms in 1986–87, as all adjustments are less than the expected increase in the Consumer Price Index.

For the four quarters to June quarter 1986 the increase in the Selected State and Local Government Charges component of the C.P.I. for Melbourne was 5·6 per cent, well below the average of 6·7 per cent for the eight capital cities. For the four years to the June quarter 1986, Melbourne has had the lowest increase for any Australian Capital City.

Information covering the guidelines in relation to the setting of fees and charges levied by Departments and Agencies is contained in the Budget Papers.

*Capital Receipts*

Decisions taken at the Loan Council meeting held in June 1986 resulted in a 23 per cent cut in the nominal value of Victoria's general allocation from $393 million to $302·5 million.

This reduction has directly affected the Government's ability to finance capital expenditure in the Budget.

Commonwealth specific purpose payments of a capital nature are expected to increase by 4·4 per cent in 1986–87. In the roads area, total payments will be $245 million, the same nominal amount as last year. Payments under the Australian Land Transport Program will rise slightly in nominal terms while Australian Bicentennial Roads Development payments will fall slightly.

The total allocation under the Commonwealth–State Housing Agreement will increase from $156·1 million to $165·8 million, of which $146·8 million must be matched from State funds.

The Government has followed a policy of selling assets, and particularly land, to generate a source of funds to finance investment in new capital assets. This process will be accelerated this year with the assistance of a special Taskforce, which is charged with the responsibility of identifying redundant land holdings which are suitable for sale. Receipts from sales arising from the work of this Taskforce are estimated at $50 million in 1986–87. This effort is particularly relevant this year in the light of the decisions taken at the Loan Council meeting in relation to capital funds.

Borrowings from the State Development Account are budgeted at $86·6 million in 1986–87 and will be available for drawdown in relation to approved major capital projects.

CONCLUSION

The prevailing financial and economic circumstances made the 1986–87 Budget extremely difficult to frame.

The sharp drop in world oil prices deprived Victoria of $150 million in revenue. This in turn was the major factor in limiting the natural increase in recurrent funds available from State sources to 3·3 per cent.

As the Government did not want to impose additional taxes on Victorians, it was necessary to achieve unprecedented expenditure restraint.

This has been achieved by increasing the efficiency and effectiveness of Government spending without cutting back on essential services.

The Government was determined to ensure that decisions in this year's Budget did not blow the economic strategy off-course. The integration of short-term Budget imperatives with long-term social and economic objectives was the dominant factor determining the shape of the 1986–87 State Budget.

The decisions taken in this year's Budget are consistent with the Government's actions to encourage moves towards a major long-term restructuring of the Victorian economy.

Victoria is emerging as a competitive and dynamic economy.

Our Economic Strategy and Technology Statement are already bearing fruit. The update of the State Economic Strategy during the course of this year will further boost future job prospects of Victorians.

The Budget is based on a solid foundation. It allows for strong private sector investment and will reinforce Victoria's position as the State with the lowest unemployment rate.

I commend the Budget to the House.

On the motion of Mr STOCKDALE (Brighton), the debate was adjourned.

It was ordered that the debate be adjourned until Wednesday, October 1.

## WORKS AND SERVICES (FURTHER ANCILLARY PROVISIONS) BILL

**Mr JOLLY** (Treasurer)—I move:

That this Bill be now read a second time.

The Works and Services (Further Ancillary Provisions) Bill provides for non-specific appropriation matters, mainly related to works and services expenditure in the Department of Water Resources and the Rural Water Commission, but also including one section related to education.

It is appropriate that this Bill and the Appropriation Bill be debated jointly to facilitate consideration of the matters contained in them and joint debate will therefore be proposed.

Honourable members will be aware that the provisions covering matters related to appropriations were, until the 1986–87 Supply Bill, included in Supply and Appropriation Bills which meant that such provisions were considered during the debate on the Supply and Appropriation Bills. Technically, these non-specific appropriation matters are more properly handled in a separate Bill.

The clauses in this Bill have the same function as those included in the Works and Services (Ancillary Provisions) Act 1986.

I believe this move is consistent with the Government's progressive implementation of improvements and clarifications in the presentation of Budget-related matters. I commend the Bill to the House.

On the motion of Mr STOCKDALE (Brighton), the debate was adjourned.

It was ordered that the debate be adjourned until Wednesday, October 1.

## RACING (SUNDAY RACING AND BETTING) BILL

The debate (adjourned from the previous day) on the motion of Mr Trezise (Minister for Sport and Recreation) for the second reading of this Bill was resumed.

**Mr HANN** (Rodney)—I am totally opposed to the Bill and indicate at this stage that I am absenting myself from the motion put forward by the National Party. I have sought permission from my colleagues to do that on the basis of conscience in not being able to support an alternative proposal for a one-off Sunday race meeting.

I shall outline to the House why it is important for me to take a strong stand on this issue. Each sitting day of Parliament is commenced with the Lord's Prayer. In that prayer, Mr Speaker, we say, "Thy will be done", but it is obvious that honourable members have hedged around that issue in the debate so far. The real problem with Sunday racing is not working on a Sunday or having additional racing and Totalizator Agency Board operations, it involves the faith of individuals and the question, "What is the will of God?" The majority of Australians believe Australia is a nation that follows God's law. That belief has been repeated recently in a research document which has highlighted that between 70 and 80 per cent of Australians believe in God and His law.

I wish to take honourable members back through my experience. I respect the rights of every individual member of Parliament to have certain beliefs on this issue, but at some stage individuals must stand up and be counted. We must all take a stand on certain issues.

In his book, *The Second American Revolution*, John Whitehead has directed attention to the fact that the Constitution of the United States of America is based on the law of God. Since 1917 when an American Supreme Court judge determined that one could change or interpret the Constitution according to what one believes are the wishes of society at the time, the Constitution has been under attack in that country.

Many social issues such as abortion and other moral matters have been challenged and changed over the years.

My eyes were opened two years ago when my attention was brought to John Whitehead's book because I recognised that the Victorian Parliament has followed the same course. Our system of law is based on the Judaic-Christian ethic and the Lord's ten commandments, which include' "Thou shalt not kill and thou shalt not steal". One of those commandments is that six days shalt thou work but the Sabbath, the seventh day, is the Lord's day.

It is recognised by most people that when Our Lord Jesus Christ was on this earth, he stated that certain tasks had to be performed by people on the Sabbath. However, I do not believe members of this Parliament, acting under the prayer which commences each sitting day and which includes the words "Thy will be done", could argue that racing is a legitimate activity for Sunday. It is not only the racing event but also the fact that every

TAB agency in Victoria would be required to open, apart from agencies in hotels that cannot open because of liquor laws.

The Government will require people employed in Totalizator Agency Board agencies to work on a Sunday, despite the fact that they may have strong personal and religious views on the matter.

One wonders about the Government's philosophy behind bringing in a Bill that goes well beyond the request from the racing industry. I can understand the request made by the racing industry for this one day race meeting because its attitude is reflected in a discussion paper on the racing industry that was published early this year.

No doubt most honourable members received copies of this glossy publication entitled, "Victoria Racing—it's as big as Christmas", which was commissioned by the Victoria Racing Club, the Victoria Amateur Turf Club, the Moonee Valley Racing Club, the Harness Racing Board, the Greyhound Racing Control Board and the Totalizator Agency Board.

On reading this publication, I was appalled. I could not believe that anyone would argue that racing in Victoria was as big as Christmas. What was meant, of course, was that the revenue may be as big as Christmas. I wrote to Mr Peter Armytage, the Chairman of the Victoria Racing Club, and said that I did not believe racing could be compared with the birth of Christ. Yet this publication was commissioned entitled, "Victoria Racing—it's as big as Christmas", that would have cost thousands of dollars to produce. So far I have had no reply!

We are debating the Bill in the House today because the Moonee Valley Racing Club, one of the clubs that commissioned the discussion paper, requested permission to race on the Sunday after the grand final. This debate might have been avoided if the grand final had been transferred to the Sunday, and that would be within the provisions of the present Sunday Entertainment Act.

However, the Government in its wisdom—and I have difficulty in understanding its wisdom—decided to extend the measure across the board—subject, of course, to the Minister's decision—and allow race meetings on any Sunday regardless of the original request.

Many people in Victoria find the idea abhorrent. We need to consider the reasons for Sunday being a day of rest. There is a practical reason why we were urged to work only six days a week. These days, of course, we work only five days a week and, in some instances, only four days a week. The reason why people are not encouraged to work seven days a week—although some of us at times attempt it—is that one cannot work seven days a week, week in and week out, and keep on going. The reality is that one needs to rest the body and the mind and, for those who believe strongly in the Christian faith, the seventh day is also a day of worship. It is a day set aside for the Lord. It is also a day set aside for one's commitment to one's family, relatives and friends. It is a day upon which people are able to participate in casual recreation.

Over the past years, I have supported measures in Parliament that have infringed upon the concept of Sunday as a special day. For that reason, I do not place myself above anybody else in Parliament on this issue. However, my attention has been directed to the fact that eventually we must stand up and say, "Enough is enough".

The Premier has been keen to encourage racing on a Sunday because of the Government's anxiety to increase its Totalizator Agency Board revenue. Revenue from racing has grown in real terms over the past few years and the revenue for the 1985–86 period was $108 560 000. One could question the integrity of the Government in taking this action to boost its revenue. The Government has other taxable ways of boosting its revenue that are much more legitimate than using the various forms of gambling.

The opposition parties have indicated that they wish the Bill to be restricted to the one day. I understand the Government is prepared to support that. That is a big breakthrough on this whole issue. As one who has been reminded of his Christian faith over the past few years when challenged on these issues and when John Whitehead's book was first placed in my hands, I acknowledge that if we as legislators try to change the law according to what we believe to be the social rule of the day and move away from the laws of God upon which our whole system of law is based, our society becomes a sorry place within which to live.

A whole range of examples exists, from the Family Law Act in the Federal Parliament to the homosexual legislation in Victoria and the proposed legislation on prostitution. From time to time, I have supported some of this legislation and have not taken a stand that perhaps I should have taken on these vitally important issues.

For that reason, on this occasion I am totally opposed to the Bill and to the amendments. I shall absent myself from Parliament when the Bill is handled by the House.

**Mr FORDHAM** (Minister for Industry, Technology and Resources)—I move:

That the question be now put.

**The SPEAKER**—Order! The debate on this matter has proceeded for 3 hours. There have been 12 speakers, 4 from the Government, 5 from the Opposition and 3 from the National Party. Therefore, I am prepare to accept the motion.

The House divided on Mr Fordham's motion (the Hon. C. T. Edmunds in the chair).

| | |
|---|---|
| Ayes .. .. .. .. .. | 42 |
| Noes .. .. .. .. .. | 35 |
| Majority for the motion .. .. | 7 |

| AYES | NOES |
|---|---|
| Mr Andrianopoulos | Mr Brown |
| Mr Cain | Mr Coleman |
| Miss Callister | Mr Crozier |
| Mr Cathie | Mr Delzoppo |
| Dr Coghill | Mr Dickinson |
| Mr Culpin | Mr Evans *(Ballarat North)* |
| Mr Cunningham | Mr Evans *(Gippsland East)* |
| Mr Ernst | Mr Gude |
| Mr Fordham | Mr Hann |
| Mr Gavin | Mr Hayward |
| Mrs Gleeson | Mr Jasper |
| Mr Harrowfield | Mr Kennett |
| Mrs Hill | Mr Lea |
| Mr Hill | Mr Leigh |
| Mrs Hirsh | Mr Lieberman |
| Mr Hockley | Mr McGrath *(Lowan)* |
| Mr Jolly | Mr McGrath *(Warrnambool)* |
| Mr Kirkwood | Mr McNamara |
| Mr McDonald | Mr Maclellan |
| Mr Mathews | Mr Ramsay |
| Mr Micallef | Mr Reynolds |
| Mr Norris | Mr Richardson |
| Mr Pope | Mr Ross-Edwards |
| Mrs Ray | Ms Sibree |
| Mr Remington | Mr Smith *(Glen Waverley)* |
| Mr Roper | Mr Smith *(Polwarth)* |
| Mr Rowe | Mr Steggall |
| Mr Seitz | |
| Mrs Setches | |
| Mr Sheehan | |
| Mr Sidiropoulos | |
| Mr Simmonds | |
| Mr Simpson | |

| AYES | NOES |
|---|---|
| Mr Spyker | Mr Tanner |
| Mr Stirling | Mr Wallace |
| Mrs Toner | Mr Weideman |
| Mr Trezise | Dr Wells |
| Dr Vaughan | Mr Whiting |
| Mr Walsh | Mr Williams |
| Mr Wilkes | |
| *Tellers:* | *Tellers:* |
| Mr Kennedy | Mr Cooper |
| Mr Shell | Mr Perrin |

PAIRS

| | |
|---|---|
| Mr Crabb | Mr Plowman |
| Mr McCutcheon | Mr Austin |
| Mrs Wilson | Mr John |

The House divided on the motion (the Hon. C. T. Edmunds in the chair).

| | |
|---|---|
| Ayes .. .. .. .. .. | 42 |
| Noes .. .. .. .. .. | 35 |
| Majority for the motion .. .. | 7 |

| AYES | NOES |
|---|---|
| Mr Andrianopoulos | Mr Brown |
| Mr Cain | Mr Coleman |
| Miss Callister | Mr Cooper |
| Mr Cathie | Mr Crozier |
| Dr Coghill | Mr Delzoppo |
| Mr Culpin | Mr Dickinson |
| Mr Cunningham | Mr Evans *(Ballarat North)* |
| Mr Ernst | Mr Evans *(Gippsland East)* |
| Mr Fordham | Mr Gude |
| Mr Gavin | Mr Hann |
| Mrs Gleeson | Mr Hayward |
| Mr Harrowfield | Mr Jasper |
| Mrs Hill | Mr Kennett |
| Mr Hill | Mr Leigh |
| Mrs Hirsh | Mr Leiberman |
| Mr Hockley | Mr McGrath *(Lowan)* |
| Mr Jolly | Mr McGrath *(Warrnambool)* |
| Mr Kennedy | Mr McNamara |
| Mr Kirkwood | Mr Maclellan |
| Mr Mathews | Mr Perrin |
| Mr Norris | Mr Ramsay |
| Mr Pope | Mr Reynolds |
| Mrs Ray | Mr Richardson |
| Mr Remington | Mr Ross-Edwards |
| Mr Roper | Ms Sibree |
| Mr Rowe | Mr Smith *(Glen Waverley)* |
| Mr Seitz | Mr Smith *(Polwarth)* |
| Mrs Setches | Mr Steggall |
| Mr Sheehan | Mr Tanner |
| Mr Shell | Mr Wallace |
| Mr Sidiropoulos | Mr Weideman |
| Mr Simmonds | Mr Whiting |
| Mr Simpson | Mr Williams |
| Mr Spyker | |
| Mr Stirling | |
| Mrs Toner | |
| Mr Trezise | |
| Dr Vaughan | |
| Mr Walsh | |
| Mr Wilkes | |

| AYES | NOES |
|---|---|
| *Tellers:*<br>Mr McDonald<br>Mr Micallef | *Tellers:*<br>Mr Lea<br>Dr Wells |
| PAIRS | |
| Mr Crabb<br>Mr McCutcheon<br>Mrs Wilson | Mr Plowman<br>Mr Austin<br>Mr John |

*The sitting was suspended at* 1.14 *p.m. until* 2.19 *p.m.*

The Bill was committed.

Clause 1

**Mr W. D. McGRATH** (Lowan)—I move:

1. Clause 1, lines 3 and 4, omit "to amend the Racing Act 1958 and the Sunday Entertainment Act 1986".

With your permission, Mr Chairman, I shall refer to other clauses of the Bill so I can explain why the amendment needs to be supported. The amendment is to restrict the Government and the racing clubs of Victoria to only one Sunday race meeting.

**The CHAIRMAN (Mr Fogarty)**—Order! Is it correct that the honourable member for Lowan has requested some latitude regarding clause 1 because other clauses are part and parcel of the amendment?

**Mr W. D. McGRATH**—Yes, that is correct.

The National Party is prepared to allow the Government and the racing fraternity to have only one race meeting on 28 September, which is the Sunday after the Victorian Football League grand final. This has been a controversial subject. Last night the Bill was debated for 3 hours and the second-reading debate has now been gagged. That is an indication of the controversy the Bill has created in the community and in Parliament.

Many people in the community do not want racing on Sundays. The National Party has considered those people as well as those who are in favour of Sunday race meetings.

I wrote to three important controlling bodies of racing in this State: the Victorian Country Racing Council, the Harness Racing Board and the Greyhound Racing Control Board. The Victorian Country Racing Council indicated to me that it was not interested in race meetings on numerous Sundays but it supported the one-off meeting to be conducted at Moonee Valley racecourse on 28 September. The harness racing and greyhound racing boards did not respond to my letters so I do not know whether they support the concept of Sunday race meetings.

Last night during the second-reading debate, I demonstrated that many churches, including the Anglican Church, the Uniting Church in Australia, the Presbyterian Church and the Catholic Church, were very much opposed to Sunday racing.

The amendment I have moved needs to be agreed to so that the relevant new clauses can be proposed later in the Committee stage. If the amendment is defeated, the further amendments that the National Party wishes to include in the Bill will not be proposed. The National Party would like the opportunity of moving an amendment that only one Sunday race meeting be conducted, that being on Sunday, 28 September, the day immediately after the 1986 Victorian Football League grand final. I hope honourable members will see fit to support this amendment.

**Mr TREZISE** (Minister for Sport and Recreation)—The National Party is prepared to allow the race meeting at Moonee Valley on 28 September but is precluding the other two codes—greyhound racing and harness racing—from conducting meetings on that Sunday.

It was proposed that Sandown would host a greyhound racing meeting and the Maryborough Harness Racing Club would host a harness race meeting.

The Government will not accept the amendment because the other two racing codes are entitled to have meetings on Sunday, 28 September. The Opposition has foreshadowed that it will propose an amendment that the three racing codes be allowed to race on Sunday, 28 September but that it will be for that Sunday only until a further review is conducted later this year or next year. Such a proposed amendment is acceptable to the Government.

Some racing clubs, especially those who have informed the Government that they wanted to hold Sunday race meetings during the Christmas period, will be disappointed that they will not be able to conduct race meetings on Sundays, but they will have to wait until the measure is considered again by Parliament in the autumn sessional period. The measure will return to Parliament because I am sure the meeting at Moonee Valley on 28 September will be a success.

Victoria is the spotlight for Australia's sport on the Saturday of the grand final. However, the following day Melbourne is often like a cemetery. The many thousands of tourists who come to Melbourne to see the grand final, either from country Victoria or interstate and overseas, often leave Melbourne on the Saturday night or first thing on Sunday morning. Two days of sporting events in Melbourne will be a great boost not only for the people concerned but also for the tourist industry.

Victoria is not the first State to have race meetings on a Sunday. South Australia will have a race meeting on 28 September and the Australian Capital Territory has legislation that allows racing on Sundays. New South Wales will introduce similar legislation in the next year or so.

**Mr Ramsay**—How do you know?

**Mr TREZISE**—Because the New South Wales Government and the racing industry have indicated that it will be done for the running of the Golden Slipper in Australia's bicentenary year.

I am not arguing for or against gambling, but Victoria is the only State in Australia that does not have legalised gambling on a Sunday.

**Mr B. J. Evans**—We do not have casinos, either!

**Mr TREZISE**—I am only indicating that Victoria is the only State in Australia where tourists cannot legally gamble on a Sunday; I am not arguing about the merits or otherwise of gambling.

The initiative contained in the Bill was put forward by the racing industry, not by the Government. The honourable member for Gisborne has indicated that the issue was raised in the days of Sir Reginald Ansett when the racing club of Mornington wanted to conduct Sunday race meetings. That has continually been brought to the attention of the Government for many years.

In the past few months, the Government has had repeated approaches from racing clubs to hold Sunday race meetings. They include the clubs at Geelong, Maryborough, Pakenham and Wodonga. I visited Wodonga and was asked by people involved with the racing club whether I was prepared to support the idea of Sunday race meetings.

If it is agreed that more meetings be held next year, as a result of discussions with the Moonee Valley Racing Club and the working party reports, many country racing clubs will be happy to hold those meetings.

During the year some race meetings are washed out. Only six weeks ago a Saturday meeting at the Moonee Valley Racing Club was washed out and cancelled. The club lost revenue, as did all the other participants. When the proposed legislation proceeds next

year to extend the number of race meetings, with the approval of the Government and the Minister, cancelled meetings can be held on the following day.

I assure the Committee that no matter what anyone else has said, the Government has no intention of opening the floodgates and holding Sunday race meetings willy-nilly across Victoria. It is intended to hold the special meetings on a carnival occasion or when, during the middle of winter, a race meeting is washed out or restricted by a cold wet night, the meeting may be held on the following Sunday. A carnival atmosphere could develop at those meetings, with horse riding for children and other amusements for the whole family.

I was in Ireland recently and had the opportunity of studying the Sunday race meetings. They had been operating for approximately nine months and I spoke to many clubs and patrons of those meetings about Sunday racing. They indicated to me that it did not bring any more income to the Government or extra turnover for bookmakers, but that it did bring more people to racecourses, particularly family groups, who would have a day out. They organised pony rides and merry-go-rounds, that sort of activity, for those family groups. That system could work in Victoria.

The Wodonga council and the Wodonga Racing Club have indicated that if they could hold a Sunday race meeting they could have events or amusements for children. I attended a race meeting with the honourable member for Gippsland East on a long holiday weekend and that had a carnival atmosphere about it.

I take note of the many good suggestions that have been made by honourable members, especially one about the Totalizator Agency Board people working on Sundays. I am unsure whether the Totalizator Agency Board has decided to operate at a Sunday meeting. I believe the board is having discussions with the Federated Clerks Union of Australia. If some people have a moral objection to working on Sundays, then that is up to them.

The honourable member for Gisborne mentioned the 1 o'clock start for race meetings. A member of the National Party indicated that test cricket starts at 11 a.m. on Sundays. I shall speak with representatives of the Moonee Valley Racing Club to ascertain what time they plan to have the first race. The club may have set its program, I do not know.

As I indicated, I respect the individual thoughts of honourable members who have joined this debate. I know the issue has been controversial and I am sure the Moonee Valley Racing Club will have a successful meeting on that weekend, particularly for the tourist. I feel sure the meeting will prove such a success that next year the Government will introduce legislation to extend this provision.

The Government does not accept the National Party's amendment to restrict these meetings to thoroughbred racing and to bar greyhound racing and harness racing. The Government accepts the amendment proposed by the Opposition to make it a one-off event, subject to further information being obtained.

**Mr REYNOLDS** (Gisborne)—I understand the view of the National Party, given that the debate on the amendment is reasonably broad, because if the amendment is defeated it will negate the remainder of the amendments proposed by the National Party.

Some time ago the National Party was known as the Country Party. It is well known that the Maryborough Harness Racing Club has arranged a harness race meeting on a Sunday and is hopeful of arranging television coverage by channel 7 which will be shown to all Victorians.

**Mr Steggall** interjected.

**Mr REYNOLDS**—The honourable member for Swan Hill should have taken the trouble to acquaint himself with the interim report of the working party on Sunday racing, which is freely available, because the report states that the three meetings proposed at this late stage are a thoroughbred race meeting at the Moonee Valley Racing Club, a harness race meeting at Maryborough and a greyhound meeting at Sandown, all to be held in the afternoon. The National Party amendment proposes that only a thoroughbred race meeting

be held at the Moonee Valley Racing Club and the Opposition believes the amendment is too narrow and is unfair to the other racing codes. If there is to be a trial then the three codes of racing should be given a choice to conduct these meetings, both in the country and metropolitan areas.

The Liberal Party opposes the amendment and, as I have indicated during the second-reading debate, it proposes to introduce an amendment that racing take place on the one day for the three codes of racing.

**Mr JASPER** (Murray Valley)—I support the amendment of the honourable member for Lowan and indicate to the Committee that it is debating an amendment on clause 1 of the Bill which affects all amendments as proposed by the honourable member for Lowan.

**Mr Kennett** interjected.

**Mr JASPER**—If the Leader of the Opposition listens for a moment—it is not often that he does—to all the amendments, he will see the relevance of the amendment to clause 1, which then relates to the further proposed amendments. The honourable member for Lowan proposes to introduce a new clause which restricts Sunday racing to one particular race meeting on Sunday, 28 September at the Moonee Valley Racing Club.

I indicate that the National Party has taken Parliamentary Counsel advice on this aspect and believe their advice to be accurate. The National Party is testing the amendment as proposed by the honourable member for Lowan that there be one race meeting on Sunday, 28 September at the Moonee Valley Racing Club.

I support the comments made by the National Party spokesperson on sport and recreation and by the other members of the National Party, because we are totally opposed to Sunday racing for any of the codes. The National Party has canvassed the opinions of people involved in the industry and of organisations that do have an interest in Sunday racing and, after extensive discussions, it believes that the amendment should be accepted by the Committee.

The National Party has put forward its reasons for the proposed amendment during the second-reading debate and, as I indicated, it sees no benefit to Sunday racing whatsoever. Racing occurs on every day of the week barring Sundays. Other things are involved, such as the high cost of operating race meetings on a Sunday. No public outcry has occurred from people within the industry and from the community generally for implementation of Sunday racing. The National Party has taken a strong line in being opposed to the Bill at the second-reading stage.

However, as a compromise, the National Party believes it should perhaps move along the track of agreeing to one race meeting on Sunday, 28 September and, as the Minister for Sport and Recreation has suggested, have the weekend as a big weekend for Melbourne and perhaps this may be the time when such a race meeting could be tried and the idea of Sunday racing canvassed.

The other racing fraternities—harness racing and greyhound racing—have come in at a later stage and are, as it were, jumping on the band wagon and wanting to extend racing meetings to Sundays.

I can see that the Maryborough Harness Racing Club may wish to conduct harness racing on that day and perhaps it has organised specific coverage of the meeting by HSV7, but if there is to be an extension, it should be tried on this occasion at the headquarters of the Moonee Valley Racing Club, on Sunday, 28 September.

Let us than gauge public opinion on this occasion, but I make it clear that the National Party sees the ulterior motive of the Government in introducing the Bill. The Bill leaves it open for the Government to provide for racing on any day of the week, including Sunday, and including all 52 Sundays of the year.

It is interesting to note that the Premier is on the band wagon, and one only needs to quote from the *Herald* of 15 July 1986, to discover the Premier's attitude on this point. The Government wants racing every Sunday because the article states:

> The Premier, Mr Cain, said yesterday the Government was keen to see galloping, harness racing or greyhounds every Sunday—not just the day after the grand final as had been proposed.

This is the criticism levelled by the National Party. In effect, the Premier is saying, "We really want racing every Sunday that is available". I do not believe the Minister for Sport and Recreation supports that view or, certainly, it has not appeared that way in Committee today.

Why has the Premier made this statement? Is he looking for extra revenue for the State? I believe there is very little additional revenue to be gained by the State. Is the Premier trying to throw off his old wowser image? Is the honourable gentleman trying to make Victoria the swinging State, as the Chairman of the Victorian Tourism Commission, Mr Dunstan, believes?

The National Party is concerned about the Premier's hypocrisy because, on the one hand, he supports—as does the National Party—restricted trading on Sunday, but then he states, "but it doesn't matter, you can race every day of the week. That really does not worry us at all."

The National Party strongly believes there should be a restriction and it is certainly opposed to Sunday racing but if there is to an experimental race meeting, it should be one race meeting conducted on Sunday, 28 September at the headquarters of the Moonee Valley Racing Club. Then let us see how that meeting progresses.

I support the view of the Minister for Sport and Recreation that there be a working party established to examine all aspects of the problem. Surely that is what is needed to determine whether Sunday racing needs to apply to all codes every Sunday of the year, as the Premier suggested in the early announcement that he made on the subject.

It will also be interesting to note whether any revenue can be raised for the Government and whether it is in the interests of the racing industry to have racing on a Sunday. I suggest to the Committee that there will be little benefit to each of the racing codes or the people involved. It may be that the Government will not profit from racing every day of the week.

The amendment moved by the honourable member for Lowan should be supported. It is logical and it is a step taken, tentatively, to establish the reaction to racing on a Sunday.

**Mr SHELL** (Geelong)—Last night I indicated that the Presbyterian Church in Geelong was opposed to the Bill but I omitted to mention that the Geelong and Belmont branches of the Women's Christian Temperance Union were also opposed to the Bill.

I have received three or four letters in opposition to the Bill from the groups that I have mentioned.

**Mr KENNETT** (Leader of the Opposition)—I thank the honourable member for Geelong for his detailed contribution to the debate, and particularly to clause 1. It was one of his finest contributions!

I shall now return specifically to the amendment rather than debating the issues that have been touched upon by the Minister for Sport and Recreation and other honourable members when debating this clause. It seems to me that what the National Party is after is contained in its later amendments. If it was really concerned about trying to test the water, it would have been better to have amended the fifth line more directly to read, "Sunday, 28 September, at Moonee Valley" or wherever.

**Mr Ross-Edwards** interjected.

**Mr KENNETT**—It is probably because of that combination that the National Party is now putting forward an amendment that does not achieve anything or go any way towards what, in this case, it was after.

The Liberal Party cannot support the National Party on this amendment; it is as simple as that. One of the reasons that it cannot support the National Party is that there has been a decision made by the Liberal Party—and, I would imagine, by the National Party—that it is fair that people should be allowed one day a year as a trial, and that one day a year may give some indication, although probably not a good indication, of the possible success of Sunday racing.

It is important, though, that if other racing codes wish to experiment and if they are going to be able to experiment at all, they should also be able to do it on the one day of the year that is covered by the amendment that will be moved by the honourable member for Gisborne.

I cannot understand why the National Party is opposing, for instance, the Maryborough Harness Racing Club having the opportunity to test the water. I can understand that the National Party is opposed to racing generally, but if it is to approve racing only on Sunday, 28 September, for the galloping side of the industry, I do not see why it should in any way restrict the two other codes—which are important and which certainly utilise the same facilities—from having the same opportunity to test the water.

Therefore, although I reject the amendment moved by the honourable member for Lowan and his consequent amendments, the Liberal Party does so fully recognising that the National Party is torn between locking the whole thing out anyway—that is, opposing Sunday racing full stop—and allowing it for a trial of one day.

However, given that it has agreed to the one day trial, logic surely would suggest that if the harness racing industry or the greyhound racing industry wants to try the experiment it should be given that same opportunity because, obviously, the facilities of the Totalizator Agency Board will be open and if we really wanted to test the system, we should test it fully and that means utilizing the whole operations of the Totalizator Agency Board.

Time will obviously determine whether the program is successful and, as I said yesterday, unless the codes—in this case mainly Moonee Valley—do a very good job of promoting the meeting, the trial runs the risk of falling flat on its face anyway; but it does have the potential of adding to life and I imagine that, at some future date, as the Minister has said, areas such as Mornington and Wodonga—my colleague, the honourable member for Benambra's own patch—will want to come forward and hold meetings. It is one area in which rural Victoria has a real potential to lift and add to its whole tourism aspect.

It has tremendous potential. I am concerned that, in this instance, having potentially approved of racing on a Sunday at Moonee Valley, the National Party will want to exclude the other two codes because it will be the only day on which one can test not only racing in terms of galloping, harness racing and the dogs, but also the whole operation of the Totalizator Agency Board on a day which is normally outside the normal meeting program.

**Mr ROSS-EDWARDS** (Leader of the National Party)—I point out that the National Party is agreeing only to Moonee Valley in this case because it is the only racing club to ask for this meeting. The galloping community has asked to be allowed to have racing on this one day, and no more. No request has been received from the Harness Racing Board or the dog racing organisations. The National Party considers that they do not deserve any consideration in this regard as they have not felt strongly enough about the issue to make a specific request. One request has been made, and we are acceding to that request.

**Mr MACLELLAN** (Berwick)—As a result of the motion moved by the censorious Deputy Premier, I shall be addressing the Committee on clause 1 and the amendment moved by the National Party, but not the second reading.

The Committee is considering a greedy little Bill which attempted to get for the Government the opportunity of having as many Sunday races as it saw fit, leaving it up to the Minister on the advice of the various codes. We still do not know from the Minister—and he muddied the waters completely in responding to the amendment—whether the Totalizator Agency Board will be open or not. Apparently, whether the TAB will be open is a decision of the Federated Clerks Union of Australia and has little, if anything, to do with the Minister. After discussions with the union, it will eventually be decided whether the TAB will be open on that day.

The Minister has not told honourable members whether the TAB will be compelled to open on that day, regardless. He indicated some sensitivity about people having the right to choose, but that right to choose does not amount to much if the clerks union decides that the TAB will cooperate on the 28 September Sunday racing. Presumably, if one is a TAB agency operator one must open, or else. It has little to do with attending race meetings; it has a lot to do with gambling.

The honourable member for Dandenong, in contributing to the second-reading debate, seemed to indicate—this was echoed in the Minister's response to the amendment—that the idea was that people would trip off for a happy family day at a picnic race meeting. What about the family going to the TAB? Will that be a Sunday entertainment for the tourists about whom the Minister spoke, or the families about whom the honourable member for Dandenong spoke? Is it to be a family day at the TAB, because that is the real purpose of the Bill?

The Bill is not to authorise Moonee Valley to have a picnic race day with oncourse facilities for those people who choose to attend the race meeting. It is about having a race meeting at which everybody can gamble through the TAB on Sundays.

It is that aspect of the Bill that is headed for trouble both with churches, objecting groups, the Opposition and the National Party and it seems lucky to be going through Parliament at all. Apparently, Moonee Valley is so confident about the Sunday race day that it has fixed the timetable for the races and, what is more, after some member of Parliament suggested that race meetings might be later in the day, or earlier in the day, the Minister was busily telling us that the times have been fixed and nothing can be done to change them.

What a studied insult from this hopeless Minister to tell members of this House and members of another place that, if they have a suggestion or an amendment to propose to the Bill that racing should not occur before 2 o'clock in the afternoon, it would not fit in with the racing program which has already been decided and is already in place!

The Minister cannot tell us when the starting time of the proposed meeting will be. He became a bit vague about it when responding to an amendment moved by the National Party in Committee.

Had the Government been better advised and perhaps if racing codes had been shrewder, it may have been suggested to the Government that the three codes have picnic days with oncourse facilities on nominated days and that this be used as a trial to assess the results. The Minister talked about tourism and the people who will be in Victoria for the grand final. How should one judge the success or otherwise of the Moonee Valley race day or, if the Opposition's amendment is accepted, the operation of the three codes on that day? Will one judge success by the number of people who attend the actual meeting? Let us be reasonable about this and say that that is not the criterion that will be used to judge the success or otherwise of the meeting.

The honourable member for Dandenong had better realise this fact. It is not the number of people, children or families who enjoy the day at Moonee Valley, Maryborough or Sandown, if the latter two are able to do so, that will be the test of success. The test of success of the Minister and the Government will be the TAB turnover from the people

who do not attend the events at Moonee Valley, Sandown or Maryborough, namely, the people who go to the TAB agency to place their money.

Is this the new Sunday sport which is recommended as Sunday entertainment by the honourable member for Dandenong? The Government intends to provide the third leg of the trifecta: it has allowed Sunday drinking, has legalised brothels and is now allowing the horses, dogs and trots to race on Sundays. If necessary, the Government will allow cockroach racing. It would do anything to any day, any time, anywhere if it meant more money. I return to my opening remarks and say that this is a greedy little Bill, coming from a greedy Minister in a greedy Government.

The Bill has little to do with the quality of life on Sunday, or any other day. It has little to do with families and picnic race days and merry-go-rounds and pony rides and all the other things that the Minister reeled out in response to the National Party's amendment.

Honourable members must have been weeping with sentimentality at the children having pony rides at Maryborough, Sandown or Moonee Valley as the merry-go-rounds go around and the families have picnics. My heart went out to the Moonee Valley Race Club when I heard that it had been washed out. One may have thought that it would be a good idea if, every time the good Lord sends down a deluge, we took away one of his Sundays. That is a quid pro quo. If the good Lord ever washes out a race meeting, the Minister proposes to make up for it by having Sunday race meetings, more or less to get back at him. That is a square-off situation.

My heart bled for that poor race club being washed out and not having had its regular number and ration of meetings.

**Mr McNamara** interjected.

**Mr MACLELLAN**—The honourable member for Benalla ought to realise that he is about to vote for one Sunday on the basis that it is a venial sin, but it is only venial for one code. If it were for three codes it would turn into a mortal sin and, in those circumstances, it would be a problem that would require penance. There would be penance if it were to be extended beyond Moonee Valley. A little sin at Moonee Valley is all right, but it must not be extended to Sandown and Maryborough.

I leave the logic of that to my friends in the National Party because it is their amendment and one which I find myself unable to support. Parliament, including the Opposition, National Party and Government, has been skilfully manoeuvred into a situation where by public announcement, half commitments and careless statements, one after another, we will at least allow Sunday racing at Moonee Valley on 28 September. It is my guess that we will have Sandown and possibly Maryborough as well on 28 September.

It is my guess that the Federated Clerks Union of Australia will eventually see the light of day for triple time, that the TAB shops will be open and that the success of the whole damn thing will be judged—not on whether the people enjoyed it, not on whether the attendance at the three events was good, not on whether there were three merry-go-rounds or whether there were 33 ponies anxiously serving the needs of young children for pony rides at the various events—on the TAB turnover.

If the TAB turnover is high enough, this Minister for Sport and Recreation and this greedy Government will come back into Parliament to say, "Well, it has been such an outstanding success and we are so broke that we really must have it again", and "The good Lord has sent a great deluge and we have had to cancel another one of our meetings; therefore, we must have discretion to have Sunday meetings whenever we like".

If that is the approach of the Government, I believe it will be riding for another fall. I do not believe the National Party amendment has great distinction; as the Leader of the National Party said, the reason why it was drafted in that form was that the Moonee Valley people were the only ones to ask.

I dare say, if one went out of this building and asked others, there would be other sinners who would be willing to ask, too—and if the National Party needs to be asked, that could make a qualitative difference.

The view of the Opposition is that a sort of venial sin on 28 September will be forgiven in due course—even though it might be a triple one at Sandown, Moonee Valley and Maryborough—and that that will be the line to take for the one day. I hope the Government will see the light of day.

It is a pity to rely on the Federated Clerks Union of Australia—it is a very good union and it does have a very good management. I hope the clerks union, the Moonee Valley club and the Totalizator Agency Board are unable to reach agreement about the triple time. I hope agreement is not reached and that, therefore, we will have a meeting at Moonee Valley which is a picnic meeting, in the sense that one can go there and one can bet; but if one does not go there, one cannot bet. That would be the best solution. If one wishes to go to Sandown and bet there, that is fine, too; but again, the TAB agencies will not be open.

I do not believe the TAB agency proprietors, who have been engaged under one system, ought to be compelled to open on Sunday. The honourable member for Murray Valley did indicate that, in his view, the Government was being hypocritical in its attitude on Sunday trading; it does not agree with it, and yet, under this Bill and subject to the clerks union, there is potential for compulsion on TAB agencies to open on Sunday, whether they like it or not.

Honourable members have heard much about the individual's right to make his or her own decision. One can choose to go to the races, and one can choose to go to church.

**Mr Simpson** interjected.

**The ACTING CHAIRMAN (Mr Kirkwood)**—Order! The honourable member for Niddrie is out of order and is interjecting out of his place.

**Mr MACLELLAN**—The honourable member for Niddrie has concluded his remarks, I think. The right of people to make their own decisions as to whether they go to some religious observance or whether they go to a race meeting or harness racing meeting is a matter for them.

However, I want to know whether the Government and the Minister propose that the people who work and manage TAB agencies will be given a choice, too, of either opening or not opening, depending on whether they wish to participate in this experiment.

That is why I say that I hope the TAB and the clerks union are unable to reach agreement about the triple time plus, or whatever it will be, to persuade them to service the tourists who will be swarming all over what the Minister so tactfully described as being rather like a cemetery.

For the Minister's benefit, it was also said in years gone by that Geelong was the cemetery with the lights. Apparently the Minister has picked up that comment about Geelong sufficiently to now apply it to Melbourne and I suppose, under a Labor Government, it may be true.

The Government has introduced Sunday drinking by opening the bars at hotels—with the support of the honourable member for Dandenong, who does not approve of drinking but who, nevertheless, approves of Sunday bars—and, it has legislated for brothels. I work on the assumption that not every member of the Government approves of brothels but, nevertheless, voted for that legislation. In fact, I am sure most members of the Government do not approve of Sunday racing, and yet they have voted for this measure, which will enable racing on every Sunday.

Therefore, I believe the Government has over-drafted the Bill in an over-greedy bid for discretion by the Minister to do whatever he likes, regardless of family life and community

opinion in Victoria. The Government's proposal will, very sensibly, be trimmed back to allow a race meeting on only one day and, through the Opposition's amendment, one day at Moonee Valley, Sandown and Maryborough.

It is hoped it will be one day without the TAB agencies so that we can avoid the grubbiness of just being interested in the betting turnover, so that we can be a little more interested in the people who actually attend the meeting and a little more concerned for the families who choose to go, or not to go, to the races on a Sunday, rather than being concerned with the rake-off for the Government from the turnover of the TAB.

**Mr WALLACE** (Gippsland South)—I support my colleague, the honourable member for Lowan, and the amendment he has moved. This is a small Bill, but it is extremely important because I believe it will change the lives of many people.

Instead of having a day when they can be with their families and their church, through no fault of their own, many people will be put into a position where they will have to work. A race meeting involves bookmakers, gatekeepers, the officials, jockeys, trainers, doctors, strappers and so on. It is an absolute disgrace to think that the Government will allow something like this to occur on a Sunday, the Sabbath, which should be observed.

This Bill is completely wrong. We are encouraging this type of gambling, and we are now continuing to encourage such activity on a Sunday.

**An Honourable Member**—In the afternoon!

**Mr WALLACE**—It does not matter whether the race meeting is held in the afternoon or what time it is held on a Sunday—it will still be held on a Sunday. So far as I am concerned, it is completely wrong, and I believe the general public will respond accordingly on the day designated for this race meeting.

Many people are extremely concerned about their families. We talk about tourism and about our young people being able to go out wherever they like to tour around and enjoy themselves; but, no, we are going to continue to do something that is wrong.

The TAB has five agencies in hotels. What will happen there? I have spoken to many of these people.

**Mr Trezise** interjected.

**The CHAIRMAN (Mr Fogarty)**—Order!

**Mr WALLACE**—The Minister can answer the questions that I raise, and I hope he does so because this is an extremely important subject.

Hotelkeepers do not want this race meeting on Sundays, and that applies to those who have TAB agencies and those who do not. They object strongly to it, and I point out again that I have spoken to many of those people.

**Mr Richardson** interjected.

**Mr WALLACE**—The honourable member for Forest Hill will have his opportunity of contributing to the debate, and I look forward to listening very carefully to what he has to say. Racing has traditionally been the king of sports, and it will be the end of that if race meetings are held on Sundays.

Mr David Penman, the Anglican Archbishop of Melbourne, was reported in the *Herald* of 15 July 1986 as having said:

> Sunday racing would devalue that day as a day of worship for Christians and encourage weakening of the family unit.
>
> . . . . .
>
> facilities for legal gambling were available every other day of the week without adding Sundays.

Many people are concerned about the issue and, if the three racing codes cannot agree, why should Parliament force them into it? It is a disgrace. I refer to an article that appeared in the *Herald* on 17 July 1986 in which a number of views were obtained from people of various age groups in the community.

A young person is quoted as having said:

> There is too much racing already. There are four or six days to bet on the races a week, there's no need for racing on Sunday.

An elderly person is quoted as having said:

> It's stupid, people should be going to church. There's enough gambling already.

A middle-aged person is quoted as having said:

> It doesn't seem right. I suppose one of the reasons it doesn't seem right, is that Sunday is the Sabbath.

The proposed legislation is wrong. I strongly oppose it as a parent and as a family man. I am sure the good Lord will have the final say and the event will probably be washed out on the day!

**Mr DICKINSON** (South Barwon)—The Bill, the purpose of which is to enable racing to take place on Sundays, has concerned many people in the community, especially religious leaders, as has already been referred to in the debate. I have received correspondence from the Uniting Church, the Presbyterian Church and the Archbishop of the Anglican Church. However, it is important that one recognises the haste with which the proposed legislation has been introduced. I received a letter from the Moderator of the Uniting Church in Australia dated 12 September 1986 in which he stated:

> There is no significant opportunity for the public to represent their views to members on legislation with far-reaching social consequences.
>
> The complete departure in this instance from previous processes of public consultation involving legislation with gambling ramifications is something I urge you to vigorously contest.
>
> Our understanding is that the intention is to provide for a Sunday race meeting on September 28, 1986, hence the indecent haste.

The church has shown concern about this issue. I recall that in my electorate at the time the present Government was about to declare optional dress on beaches, it was the Uniting Church that gathered up a petition of 3000 names from residents in the Ocean Grove area to stop the beach being so declared in their area. I further recall that the City of South Barwon council voiced criticism and objection to no avail, and Point Impossible was declared by the Government as an optional dress beach.

It highlights what I believe is the concern of most people that the Government panders to minority groups and, in this instance, if Sunday racing is introduced, the Government will be pandering to the greed of those people who want to collect fat pay packets because of the penalty rates that will flow if the TAB offices are open, as well as the operations of other people employed on that day.

Sunday has always been traditionally the Lord's day, and to many of us it still is. There are many people in the community—clergymen and farmers—who have never had triple time or a 17·5 per cent leave loading paid to them for their work. Yet, we have in our country this greed for maximising pay packets by working on a Sunday. It is probably going to be the downfall of our nation when one considers that the 17·5 per cent leave loading costs the nation in excess of $1000 million a year. If the leave loading were removed it would enable 93 000 more people to be employed.

The wage rates on Sundays are a real rort and the main motivation of some people, not least of all the militant unionists! Honourable members have heard the Premier refer to other people behaving like pigs with their feet in the trough; what I have just described about Sunday penalty rates applies equally. If the Cain Government were genuine about entertainment on a Sunday it would parcel up the proposed legislation with a provision

that there should be no penalty rates for people working on that day. It could be left to the freedom of choice of the persons concerned whether they wanted to work on that day, and if they wanted to take the holiday, they could do so.

The Bill plays to the people who follow the sport of kings. Honourable members have seen the introduction of legislation affecting football, the sport of the people. Many people choose to watch sporting ventures on a Sunday, while a large proportion of the community still believes it is important to retain that day as a special day of rest.

Honourable members have seen outbursts in the newspapers by Archdeacon Alan Nicholls, who is one of the many Anglican clergymen opposed to the proposed legislation. No doubt, when the Anglican synod meets on 29 and 30 September and 2, 6, 7 and 9 October in the Chapter House of St Paul's Cathedral, we will hear further rumblings from the synod of the Anglican Church and the Diocese of Melbourne.

I urge the Minister and the Government to reconsider the proposed legislation, bearing in mind that the haste with which it is being introduced is typical of the Government. The Minister for Sport and Recreation, who is at the table, knows that because he played a large part in introducing optional nude beaches for those minority groups in the Geelong region. Time and again the Minister denied that the Government was about to do anything except with the consent of local councils. That consent was never given, and when opposition was expressed, the Government ignored the wishes of the people. As the elected representative of the people I refer their objections to Parliament and ask that they be noted.

I emphasise that the Bill is pandering only to those people who want to enhance their pay packets on a Sunday.

**Mr RICHARDSON** (Forest Hill)—Like my colleague, the honourable member for Berwick, I was deprived of an opportunity of speaking during the second reading of the Bill by the precipitate action of the Deputy Premier. Therefore, I welcome the opportunity of speaking on clause 1. It is interesting to speculate on the reason why the Deputy Premier felt so threatened that he had to close off the second-reading debate.

The effect of the proposed legislation upon the political parties represented in this place has been extraordinary. One sees a Government which is confused and bewildered and which has the growing realisation that it has been snowed. It is not sure how it allowed itself to be put into that position, which seemed a good idea at the time, but the Government now wishes it had never thought of it.

The National Party is torn by division on the Bill. This is a most unusual circumstance for the National Party, which is usually rock hard on any issue. No matter how wrong they might be; its members stick together. However, that is not so on this occasion. The Deputy Leader of the National Party felt so strongly about the issue that he advised the Chamber that he would not be present for any voting on the Bill.

A minute ago the honourable member for Gippsland South said that the Bill is completely wrong; yet, the spokesman for the National Party suggested that, although the Bill is completely wrong in the eyes of some members of the National Party, the remaining members of the National Party will move a motion that there should be racing on one Sunday.

Members of the National Party are in an extremely difficult position. It will be fascinating to see which members are present when the vote is taken and whether they support the amendment moved by the honourable member for Lowan.

The Deputy Leader of the National Party and the honourable member for Gippsland South will not be here because they believe it is completely wrong. The Liberal Party has found itself in the strange position of being unusually ecumenical. It has proposed that if sinning is to be allowed on a Sunday, the sinning should be equally spread between thoroughbred, harness and greyhound racing. Let them all be sinners together!

There is little need for the proposed legislation. The Government has been snowed by the Moonee Valley Racing Club. The ostensible reason for amending the Racing Act and the Sunday Entertainment Act to allow racing and betting on Sundays was that the Moonee Valley Racing Club felt it could not compete on the Saturday on which the football grand final is to be held. Therefore, the Moonee Valley Racing Club—no other club—put the screws on a compliant Minister, a well-known racing identity, a mate.

The club approached its little mate, the Minister for Sport and Recreation, and asked whether he would do it a favour: Would he mind terribly shifting its race day to the Sunday because it was going to be hopeless on grand final day. There would be no customers. Worst of all, there would be no Totalizator Agency Board turnover for that day. It was considered an impossible situation and the club would be in desperate and dire trouble if the Minister did not agree. Being a sympathetic little mate, the Minister agreed.

He took the matter to the Government, which did not know anything about it and which said, "Go ahead! Do what you like!" Thus, the Minister began to go through the process. Just how facile the whole approach to the Minister was is demonstrated by the fact that the Harness Racing Board, unlike the Moonee Valley Racing Club, was not afraid of the grand final.

The board immediately leapt in to fill the vacuum that would have been left on grand final day, which one racing club said would destroy racing. The Harness Racing Board said, "Thank you, very much. We will take the whole day!" Now there will be an entire day of harness racing on grand final day, harness racing at Moonee Valley will be held during the day and in the evening.

Now racing will be held on a day which was supposedly so hopeless for the Moonee Valley Racing Club and which has been determined by the Harness Racing Board to constitute a bonanza. The Minister for Sport and Recreation has protested that he has not been snowed by the Moonee Valley Racing Club. Of course, he was snowed!

Having been snowed by the Moonee Valley Racing Club, the Minister proceeded to snow the Government. He confused the Premier so much that he said that the Government would proceed towards instituting racing on every Sunday. That was not really what the Minister or the Moonee Valley Racing Club had in mind. I suspect the racing club had a special arrangement in mind rather than open slather racing on Sundays because that would allow all other clubs to become involved.

Everything started to go wrong. The Government made an announcement about open slather racing every Sunday before a Bill had been drafted. By the time the Bill reached the Chamber last Thursday, the whole issue was out of hand. The little mate of the Moonee Valley Racing Club, the Minister for Sport and Recreation, decided to knock the matter on the head immediately. Hence we have the absurd situation of a Bill being introduced last Thursday and being debated and gagged on the Wednesday of the following week. The Bill is of such fundamental significance that it challenges the subliminal presbyterianism of the society in which we live. It has caused outrage in some sections of the community and complacency in others.

The Government has said the measure is so urgent that it must be rushed through Parliament in this way. The Government is so sensitive and feels so threatened by it that the Deputy Premier would not allow proper debate at the second-reading stage to continue. He applied the gag, which is the most cowardly action a Government can take. One must ask: what is the Government afraid of? It is afraid of the divisions it knows will be caused in the community, and its party.

As usual, members of the Government have not been permitted to speak on the subject. This is probably a sensible idea from the point of view of the Government because honourable members have already witnessed the divisions that can be generated in the National Party, which is usually rock solid. The Government knows the proposed legislation

has caused divisions in the community and is regarded by some significant sections as grossly offensive.

The Bill is offensive to those who hold Sunday sacred; to churches; to many who do not go to church; in the way it has been introduced and handled; and because the Government intends to allow open slather racing on Sundays at the whim of a compliant Minister.

After much soul-searching, the National Party has moved an amendment which the Committee is now debating. The amendment is inadequate. The Opposition spokesman on sport and recreation will move an amendment to introduce the ecumenical character to which I referred a moment ago. The Opposition believes if there must be racing and gambling on a Sunday, it should not be confined to only one code of racing, in this case, only one racing club, so that it can reap all the benefits.

If there is to be, as the honourable member for Berwick described it earlier, sinning, then let there be ecumenical sinning. Let the Government answer to the people for the decision that it takes because it was the Government that was elected to govern. It is the Government's legislation; it has made the decision to go along with the proposition put to it by the Moonee Valley Racing Club, which had hoped to exclude all other clubs and all other codes from the proposition.

Let the Government bear the odium of that decision but let the Government also face the reality that there is a need for fairness and equity in this matter. If thoroughbred racing is to be allowed for one day in the year, we believe it is fair and equitable that the same opportunity should be provided to harness racing and to greyhound racing.

Regardless of whether or not I am likely to attend the Sunday race meeting, the fact is that there will be a number of people who will want to attend a Sunday race meeting and they should be given the opportunity to enjoy themselves in a proper way.

Again, as the honourable member for Berwick remarked earlier, the measure of the success of this venture should not be judged by the Totalizator Agency Board turnover but by the way in which people attend the race meeting; whether people do indeed enjoy themselves and whether it becomes a family day in the way it has been suggested in all the selling by the Government that has been going on beforehand to which people will respond.

If the experiment does not meet that test, it seems to me the experiment has failed and the Government should then abandon its proposals.

**Mr RAMSAY** (Balwyn)—Honourable members have been given the choice of amendments to clause 1: the amendment moved by the honourable member for Lowan, the spokesman for the National Party, and the proposal that has been circulated by the honourable member for Gisborne. The essence of these alternatives is that the Bill before the Committee will be amended to allow not racing and betting on any Sunday as determined by the Minister and the particular code concerned, but on Sunday, 28 September 1986 only.

The alternative amendments will allow the racing to take place either as a single race meeting at Moonee Valley, or several race meetings at Moonee Valley, or possibly one or two other places so far as harness racing and dog racing are concerned.

So far as I am concerned, either amendment is satisfactory but on balance I would choose the amendment that has been circulated in the name of the honourable member for Gisborne and for that reason, and that reason alone, I shall be opposing the amendment put forward by the honourable member for Lowan.

My main concern, however, is: why are these amendments now causing such contention in this Parliament? The fact of the matter is the Government has only itself to blame as it has brought in at short notice a Bill having had its second reading only last Thursday, with the debate resuming on the following day of sitting, which if allowed to pass as first

presented by the Government, would make a significant change to the social life of the Victorian community that would affect many thousands of people for many years to come.

Without debating the merits or otherwise of the proposed legislation, I believe it can be said that if a Government moves to make such significant changes by way of the legislative process, it is honour bound to give the community a reasonable length of time to react and develop its own ideas on the subject.

The fact of the matter is, if clause 1 stands as it is, we will be creating a situation which will be a major affront to a significant number of people in this community so far as their morale and ethical values are concerned. Legislation before this has done that to people and undoubtedly it will do it again, but for a Government to move without giving people the proper chance to consider the consequences of the proposed legislation in the way that the Government has moved, is serious indeed, and I have reached the conclusion that Government members are either knaves or fools.

They may be knaves looking to introduce general gambling on Sundays for the future for their own interests or for the interests of people who have lobbied them so hard, or they may be plain foolish in going along this line when all they needed to present to Parliament was a small Bill that would make provision for a particular race meeting or a series of race meetings on one particular Sunday.

I shall be opposing the National Party amendment that is before the Committee, but only to make way for the series of amendments that will be moved by the honourable member for Gisborne, and I hope the Government will have learnt its lesson. It cannot tamper with these deeply held values of large sections of this community and expect to ride roughshod over this Parliament. It is written on the floor of the vestibule of Parliament that in the multitude of councillors there is safety, and I believe we see that at its very best this afternoon where a multitude of councillors is bringing this Minister and the Government into line and not allowing the Government to ramrod proposed legislation through this place in a way that denies the rights of many thousands of people to have a proper say.

**Mr COLEMAN** (Syndal)—I wish to speak to clause 1 and to the amendment, given that debate on the second reading of the Bill was gagged. The problem the proposed legislation is causing could and should have been addressed by the Government because it is something that has been with us for some considerable time. That is, that we have at the same time of the year the grand final, the show and the spring racing carnival.

The proposed legislation was introduced on 10 September; today is 17 September, and here seven days later we are debating the Bill and trying to push it through to meet a program for which the invitations are already held by the people who are on the list. The date has been well and truly set in anticipation of the legislation.

**Mr Simpson** interjected.

**Mr COLEMAN**—This is a Bill about horses; on the next trip to the trough the honourable member should try the chaff and not the hops. The racing calendar has been determined for some considerable time. This is a problem that is ongoing and must be faced by the Government every year whilst we have three premier tourist attractions at the one time. Unfortunately the Moonee Valley racecourse draws this weekend year after year and it faces the problem of competing tourist attractions in which it has to frame a meeting and try to conduct it at some sort of profit.

The timing of the proposed legislation is therefore unfortunate. This could have easily been controlled by the Government, which might even have tried to intercede in the way in which the program is set to ensure the meetings are spread equally among the clubs for this particular weekend.

It did not do that. It chose to ensure that car parking in that general vicinity is clogged up by racing patrons' vehicles on two consecutive weekends. It showed little consideration for people in the immediate area.

As I have indicated, the calendar could have been changed. The Minister could have done that without introducing this Bill if it were only a question of the Moonee Valley Racing Club having an opportunity of conducting racing without competing interests, so there must be some other reason why the Government has gone for Sunday racing. The Bill deals with Sunday racing per se.

To judge by the way in which the community is currently moving, one must suspect that something else is on. The honourable member for Niddrie was sent to America on something to do with trading. The Government has the Miller report up its sleeve; that is yet to be released. Are we to have Sunday racing and six-day trading? Is that the trade-off? Is the question one of whether we will trade for six days and, as a sop to those who want——

**The CHAIRMAN (Mr Fogarty)**—Order! The honourable member is straying a little when discussing Sunday trading. I can see the honourable member for Niddrie straining at the bit.

**Mr COLEMAN**—In deference to your ruling, Mr Chairman, I was addressing clause 1 which states clearly that the Bill deals with racing and betting on racing on Sundays, and I am trying to present to the Committee reasons why the Bill is now before the Parliament.

If six-day trading were introduced, a significant number of the community would still want to enjoy the benefits of racing. One way of doing that would be by conducting Sunday racing, and I put that as a reason why the Bill is couched in the terms in which it is couched.

The Minister said during debate that the Government wanted Sunday racing for only one day. Why not say so in the Bill? The Bill provides for open slather, and it has been left for the Opposition and the National Party to introduce amendments to bring about what the Minister says he is trying to introduce. Perhaps he has been browbeaten by the Premier, as it appears from the press release which is headed, "Race every Sunday, says the Premier".

**Mr Trezise**—The Leader of the Opposition wants to race all the time!

**The CHAIRMAN (Mr Fogarty)**—Order! The Minister is out of order.

**Mr COLEMAN**—The Leader of the Opposition, in an attempt to ensure that it was all on the record, said that it was consequent upon seeing the legislation, but members of the Opposition did not see the Bill until 10 September. Clearly, the Bill is not without its problems. A number of red herrings have been drawn across the trial and indicate that the matter is not all plain sailing.

I invite honourable members to consider the figures in relation to racing, and no doubt that is what honourable members will eventually argue about in determining the relevance of the matter. I shall quote figures concerning race meetings conducted on the last three Saturdays.

Racing was conducted at Sandown on 30 August, and 9476 people attended; oncourse betting amounted to $1 236 606 and the figure for offcourse betting was $7 660 791.

Racing was conducted at Caulfield on Saturday, 6 September, and 12 236 patrons attended. Oncourse betting amounted to $1 558 161, while the figure for offcourse betting was $8 141 557. That meeting was sponsored by a group of motor car traders, and included two feature events on the spring racing calender, the Memsie Stakes and the Heatherlie Handicap.

Racing was conducted at Flemington on 13 September and 16 007 people attended. Oncourse betting amounted to $1 914 494 while offcourse betting totalled $10 543 518.

Those figures indicate an escalation in attendance from 9476 to 16 007 over those three weeks with offcourse betting increasing from $7 660 791 to $10 543 518; so honourable members will note the escalation as the carnival builds up.

I invite honourable members to consider the next three Saturdays last year. It is apparent that the same kind of escalation occurred.

Racing was conducted at Flemington on 14 September last year with an attendance of 13 740 and oncourse betting of $1 027 258.

**The CHAIRMAN (Mr Fogarty)**—Order! Is the honourable member trying to align his argument with clause 1?

**Mr COLEMAN**—I am speaking to both clause 1 and the amendment, Sir. Much of this debate has been controlled by emotion, and I am attempting to introduce some reasons why the Moonee Valley Racing Club might be seeking to have racing on another day.

Racing was conducted at Moonee Valley on 21 September 1985. The attendance figure on that occasion was 15 955 with oncourse betting of $1 623 954 and offcourse betting of $7 629 521.

Racing was conducted at Moonee Valley on 28 September 1985, the date honourable members are talking about in relation to the Bill. Attendance on that date dropped to 10 331 with oncourse betting of $1 318 867 and offcourse betting of $7 096 564.

Considering those figures, one begins to understand the reason why the Government and the racing authorities want to have this meeting. The figure for offcourse betting was $600 000 less for the two meetings at Moonee Valley on the two consecutive Saturdays, and the same thing is occurring this year.

The same pattern has been set with offcourse betting on last Saturday's Flemington meeting of $10 543 518. Obviously, both the club and the Government are concerned that the same pattern is emerging with a drop in income and the Government's way of addressing that is to try to introduce a Sunday racing day, so it has introduced the Bill, not on a trial basis but on the basis that it is all in. The Government is obviously seeking to maintain the Totalizator Agency Board's turnover.

Consequently, the Opposition has foreshadowed an amendment to introduce the measure as a one-day trial, and the National Party has moved an amendment that would make the Bill exclusive to one code and would prevent many people from participating in the benefits that could come from a trotting meeting at Maribyrnong. I am sure the Opposition's foreshadowed amendment is the one that the community would like to try. Sunday football has been introduced in recent times and has gone relatively well, despite the foreboding that was associated with it. Honourable members know that the income to clubs has been beneficial and has enabled them to survive for a bit longer, despite what the Minister is trying to do in relation to the Victorian Football League and the Fitzroy Football Club shift.

The same thing applies in this instance. The Moonee Valley Racing Club is trying to ensure that it has a continuing income. One way it sees of doing that is to introduce Sunday racing. This could just as easily have been achieved by a rotation of the dates to a weekend when there were not so many competing activities. Spring racing in Victoria is a crucial part of the racing calender; it is when the big money is about; it is when racing comes into the public spotlight, and those who want to participate in it should have the opportunity of doing so with as little inconvenience as possible. Choice becomes part of that.

It may well be that the choice can be provided in other ways, but one sure way of determining people's preferences is to have a trial. For those reasons, I shall support the Opposition's foreshadowed amendment. When they see it in operation, many people will come to understand the real reasons why the Bill was introduced in its present form. In my view, those reasons have been well and truly clouded by the Government.

**Mr WEIDEMAN** (Frankston South)—Like other honourable members I was denied the right to speak on the Bill during the second-reading debate. Honourable members will recall that during the autumn sessional period I was forced to make a personal explanation in regard to an indirect pecuniary interest.

Section 3(1)(*d*) of the Members of Parliament (Register of Interests) Act states:

(*d*) A Member shall make full disclosure to the Parliament of—

(i) any direct pecuniary interest that he has;

(ii) the name of any trade or professional organization of which he is a member which has an interest;

(iii) any other material interest whether of a pecuniary nature or not that he has—

in or in relation to any matter upon which he speaks in the Parliament;

(*e*) A Member who is a Minister shall ensure that no conflict exists, or appears to exist, between his public duty and his private interests;

(*f*) A Member who is a Minister is expected to devote his time and his talents to the carrying out of his public duties.

During my personal explanation I said that, in future, I would make any pecuniary interest I had known to the House on any matter on which I voted. In my case, a third party, someone from outside this House, took the opportunity of raising the matter with the Speaker, and that is why I raise it today.

The Bill deals with racing. Therefore, any person who has an interest in racehorses, who bets on the races or who belongs to sporting bodies or racing clubs has a pecuniary interest in the Bill. I declare to the Committee that in my youth I had a part interest in a horse. It was not particularly successful and I learned by the error of my ways. I was also a member of a racing club, the Mornington racing club. I declare also that my brother owns and leases horses in Adelaide and has been successful in that regard. Now that I have declared my pecuniary interest, I hope other honourable members will take the same opportunity of doing so.

**The CHAIRMAN (Mr Fogarty)**—Order! Does that include punters?

**Mr WEIDEMAN**—I shall leave that to the conscience of individual members. I have read the opening part of the Bill, and suggest that honourable members do so. I remind honourable members of the old ambit claim approach that if one claims everything one will get the minimum. That is what has happened in this instance. Out of 52 weeks of the year only one day of one week has been selected. It is less than half a per cent.

**Mr Coleman**—It is 2 per cent.

**Mr WEIDEMAN**—I was waiting for someone to correct me.

**The CHAIRMAN (Mr Fogarty)**—Order! I ask the honourable member to address the Chair.

**Mr WEIDEMAN**—I am sorry, but I was interrupted by a mathematical genius on the back bench. It has been resolved to have one Sunday race meeting out of this ambit claim.

Many people are concerned about racing on Sundays. No-one has come forward from the industry with great ambitions of promoting this Sunday activity. There has been much play about tourism. I think I may know more about tourism than most people in this House.

**Mr Gavin**—You failed at it.

**Mr WEIDEMAN**—Then why are you still following my policies?

**Mr Gavin**—No, we are not.

**Mr WEIDEMAN**—Yes, you are!

**The CHAIRMAN (Mr Fogarty)**—Order! I ask the honourable members for Coburg and Frankston South to address the Chair and for the honourable member for Frankston South to speak on the Bill.

**Mr WEIDEMAN**—The Minister mentioned tourism. This is the "State of big events" with the Melbourne Cup, Caulfield Cup and the spring racing carnival. The grand final will be held on Saturday and the race day on Sunday of the same weekend. Show Day falls on the Thursday so that if one were smart enough to take off Friday, one would have a four-day weekend. These events could attract people from all over Australia.

It is obvious that Victoria is the "State of big events". Therefore, country racing is a big drawcard for tourism. Tourists can go to a country race meeting during the week and have the experience of bookies taking their bets. All over the world, except in Australia, betting is through a totalisator. Racing people throughout the world will find the picnic approach very attractive.

**The CHAIRMAN (Mr Fogarty)**—Order! I ask the honourable member to address the Chair, not the honourable member for Coburg.

**Mr WEIDEMAN**—I was actually addressing the honourable member for Niddrie, who has a racehorse, and I was trying to get him involved in the debate.

The well-travelled tourist would see much entertainment value in the picnic type race meeting during the week in country areas. It would be attractive to them if it were well promoted by the Victorian Tourism Commission. In the second-reading speech the Minister said, quite rightly, that he would like to see Sunday racing. I was surprised that the Premier supported it also, as the Premier puts himself forward as a goody-two-shoes.

The Minister has been saying that it will be good for people to go to race meetings on Sundays. If that is the case, we may as well have other activities on Sundays. The matter must be put in perspective. The Minister has said that he will accept the information provided by his special task force. The task force is made up of the Victoria Racing Club, the Harness Racing Board and the Greyhound Racing Control Board. I understand that quarter horse racing may also be involved, and that in Canberra quarter horse racing is popular. Maybe that is another group that wants to put forward its position to the task force.

**The CHAIRMAN (Mr Fogarty)**—Order! We are now in the State of Victoria and discussing clause 1 of the Bill.

**Mr WEIDEMAN**—Under clause 1, the National Party has moved an amendment that will allow the TAB to be open on a Sunday. If it is the wish of people in Canberra to run race meetings on a Sunday, and this takes place, the Bill will be affected by activities outside Victoria.

My understanding from the debate and the report of the task force is that it will be necessary to have only the one Sunday of racing. It is something like Sunday trading—all or nothing. I prefer to have nothing. The Government should let the public decide, which is their right, on that particular day. Therefore, I support the Opposition's amendment which seeks to allow the one day of Sunday racing to take place, but not on the basis of racing being only at Moonee Valley.

One honourable member suggested that only one race meeting be allowed at Moonee Valley. That would be a farcical situation. If there is any flexibility in tourism or entertainment, this must be regarded as an important step to take. Racing clubs have been anxiously awaiting the introduction of the Bill, which has been the result of wide-ranging debate within the industry and among people involved in this area and consumers generally. It has been a strange debate.

**Mr Ross-Edwards**—The worst debate I have experienced in this place!

**Mr WEIDEMAN**—The Bill is being pushed through the House by Cabinet. Honourable members who have been in this place for a long time recognise that the issues that generate the most debate involve gambling, alcohol or, as the honourable member for Forest Hill interjects, the Dog Act.

I suggest to honourable members that if we are to have racing on one day, it should be a complete day so that it can be judged on its merits. For that reason, I support the proposed amendment that will be moved by the honourable member for Gisborne.

**Mr Simpson** interjected.

**Mr WEIDEMAN**—I am interested to hear what the honourable member for Niddrie has to say, particularly about his ownership of a racehorse. The Opposition supports its proposed amendment and not the amendment moved by the National Party.

The Committee divided on the question that the words proposed by Mr W. D. McGrath to be omitted stand part of the clause (Mr Fogarty in the chair).

| | |
|---|---|
| Ayes .. .. .. .. .. | 66 |
| Noes .. .. .. .. .. | 7 |
| Majority against the amendment | 59 |

AYES

Mr Andrianopoulos
Mr Austin
Mr Brown
Miss Callister
Mr Cathie
Dr Coghill
Mr Coleman
Mr Cooper
Mr Crozier
Mr Culpin
Mr Cunningham
Mr Delzoppo
Mr Dickinson
Mr Ernst
Mr Fordham
Mr Gavin
Mrs Gleeson
Mr Gude
Mr Harrowfield
Mr Hayward
Mr Heffernan
Mr Hill
Mrs Hirsh
Mr Hockley
Mr John
Mr Kennedy
Mr Kennett
Mr Kirkwood
Mr Lea
Mr Leigh
Mr Leiberman
Mr McCutcheon
Mr McDonald
Mr Mathews
Mr Micallef
Mr Norris
Mr Perrin
Mr Plowman
Mr Pope
Mr Ramsay
Mrs Ray
Mr Remington

NOES

Mr Evans
*(Gippsland East)*
Mr Jasper
Mr McGrath
*(Lowan)*
Mr Ross-Edwards
Mr Whiting

*Tellers:*
Mr McNamara
Mr Steggall

AYES

Mr Reynolds
Mr Richardson
Mr Roper
Mr Rowe
Mr Seitz
Mr Sheehan
Mr Shell
Ms Sibree
Mr Sidiropoulos
Mr Simmonds
Mr Simpson
Mr Smith
*(Glen Waverley)*
Mr Smith
*(Polwarth)*
Mr Spyker
Mr Stirling
Mr Tanner
Mrs Toner
Mr Trezise
Dr Vaughan
Mr Walsh
Mr Weideman
Mr Williams

*Tellers:*
Mrs Hill
Mr Pescott

**Mr REYNOLDS** (Gisborne)—I move:

1. Clause 1, line 5, omit "Sundays" and insert "Sunday, 28 September 1986".

The further proposed amendments circulated in my name are consequential upon the amendment I have moved being either agreed to or rejected.

I desire to declare a pecuniary interest: firstly, as an avid punter and, secondly, as a co-lessee of a harness racing horse called Windsor Prince, which has been extremely successful; indeed, I predict he will win at his next start!

The proposed amendment is to allow the three codes of racing to conduct meetings on the one day. However, there is division and indecision within the racing industry, which cannot make up its mind how many racing days it wants. There is division in the community because there has not been a full and wide public debate. There is division among the churches; some of which have expressed a view on the matter and some of which have expressed no view on the matter. Some churches have asked honourable members, as their representatives, not to proceed with this move because they believe it is not in the best interests of mankind.

There is much division and indecision within the various sporting bodies. One particular racing club in country Victoria replied to my invitation to comment on the Bill. One of its representatives telephoned my electoral office and dictated a message suggesting the club was opposed to Sunday racing because it could not afford the staff penalty rates that would be involved. However, in the next sentence, the representative of the club, in talking to my electoral secretary, suggested that the club had also applied to be granted a race meeting on 28 September—the one day that has so far been proposed.

One matter I omitted to mention earlier was the fact that the Victoria Amateur Turf Club has led the way in presenting a particular view by suggesting that if there is to be a race meeting held on a Sunday, there must be a race meeting held on the Saturday as well because there is a regular clientele who, for 52 weeks of the year, attend thoroughbred race meetings. That clientele must be catered for.

The unions, which will provide the labour, are undecided. In many cases there is no award coverage for working on a Sunday in the racing industry. For example, the Federated Clerks Union; the Theatrical and Amusement Employees Association; the Federated Liquor and Allied Industries Employees Union of Australia; the Australian Workers Union; the Victorian Racehorse Transport Association and the Victorian Master Farriers Association all have varying views on whether they should apply for penalty rates and, if so, what penalty rates should be applied.

The working party which has been referred to and which was appointed to examine the Sunday racing question, has reported only on holding a meeting on Sunday, 28 September. The working party will present its full report in November. The working party consulted all racing codes and spoke with representatives of all sectors of the industry.

It is only when one takes a few minutes to read the five and a half pages of the interim report that one realises there is total indecision on the matter. As the honourable members for Forest Hill and Syndal suggested, there is indecision within the Government ranks, as there is within the National Party ranks. There could be indecision in the ranks of the Liberal Party, but I have not noticed it.

The three meetings proposed for Sunday, 28 September are a thoroughbred meeting at Moonee Valley; a harness race meeting at Maryborough and a greyhound race meeting at Sandown. They are all to be afternoon meetings. Channel 7 has agreed to cover the thoroughbred and harness race meetings for Victoria-wide coverage.

In order to reach a compromise on all the options put forward by all sections of the industry and by all parts of the political spectrum that the race meetings be given a trial on the one day, all three codes should be given an opportunity to conduct meetings.

I pick up the point raised by the honourable member for Berwick who referred to the Minister's claim that the Totalizator Agency Board had not decided whether it could open. The Act says nothing about whether it has to open; it does not say that it cannot open, but because there has been no racing on a Sunday in Victoria there has been no call for it to open. I was surprised to hear the Minister say that the matter will rest upon discussions with the Federated Clerks Union.

Does it mean that the Federated Clerks Union is going to decide whether the Totalizator Agency Board, that had a turnover of approximately $1·2 billion in the last racing year, is going to open? I do not know yet what the final figure is for this year. However, the decision on whether that organisation will open on a Sunday is to be dependent upon whether a union says it can or cannot open

It is interesting to note that the TAB agents' association—and I discussed matters with the president of this organisation—will support the Sunday meeting although the association will seek to recover the additional costs that are incurred.

If the Government accepts the amendment, it will allow public comment and the results of the Sunday meeting to be scrutinised. To hold further Sunday meetings would require further legislative measures.

Through the acceptance of this amendment the community will be able to discuss the issue and to talk to members of Parliament. The public will be able to comment fully. It will allow Parliament to hasten slowly on any introduction of Sunday meetings. There are so many variables in this matter and so many privately-held deep feelings on the issue that there should be lengthy community debate, which probably should happen from now until the resumption of Parliamentary sittings in 1987.

**Mr W. D. McGRATH** (Lowan)—The amendment proposes that the word "Sunday" should more specifically read "Sunday, 28 September 1986". The National Party agrees with the amendment. It is more or less what the National Party suggested in its amendment, although the National Party amendment went further. The honourable member for Gisborne's amendment is supported by the National Party.

**Mr E. R. SMITH** (Glen Waverley)—The honourable member for Gisborne's amendment is probably the best compromise one can achieve under the circumstances. The amendment reflects the wishes of the silent majority. Usually, minority groups within the community are the loudest to voice their views and to dictate to society what they wish. On this matter, the silent majority has decided to speak out. The majority of the community, regardless of political affiliations, will be most relieved if a compromise result is gained through the Government's acceptance of the amendment moved by the honourable member for Gisborne.

To illustrate to honourable members the views of people in all electorates, I shall quote a letter I received from a constituent group in the electorate that I represent which typifies the views of the silent majority. The letter was written to the Premier by a church organisation, members of St Matthew's Anglican Church, Mulgrave. Copies were sent to Leaders of political parties and to me as the local member. The letter states:

We the undersigned members of St Matthew's Anglican Church, Mulgrave, and citizens and residents of the State, wish to express our grave concern about your Government's decision to allow racing on Sundays.

The basis of our objection is that, because Sunday has traditionally been a family day, we believe that this legislation will seriously help to diminish this special aspect of Sunday.

At a time when the family unit (which is the basis of a healthy, happy nation) is under serious attack from many sides, it is most regrettable that yet another force will now be brought against it, this taking the form of a temptation to husbands and fathers to neglect their family responsibilities. We would also draw attention to the increased financial burden on families created by the greater opportunity for gambling.

We therefore ask, Mr Cain, that you and your Government seriously reconsider your decision to allow Sunday racing.

The honourable member for Dandenong, who is interjecting, should take note of this letter. Members of Parliament can debate this issue backwards and forwards but in the face of the strong views expressed by the community on this matter, and it is a moral issue, honourable members must take heed of what is being said by the community.

The honourable member for Dandenong, in previous debates, has spoken on the value of family life. His conclusion on this issue surely should be that the community is not yet ready for a step to be taken in the direction of Sunday race meetings. At this stage the issue needs to be tested to determine its ramifications.

The honourable member for Syndal described the financial implications of Sunday race meetings. Although everyone has been saying that the racing clubs approached the Minister for Sport and Recreation on this matter, I believe it was a combination of the Government regarding Sunday race meetings as a means of raising finance and the racing clubs believing the idea to be good.

However, as a result of the community backlash, I am sure all honourable members are relieved by the compromise that will be reached with the acceptance of the amendment. Parliament should not tamper with the fabric of society. There is no way it can be changed peacefully, without community acceptance. The backlash confirms that there is not community acceptance. It has been submitted that the money that might be gambled at Sunday race meetings could come from people who cannot afford it and that it could be the difference between a new pair of shoes for a child or extra school books and other necessities.

**The ACTING CHAIRMAN (Mr Kirkwood)**—Order! I remind the honourable member for Glen Waverley that debate on the matter before the Committee is narrow. The honourable member is now straying into areas of social views. He should return to the subject before the Committee.

**Mr E. R. SMITH**—The honourable member for Gisborne's amendment offers a sensible compromise to this situation. I again ask honourable members to take note of the letter I read, which was signed by 33 people. I reiterate that the amendment is a good compromise

and I urge honourable members to endorse the compromise by accepting the amendment wholeheartedly.

**Mr B. J. EVANS** (Gippsland East)—The arguments advanced by the honourable member for Glen Waverley remind me of a debate that occurred in a small town between councillors on the question of installing parking meters. After the debate had continued for some considerable time one councillor was asked his opinion and he suggested that the council should put in one parking meter and see how it goes. I am sure all honourable members will appreciate the futility of such an exercise.

The anecdote demonstrates the level of intelligence behind the amendment of the Liberal Party. How does one test Sunday race meetings and their acceptance by the community by holding a Sunday race meeting once only? What happens if on that day it rains? Is another day allocated for another try-out?

I do not think the question is whether there should be a trial of one single day; the question is whether the community wants Sunday racing. The amendment is ridiculous. At least the National Party's amendment had some commonsense behind it.

This measure will introduce additional racing, and it is a completely different proposition from the idea advanced in the amendment put forward by the National Party.

During the debate, honourable members have quoted sources of objections, but they have not indicated where they stand themselves. The Committee heard argument from the honourable member for Geelong and heard the same argument from the honourable member for Glen Waverley. He indicated that he objects to the whole concept of Sunday racing but says we should try one meeting anyway. The whole matter is so hypocritical that it should be thrown out and all honourable members should seriously consider where we are going on this issue.

**Mr RICHARDSON** (Forest Hill)—I rise more in sympathy for the honourable member for Gippsland East rather than in anger. The honourable member seems to have completely misunderstood the situation. The curious thing is that the honourable member for Gippsland East has been roundly attacking the Liberal Party proposition presently being debated, but the fact is that it is identical to the proposition put forward by the National Party.

I can only be drawn to the conclusion that the honourable gentleman was dozing at the time his own Leader discussed this matter with the National Party's spokesman on sport and recreation when it was agreed between the Leader of the National Party and the party spokesman, the honourable member for Lowan, that the amendment proposed by the Liberal Party was identical to the amendment proposed by the National Party.

The honourable member for Lowan made a commendably brief speech to the Committee in which he acknowledged that the National Party amendment was identical to the Liberal Party proposition and it would be supported by the National Party. At that point, the honourable member for Gippsland East woke up and decided that there should be an attack, as a matter of course, because he detected a Liberal Party member on his feet.

I am informing the Committee, especially the honourable member for Gippsland East, that if the honourable member were more attentive, expecially to his own Leader and party spokesman, he would not find himself in the embarrassing situation of attacking a proposition that has been put forward by his own party.

**Mr B. J. EVANS** (Gippsland East)—I shall briefly point out that if the attention span of the honourable member for Forest Hill were more extensive than it is, he would have heard me quite specifically disagree with the point of view expressed by the honourable member for Glen Waverley. That is the point with which I argued; I did not attack or differ in any way from the point of view expressed by my colleagues. I simply attacked the arguments advanced by the honourable member for Glen Waverley.

I completely reject the notion of the soniferous honourable member for Forest Hill, who more frequently interrupts the proceedings of this Chamber through his snoring than anyone else, and I object to being accused of dozing by such a member.

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

New clause

**Mr REYNOLDS** (Gisborne)—I move:

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

Sunset provision

"A. The amendments made to the Principal Act and the Sunday Entertainment Act 1967 by this Act continue in force until 29 September 1986 and no longer and, after that date, the Principal Act and the Sunday Entertainment Act 1967 have effect as if they had not been amended by this Act."

The reasons for proposing the new clause have been clearly elucidated. Because you, Mr Acting Chairman, allowed me some latitude during debate on the previous amendment I moved, I do not need to repeat those arguments. The gist of the new clause is this: let all three codes race on one day and bring the issue back to Parliament at a later date to assess the success of the idea.

**Mr W. D. McGRATH** (Lowan)—The National Party has difficulty in accepting the new clause. Proposed section 22C (1) (*a*) states:

(1) A race meeting must not be held on a Sunday except—

(*a*) in the case of a race meeting for horses, with the approval of the Minister on the recommendation of the Victoria Racing Club;

That also relates to the other two codes of racing.

The new clause states:

The amendments made to the Principal Act and the Sunday Entertainment Act 1967 by this Act continue in force until 29 September 1986 and no longer . . .

If the Minister and the Government wished, the Bill could be proclaimed tomorrow night. Technically, the new clause proposed by the Liberal Party opens the way for more than three race meetings to be held. Practically, that will not happen, but technically, the new clause allows race meetings to be held on more than one Sunday. If the Bill were proclaimed tomorrow night and a racing organisation applied to the Minister for Sport and Recreation to hold a race meeting this Sunday, the Minister could allow that.

**The ACTING CHAIRMAN (Mr Kirkwood)**—Order! I inform the honourable member for Lowan that clause 1 refers to a date.

**Mr W. D. McGRATH**—I know the date; there will be a race meeting on 28 September and the sunset clause applies to 29 September. My argument is that, technically, there could be a race meeting this Sunday. I am pointing out the reasons why the National Party cannot support the new clause.

The amendment proposed by the National Party to have one thoroughbred race meeting at Moonee Valley on Sunday, 28 September, as requested by the Moonee Valley Racing Club and the Victoria Racing Club, was the amendment that should have been adopted. The National Party had not heard from the harness racing or greyhound racing industries regarding their interests in race meetings on Sunday. Therefore, the National Party proposed its amendment in good faith.

There have been some differences of opinion, but at least members of the National Party have been honest enough to admit whether they support Sunday racing. We have not put two bob each way, which members of the Liberal Party back bench have done. They have criticised members of the National Party for having difficulties in coming to

terms with this issue. The National Party knows where it is going, but I am not sure whether members of the Liberal Party know where they are going.

The honourable member for Berwick spoke about mortal sin. He must decide whether he supports three race meetings being held on a Sunday. He termed the conduct of three race meetings on a Sunday a mortal sin. I will be interested to find out whether he will vote for or against that mortal sin.

The National Party quite correctly criticised the Premier for supporting the wholesale introduction of Sunday racing. One week later the Leader of the Opposition came out in support of Sunday racing, but the Liberal Party is now trying to back off, undoubtedly because of the pressure applied within the party itself not to proceed with wholesale support of the Bill. The National Party opposes the new clause.

**Mr REYNOLDS** (Gisborne)—I indicate to the honourable member for Lowan that amendment No. 1 that has been carried specified that the purpose of the Bill is to amend the Racing Act and the Sunday Entertainment Act to allow horse racing and betting on 28 September. Amendment No. 3, which amends the long title, inserts a specific day and, therefore, amendment No. 2 is a sunset clause.

I understand the honourable member's concern because this is the third lot of amendments designed to achieve what the Opposition wanted to achieve. The Opposition has been advised by Parliamentary Counsel about the most effective way to propose the amendments. I am not a Parliamentary lawyer and, indeed, do not pretend to be, but I have been advised by Parliamentary Counsel that the amendment applies to only the one day.

The Opposition intends that it apply only to the one day, 28 September, and I hope the Minister for Sport and Recreation can give an assurance that this is so, which will remove any doubts the honourable member may have.

**Mr TREZISE** (Minister for Sport and Recreation)—Technically the honourable member for Lowan may be right and there may be a loophole so that a race meeting could be held this Sunday. I give an assurance to the honourable member that if any club applies to have a race meeting this Sunday no authority will be given for that meeting.

The new clause was agreed to.

Long Title

**Mr REYNOLDS** (Gisborne)—I move:

3. Long title, omit "Sundays" and insert "Sunday, 28 September 1986".

I move that amendment and I reiterate the arguments put forward during the Committee stage.

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

The Bill was reported to the House with amendments, including an amended title, and the amendments and amended title were adopted.

**Mr TREZISE** (Minister for Sport and Recreation)—I move:

That this Bill be now read a third time.

**Mr W. D. McGRATH** (Lowan)—Mr Speaker, on the third reading——

**The SPEAKER**—Order! I advise the honourable member that the motion that the Bill be read a third time is particularly narrow in its concept.

**Mr W. D. McGRATH**—The amendments to the Bill have been accepted. The National Party agrees that the amendments do improve the proposed legislation, but that they have gone too far. The amendments may provide for three race meetings when the public

anticipated that there would be only one race meeting on the Sunday following the Victorian Football League grand final.

It is on that basis that the National Party opposes the third reading of the Bill.

The House divided on the motion (the Hon. C. T. Edmunds in the chair).

| | |
|---|---|
| Ayes | 64 |
| Noes | 10 |
| Majority for the motion | 54 |

AYES

Mr Andrianopoulos
Mr Austin
Mr Brown
Miss Callister
Mr Cathie
Dr Coghill
Mr Coleman
Mr Cooper
Mr Crozier
Mr Culpin
Mr Cunningham
Mr Delzoppo
Mr Ernst
Mr Fogarty
Mr Gavin
Mrs Gleeson
Mr Gude
Mr Harrowfield
Mr Hayward
Mr Heffernan
Mrs Hill
Mr Hill
Mrs Hirsh
Mr Hockley
Mr Kennedy
Mr Kennett
Mr Kirkwood
Mr Lea
Mr Leigh
Mr Lieberman
Mr McCutcheon
Mr McDonald
Mr Maclellan
Mr Mathews
Mr Micallef
Mr Perrin
Mr Pescott
Mr Pope
Mr Ramsay
Mrs Ray
Mr Remington
Mr Reynolds
Mr Richardson
Mr Rowe
Mr Seitz
Mrs Setches
Mr Sheehan
Mr Shell
Ms Sibree
Mr Sidiropoulos
Mr Simmonds
Mr Simpson
Mr Smith
*(Polwarth)*

NOES

Mr Evans
*(Gippsland East)*
Mr Hann
Mr Jasper
Mr McGrath
*(Lowan)*
Mr McNamara
Mr Ross-Edwards
Mr Wallace
Mr Whiting

*Tellers*
Mr McGrath
*(Warrnambool)*
Mr Steggall

AYES

Mr Spyker
Mr Stirling
Mr Tanner
Mrs Toner
Mr Trezise
Dr Vaughan
Mr Walsh
Mr Weideman
Mr Williams

*Tellers*
Mr Norris
Mr Smith
*(Glen Waverley)*

The Bill was read a third time.

## GEELONG REGIONAL COMMISSION (AMENDMENT) BILL

The debate (adjourned from May 8) on the motion of Mr Fordham (Minister for Industry, Technology and Resources) for the second reading of this Bill was resumed.

**Mr HAYWARD** (Prahran)—The Geelong Regional Commission is a statutory authority, more colloquially known as a qango, a large and significant qango. It has 50 employees—

**Mr Maclellan**—And it is very expensive!

**Mr HAYWARD**—Yes, it is a very expensive qango. Its budget last year was more than $2 million and, after examining the Budget Papers this morning, I see that there is an allocation of $1·87 million. I understand that the commission is expecting to obtain about $280 000 from the nine municipalities in the region, which would give it an operating budget of $2·15 million.

In addition to that, it has regular borrowings of approximately $2 million a year and, from time to time, there are special borrowing allocations and approvals of a topping up nature.

It has considerable current liabilities totalling approximately $18 million a year, which means an annual interest bill of $2 million a year and it controls development projects at the moment which are valued at something of the order of $10 million a year.

**Mr Maclellan**—So it is broke.

**Mr HAYWARD**—Yes, in those terms, it is. In addition, it has current and projected developments of approximately $30 million a year and, therefore, it is a large organization in any sense of the term.

Some of these large development projects that are under way or foreshadowed, and are very diverse in nature, include a retail development—a shopping complex at Torquay, which has a surf museum in the complex. The other developments include industrial land development at a variety of places including Torquay, Ocean Grove and South Geelong. They also include the national wool centre in Geelong, which is a type of museum that will also be a large selling centre.

It includes tourist development activities, such as the foreshore of the "City by the Bay" project. As I mentioned, those projects and others bring to approximately $30 million the total value of projects that are either under way at present or projects that are foreshadowed.

With a statutory authority of this size, the mechanisms for accountability are vital. This is especially so today, when people are looking for greater value for their dollar and for a much higher degree of accountability.

The question of accountability is especially important in regard to the Geelong Regional Commission. In fact, it is a threefold type of accountability; firstly, it has accountability to this Parliament and, through the Parliament, to the people of Victoria; secondly, it has accountability to the nine participating municipalities in the region; and, thirdly, it has accountability to the people of the region, at last.

As you would know, Mr Acting Speaker, the questions of accountability have bedevilled Parliaments and Governments of many countries for many years. There have been many studies on this question, for example, in the British Parliament.

There was a landmark study in Australia conducted by a Federal Government committee on finances and Government operations, and there have been important studies in Victoria by the Victorian Public Bodies Review Committee. There is a consistent theme in all these studies: they all agree that the important mechanisms of accountability are the presentation of annual reports to Parliament and the auditing of the accounts of the statutory authority by the Auditor-General. Both requirements are contained in the Bill, together with a requirement that the terms and conditions of employment of employees of the commission—especially in regard to remuneration—should be determined by the Governor in Council.

The Opposition believes these are positive steps towards greater accountability of the Geelong Regional Commission. However, accountability is a much wider concept than strict financial accountability. It includes an assessment of the efficiency of the statutory authority, the effectiveness of the authority in carrying out its objectives, and the wisdom and judgment of the authority in its investment decisions.

In a commission of the nature of the Geelong Regional Commission, where most of the members are part time and where the overview exercised by other executive bodies, such as the Department of Industry, Technology and Resources or the various municipal councils, is quite diverse, fragmented and spasmodic, it is inevitable that the full-time executive officers must hold most of the sway and become, to some degree, a law unto themselves in the day-to-day operations of an authority. Therefore, the calibre, integrity and competence of such executive officers are of the utmost importance.

I have visited the Geelong Regional Commission, and my observations are that the officers of the commission are very enthusiastic and have an undoubted commitment to the region. However, of course, it is not possible or proper, in such a brief visit, to make an assessment of the performance of the commission.

It is all fine and well to say that we will have the annual reports of the commission presented to Parliament, but we could then well ask the question: what happens then? What is the mechanism that Parliament will use to review the annual reports and the performance of the commission? That is something to which Parliament should address its mind in relation to the commission and other statutory bodies.

Perhaps Parliament should require that the Public Bodies Review Committee or the Economic and Budget Review Committee makes a regular review of these regional commissions.

By those comments I pass no judgment on the commission and I certainly welcome the moves in this Bill towards increased accountability for the commission.

I now wish to make some brief comments about the future of the region. I have been visiting Geelong and the region regularly over a twenty-year period. I have always been most impressed by Geelong and the excellent surrounding countryside, especially the rich farming land that surrounds Geelong, and the magnificent coastline, which is one of the greatest in the world. It is undoubtedly one of the best places in Australia in which to work and live.

Some interesting and important changes have taken place in recent times in people's attitudes about where they work and live. Increasingly, people want to live and to work in

non-metropolitan areas. This is a strong trend both overseas and in Australia. Also, some very interesting changes in technology have taken place. New flexible technology makes country cities and towns ideal locations for industries producing high quality knowledge-based products and services.

It is interesting that micro-electronics now makes it possible for country firms to produce a range of products and services in relatively limited volumes at costs that are competitive—

**The ACTING SPEAKER (Mr Stirling)**—Order! The honourable member is starting to stray a little from the Bill. I ask him to return to it.

**Mr HAYWARD**—Thank you, Mr Acting Speaker. I understand your point, and I shall relate my remarks very quickly back to the Geelong region, to which this Bill refers.

The point that I wanted to make, and I should like to make this point and tie it in with the Geelong region, is that micro-electronics and new technology make it possible for country firms to produce a range of high quality and innovative products and services in relatively limited volumes at costs that are competitive with large city manufacturers. These can be produced in areas such as the Geelong region.

What is more, these small firms that are situated in non-metropolitan areas, such as the Geelong region, have the benefits of closer relationships with their workers, which are characteristics of such areas.

Another interesting point that is of very direct relevance to this Geelong region to which this Bill refers is that, with the downturn in agriculture, there is an increasing trend for farm families to need and to seek a mix of incomes, with one or more members of the farm family working part time in local industries. I have seen this in operation in the Geelong region, as in other regions and areas, such as Warrnambool.

The point of all this is that, of all the areas of Australia, Geelong, with its excellent surrounding countryside and its beautiful beachfront, is one of the most suitable places for this type of decentralised industry, this small type of industry. Those industries could just as well be based at Torquay as they could be based in the City of Melbourne or somewhere of that nature. I believe that adds a great deal of importance and significance to the region, and, as well as the attraction for people to live in that area, there are also the better employee relations within the firm because of a closer community.

My colleague, the honourable member for South Barwon, will speak in more detail about the operations of the commission. I conclude by saying that the Opposition does not oppose the Bill, which is a machinery measure which should increase the accountability of the commission.

I also add that members of the Opposition have spoken to each of the nine municipalities in the region, which are in favour of the Bill.

However, the Opposition gives notice that, when it forms the next Government, it will review very closely the operations of all regional commissions to assess whether they are serving a worthwhile role and purpose in their communities, whether they are responsive to the needs and desires of local communities, and whether they are cost-effective in terms of expenditure and results. The Opposition does not oppose this Bill.

**Mr McNAMARA** (Benalla)—As the honourable member for Prahran has said, this Bill is more a machinery measure. It empowers the Auditor-General to audit the accounts of the Geelong Regional Commission and empowers the Governor in Council to determine the salaries of officers of the commision. It also provides for the presentation to Parliament of annual reports of the commission.

The Bill proposes a number of reforms that are long overdue and are supported by the National Party.

It has been of concern to the Economic and Budget Review Committee, of which the honourable member for Prahran and I are members, that a number of quasi autonomous non-Government organisations—qangos—are corporations directly controlled by a Government or other organisations set up by statute and are not required to be audited by the Auditor-General. It is to be hoped that the Bill will remedy that situation.

I note that the Geelong Regional Commission supports the changes envisaged by the Bill. In a letter to the Deputy Leader of the National Party, the commission states that it is appropriate that the Auditor-General undertakes the auditing of the commission's accounts. It also deals with another matter provided for in the Bill, namely, enabling the Governor in Council to determine the salaries of commission staff. It points out that because of some confusion in prescribing separate remuneration for commission employees, staff of the commission have received consumer price index entitlements some six to twelve weeks after the awards have flowed on to other members of the public sector. The Bill will enable the Governor in Council to determine the salaries that will be passed on.

The National Party supports the presentation of a report to Parliament. These authorities should all be fully accountable. I agree with the honourable member for Prahran that the accountability should not stop merely with the presentation of a report but should be ongoing and handled by a Standing Committee, whether it be the Economic and Budget Review Committee or another committee determined by the Parliament that will regularly review the efficiency and effectiveness of the various organisations that have been sired by Parliament. Not only is Parliament responsible for establishing these types of authorities but it must also ensure that they operate for the best benefit of the people they were set up to serve and for the general welfare of the taxpayers.

The National Party supports the Bill because it is purely an administrative matter and should be given full support.

**Mr DICKINSON** (South Barwon)—This is an important Bill because it entails accountability not only to the 180 000 people living in Geelong and the councils and municipalities in the Geelong region but also to the Parliament of Victoria. Amalgamation proposals have been dropped in recent weeks, making it even more important that planning roles in the Geelong region are not duplicated. The Shire of Corio has recently been critical that the Geelong Regional Commission budgeted for an 11 per cent wage increase, an amount in excess of the consumer price index.

Criticisms arise from time to time about the hearings of the commission being held behind closed doors. Many people who have an interest in what is being discussed are barred from those hearings. I instance a case of a Gheringhap resident and his solicitor coming in and out of the gallery and listening to planning proposals for a subdivision in the Gheringhap area. Other examples can be given of people frustrated with the lack of openness in the discussions taking place.

The people of Geelong are interested in the wool store sites that were bought for millions of dollars. They have heard about plans for housing that would be developed by the wharf in Geelong. That scheme was dropped. There may be other schemes in the pipeline and it is important that the citizens of Geelong, who are interested in the developments of those schemes, are given an opportunity of participating.

I am told that during the past ten years of the life of the Geelong Regional Commission some $20 million has been spent on wages and salaries. Some people might think that that money might have been better spent on planning and getting certain developments off the ground. One such example would be the McIlwain Heggie report on the development of the Coonawarra Lake area, but other proposals surface from time to time. The development of a Bellarine marina was proposed by an architect, Mr Shaw, who, unfortunately, died. It is to be hoped that his ambitious project will come to fruition because it is important for the development of tourism in the area.

The community is often concerned that the authorities become involved in mickey mouse projects. One wonders whether the transport and wool museums may be instances of projects that will not really assist the economy of Geelong.

The Honourable David Henshaw in another place is a man whose background was in the wool industry, about which he is extremely knowledgeable. He also shares my concern that the wool industry in Geelong collapsed more than 30 years ago and the woollen mills that were very much part of the Barwon River area have now disappeared. Geelong is no longer the wool centre of Australia. Most of the wool grown for export in the Western District ends up in containers that are shipped out of the Port of Melbourne.

I have heard that Mr Don Dunstan is proposing the development of a Bellarine railway line as a tourist attraction. That is wonderful news for the train buffs who have tried for many years to get the railway line on the Bellarine Peninsula functional. However, as I recall, Mr Dunstan was highly critical of the tourism potential of Geelong. There is a tendency for developments to become fragmented and for people to knock good suggestions that come up from time to time.

I am delighted that the Minister for Sport and Recreation, who is the member for Geelong North, visited a water sports centre in the United Kingdom that, if adopted, would have an ideal application in the Geelong region. The development would cater not only for rowing enthusiasts but also for canoists, water skiers, wind surfers and those who merely want to camp beside a reedy lake or to fish. Such a development would benefit Geelong residents as well as being a tourist attraction.

I trust that the Minister for Industry, Technology and Resources will take an interest in this project because of the special attention given to it by the Minister for Sport and Recreation who has gone out of his way to visit Nottingham and has called for video film from the United Kingdom to show interested groups in the Geelong area as well as the Geelong Regional Commission.

Again I emphasise the need for accountability. The effectiveness and the objectives of the Geelong Regional Commission have been under scrutiny for some ten years and we, as the Liberal Party, on returning to power, eventually will have to take stock of what has been done and decide the direction to take in the future.

It is good that the Auditor-General is the person to report on the activities of the commission. One hopes the documents will be promptly tabled in Parliament for scrutiny by the public and the politicians of the area. So often the reports take fifteen months or longer to reach the people who need to examine the proposals.

I am also disheartened at times by the lack of quick response to questions on notice by relevant Ministers about matters of concern to people in the area. As the lone Liberal Party voice—one might say—in the Geelong region I receive a lot of feedback from the area, not only from the South Barwon area but also from throughout the wider Geelong district. Those residents also have elected representatives in Parliament and one hopes to hear from them in support of the Bill.

**Mr SHELL** (Geelong)—I welcome the opportunity of commenting on the Bill. As the Minister said in his second-reading speech, its purpose is to empower the Auditor-General to undertake the audit of the Geelong Regional Commission, to provide for the commission to determine the salaries and conditions of employment of its employees and to provide for the annual report of the commission to be presented to Parliament within three months of the end of the financial year.

The Geelong Regional Commission has several objectives, and I shall name three: firstly, to provide for economic development within the Geelong region; secondly, to promote tourism; and, thirdly, to protect the environment. Honourable members might remember that the commission was appointed by a previous Liberal Government in 1977. The reason for its appointment was basically because of the fragmented position of local government in Geelong.

The commission has fulfilled an important overall coordinating, planning and development role in the region. It is well accepted by local government in the Geelong region, the only exception being the Geelong City Council. The reason for its objection is that it wanted the planning, development and promotion role itself. Every year the Shire of Corio complains about its contribution to the cost of running the commission. This subject is usually raised by one councillor alone—and this year was no exception.

The Geelong Regional Commission has undertaken a serious amount of work in the reduction of unemployment in Geelong. In 1982 the unemployment level in the area was 13·5 per cent. In the four and a half years of the Cain Labor Government, the unemployment rate has been reduced to about 8 per cent, which represents a drop of 5·5 per cent.

The commission has played an important part in the reduction of unemployment. In 1980 the former International Harvester Australia Ltd plant was in trouble and it eventually closed in 1982 and a number of employees were lost to Geelong. The commission recommended that the Government buy the plant after private enterprise had turned down the opportunity of purchasing the site. That has provided the Greenfield site for the development of a submarine project which will be a serious contender in the field to have submarines built in Victoria.

**Mr Gude**—The trouble is that it is submerged at present!

**Mr SHELL**—The problem is that if the Liberal Party were in power it would go in for nuclear submarines and they would not be built in Australia at all!

The Geelong Regional Commission, in conjunction with the private sector, has been responsible for industrial and retail developments in Torquay as well as the northside and southside areas of the city. The commission works extremely well with local government and other statutory authorities. I have already given the example of the submarine project, and the bayside marina is a further example of the work of the commission. That project has progressed with consultation and cooperation with the Port of Geelong Authority, local government and the commission. All authorities are working well together for the development of Geelong.

The honourable member for South Barwon expressed concern about the Gheringhap situation. The honourable member will recall that when the matter was up for discussion before the commission, the members divided equally and it was the casting vote of the chairman that decided the matter in a public meeting.

The honourable member for South Barwon also referred to the $20 million that has been spent on administering the Geelong Regional Commission. However, if the commission had not been established by the former Liberal Government in 1977, those funds would have been spent in Melbourne. The establishment of the commission has led to an increase in regional employment. Before the honourable member for South Barwon leaves the Chamber I should point out that I welcome him as the lone voice of the Liberal Party in Geelong and hope that he remains the lone voice!

In consultation with local government, the Geelong Regional Commission is anxious to develop local tourist attractions in Geelong such as those which exist in Ballarat, Bendigo, Swan Hill and Mildura. Why cannot Geelong have other substantial tourist attractions besides its excellent beaches? As was mentioned by the lead speaker, the area will have the transport museum and the wool museum. The area also has the Bellarine steam engine and railway.

The former member for East Geelong, now the honourable member for Hawthorn, was most helpful in organising funds when that enterprise was in difficulty. The railway would fit into the overall transport and museum plan in Geelong. It is envisaged that a transport centre will be established with animated participants in the actual building. The *Spirit of Victoria* will dock in Geelong to connect the transport system. The Bellarine steam engine and railway project could be extended right into the city.

If honourable members are observant they will see that on my lapel I am wearing a badge in the shape of a tram. It represents one of the last trams that ran in Geelong. Perhaps, as part of the development of the tourism concept, trams could return to Geelong and run along the Eastern Beach to serve as a further tourist attraction. I am sure the commission will be helpful in that regard. The marina, which will be completed in 1987, will add to Geelong's tourist activities.

The Elders wool store in Geelong and Lara is being built; it will be the largest wool store in the Southern Hemisphere. Its presence will provide a boost to the local economy, and the commission was able to go in to bat to get that development built at Geelong. The commission had to fight opposition from South Australia to make sure the wool store was located at Geelong. The residents of Geelong would not be in such a good position today if it were not for the activities of the commission. It is well supported in the community and welcomes any review of its activities.

To answer the honourable member for South Barwon, who pointed out that the report may not be introduced into Parliament for fifteen months, I advise him that the Bill specifically asks the commission to present the accounts within three months of the end of the financial year. I commend the Bill to the House and also commend the Geelong Regional Commission.

**Mr GUDE** (Hawthorn)—I wish to speak on the Bill, principally because on the surface a number of questions appear not to be answered. Clause 4 relates specifically to officers and employees of the Geelong Regional Commission having their wages and working conditions fixed and determined by the Governor in Council.

The clause raises the following important questions: what is wrong with the present basis of fixing wages and working conditions? Does it mean the chairman has allocated funds for salaries to staff that are in excess of what the Government considers appropriate? Has he done so without the authority of the Geelong Regional Commission? Did the commission become involved in this issue? As a representative of the National Party said, was an increase in line with the consumer price index delayed? What is wrong with the provisions of the existing Act?

Effectively the amendment transfers power, responsibility and accountability away from the local people who are dealing with the issues of the day and who run the commission, which was set up at their behest and on behalf of the community. Big Brother is moving in.

It is intriguing that the House will debate a Bill to amend certain provisions of the Education Act to transfer the responsibility of a tribunal in the Ministry of Education under the auspices of the State industrial commission. Effectively it will reduce the number of wage fixing tribunals.

At present approximately twenty different tribunals exist to deal with the fixing of wages and working conditions. On the one hand the Government has made a sensible move to reduce the number of wage fixing tribunals but on the other hand the Geelong Regional Commission is a de facto State industrial commission set up by the Governor in Council through the Minister.

Those questions need to be answered about whether the Geelong regional commissioners have acted appropriately and responsibly. Earlier in the debate, the honourable member for South Barwon said that the commission had budgeted for an 11 per cent increase, which is way ahead of the consumer price index increase. Is that the reason for the change taking place? When was that suggestion put forward?

Surely the wages and working conditions of the employees of that qango, that semi-Government body, could be directly fixed to those applying to the Public Service without involving an additional bureaucratic step, that is, Governor in Council approval, which the Bill proposes.

The original Geelong Regional Commission Act makes substantial provision for audits. Again there appears to be a Big Brother attitude in that the local commission does not have the capacity or the ability—it would seem—to engage an audit team from the Geelong area to carry out that work. Is the Government saying the audits that have been carried out since the commission was established in 1977 have not been conducted properly or appropriately? If so, it should be brought out in the open so that everyone knows what has occurred.

I have no difficulty with clause 5, which deals with accounts and audits, I simply pose the question: what is the need for changing something that is already working well? There does not appear to be any major reason for doing so. The Minister's second-reading speech gives no reason for the change!

A number of speakers have said that the Geelong Regional Commission has existed for a number of years. In straight salary terms $20 million of taxpayers' money has been contributed to the project. In the Budget brought down by the Treasurer today the allocation is a little more than $2 million. Therefore, it is important that the facts are reported. We are dealing with State funds. The commission is allowed to expend moneys on different major projects.

I was a fraction amused when I heard an earlier reference to the Bellarine railway line. I appreciate the remarks made by the honourable member for Geelong when he recalled the work that I had done years ago in obtaining the funds for that group. I was more amused, not because I was not given personal recognition, but by the remark that the commission is now apparently claiming credit for the project. I assure honourable members that that claim could not be further from the truth. I do not recall receiving a single ounce of assistance from the commission at that time. If credit is to be given to the commission, let it be for projects that it has genuinely undertaken.

The only significant remark about the submarine project is that it has not yet surfaced. It is highly likely that the project will be given to Newcastle. The Geelong site, which belonged to the International Harvester company, will not be used. Let us consider the work that has been done on that site!

The Minister was a success in his television promotions which showed him being driven around in a new MG car. I understand the Marshall car company has not produced too many cars, in fact, has there been one? What is the financial situation of that company? As I understand it, it is in considerable difficulty. That is not a criticism of the Geelong Regional Commission because it must make the best judgment it can. I also was excited about the prospect going ahead when I first read about it. Regional commissions and bodies must be allowed to take chances from time to time.

It is a pity if that organisation is likely to fail. It is another indication of the importance of reporting the activities of the commission. I am sure that is why clause 6 will change the annual reporting provisions. Another company involved in that area is the Geelong Agricultural and Engineering Co. Pty Ltd. The honourable member for Prahran mentioned the longstanding and close relationship between the agricultural community and the Geelong community. I understand that company is also in financial difficulties. I am not sure whether that is a reflection on the state of the economy, the agricultural community generally or that the company is not able to involve itself successfully in different projects. If the latter is the case, it is a pity.

As honourable members would appreciate, I was born and raised in the Geelong community and spent the better part of my life there. I had a close association with the local government and the Geelong Regional Commission in that region. In retrospect, I doubt the effectiveness of giving the commission the role of both planner and developer. Often that role has put the commission in a conflict with local councils and business. The honourable member for Geelong alluded to that point.

Not only the City of Geelong but also a number of councils have expressed concern about whether the commission could have expended its funds more appropriately. The

consultancy allocations made by the commission do not always go to people in Geelong; sometimes they are made outside the area.

Again, that is not necessarily a bad thing if one gets the best result for the community, but it was not quite as the honourable member for Geelong would have us believe.

The Opposition does not oppose the Bill, but it wishes to pose a number of questions. I reiterate the final remarks of the honourable member for Prahran, when he indicated that an incoming Liberal Government, after the next State election, will certainly look for performance, capacity, ability, accountability and a genuine advantage to the communities to be served by any regional commission that exists in this State.

**Mr I. W. SMITH** (Polwarth)—I support the honourable member for Prahran and reiterate that the Opposition will support the proposed legislation. However, I searched through the Minister's second-reading notes for the real reason for the proposed legislation and it eludes me. The first part deals with the appointment of officers and employees and their remuneration, which the Minister now proposes to bring under the ambit of the Governor in Council.

I can only consider that the reason for this measure must have come from the officers who see the demise of the commission, or believe the commission to be under some form of challenge. I am not sure whether that is not now out of date because if the Government's restructure of municipalities plan was to go ahead, then the role of the Geelong Regional Commission, one would have hoped, would have been totally redundant.

I should have thought that this proposal to bring officers under employment of the Governor in Council was simply a mechanism stimulated by the officers to ensure they were not out of a job on the demise of the commission and they, because of their employment by the Governor in Council, therefore, would have been brought under the ambit of full-time public servants and the Minister would find himself having to place them somewhere in the Ministry or, God forbid, transposing the commission elsewhere in the State. Therefore, I query the motives and the need for that section of the Bill.

**Mr Maclellan**—Now that the Government has abandoned the restructure of municipalities.

**Mr I. W. SMITH**—Yes, as the honourable member for Berwick has reminded me, as the Government has abandoned the restructure of municipalities. When one moves to the accounts and audit provision, that fascinates me and confirms the view that I have just expressed.

If the Treasurer were to issue an instruction, or, for that matter, the Minister were to issue an instruction, to the Geelong Regional Commission—and both Ministers are empowered to do that in matters of finance—the Auditor-General would by that instruction have to audit the accounts of the commission. Perhaps the reason for this provision has its genesis in the officers wishing to be brought more and more under the Government's ambit rather than have the independence that they previously enjoyed.

So far as annual reporting is concerned, that, too, can easily be done by an instruction from the Minister. He could write to the commission and say that the Government has decided that as part of the operation of the commission it is required to report annually to Parliament, and if the commission objected, of course, it would be stupid indeed because the funds necessary for its operation could be denied it.

I see this as an unnecessary piece of proposed legislation and so I searched the Minister's second-reading notes for the real reasons for it; I could not find them. I shall be interested when we reach the Committee stage to hear from the Minister why he could not use the mechanisms I have suggested to achieve the same result.

However, the Bill does give honourable members an early opportunity to question and to review the operations of the commission. I well remember the lead-up to the formation of the commission in 1977 when all members of Parliament from Geelong—they were at

that stage, except for one honourable member, all members of the Liberal Party—and all bar one Liberal Party member were insistent upon the Liberal Government that such a commission would be for the betterment and advancement of the Geelong region.

So grateful were the people of Geelong for the establishment and funding of that commission that at the two subsequent elections they changed the ratio of members around entirely so that they were principally Labor Party members and only one Liberal Party member. I can only reflect that the insistance of the honourable members at that time and the deputations and representations from vocal minorities in Geelong were entirely wrong.

I should have thought that the overwhelming number of people in Geelong have felt, and certainly did feel, constrained by the commission and, as the honourable member for Hawthorn reminded the House earlier, one of the areas where the greatest controversy has occurred has been the area in which the commission is not only the planner but the developer as well.

Woe betide anyone who had in his heart the thought of some project and had in his purse the money to do it if that did not conform with the whims and wishes of the Geelong Regional Commission. Such a person just did not get off the ground at all, and not being conscripted to that area with his ideas and money he took them off elsewhere with the result, not surprisingly, that Geelong had a rapidly escalating unemployment and a rapid demise of entrepreneurial development.

At one stage practically the only development being carried out in the Geelong area, represented under the Geelong Regional Commission, was that undertaken by the commission itself.

So that little experiment in socialism was rejected by the people who probably looked on the Labor Party as the great new deregulator to save them from the Geelong Regional Commission by getting rid of it. That has not happened, and no doubt the tide will turn and the reversal of the figures I quoted earlier on membership from Geelong will recur—history repeating itself.

During the restructure debate in Geelong, those municipalities that I represent as the member for Polwarth held as one of their great fears that in a restructure the Geelong Regional Commission would persist and that either its boundaries would be widened to include their restructured municipalities or that part of their municipalities would come into the Geelong Regional Commission.

Fortunately that has not happened, but it was an object lesson to me to see the fear that people living in surrounding areas had of being encompassed in the Geelong region and the delight they showed when in fact the restructure proposals were dropped.

Honourable members can see on many fronts I have cause for suspicion. I see no need for the proposed legislation and I wonder whether the Minister can expand on his flimsy second-reading speech and give honourable members some genuine reason for the introduction of this measure.

**Mr FORDHAM** (Minister for Industry, Technology and Resources)—I welcome the opportunity to respond to the contributions to the second-reading debate from honourable members on both sides of the House. I am pleased to note that all parties have chosen to support the Bill before the House and it is, perhaps, not surprising, but given the importance of Geelong there is obviously and aways will be widespread interest in legislation which even mentions Geelong.

That has been identified by the number of honourable members who have chosen to speak, not necessarily to the Bill but about Geelong and their experiences past and present and some in the future.

The lead speaker for the Opposition, the honourable member for Prahran, indicated the Opposition's support for the Bill which he quite properly described as essentially a Bill

dealing with accountability arrangements; a variety of measures in that Bill have that theme throughout. He also used the opportunity to reiterate a view that he has put before, both in the House and outside: that is, the suspicion of the Opposition, in its current mode, of regional bodies.

It is of some interest that the Geelong Regional Commission was established under a Liberal Government in 1977, as was alluded to by honourable members on both sides of the House, when the Opposition was certainly in favour of regional bodies, at least so far as Geelong was concerned. The essential power, structure and responsibilities of the commission were established under that previous regime rather than under myself as Minister or the present Government. A degree of dissatisfaction about that inheritance and those decisions of the late 1970s is obviously burning in the breast of the honourable member for Prahran and some of the supporting speakers from the Liberal Party. This is part of a cycle that I suspect all parties go through in one form or another, depending on whether they are in government or in opposition, with new Leaders and attitudes emerging.

If we go back to the late 1970s, the then Government, enthused with the need for such a commission, trumpeted it very loudly. The honourable member for Polwarth indicated the political result of that, but that was certainly the mood of the time. We then saw that Government in what I think most would call decay in the late 1970s and the early 1980s, prior to its removal from office, when it really did not care too much about the Geelong Regional Commission or many of the Government instrumentalities that were functioning in this State. The members of that former Government now find themselves in opposition with a new approach; and it is fair enough that, when in opposition, they should reassess their past decisions, attitudes and performance. Obviously, one area under scrutiny by the now ascendant "dries" in the State Liberal Party is that of regional bodies such as the Geelong Regional Commission, so no fewer than three Opposition speakers referred to this newfound attitude and principle towards regional bodies. I am sure the Geelong Regional Commission and the people of Geelong are taking note of the emerging attitude of Her Majesty's Opposition on this issue.

Honourable members for Geelong, both past and present, referred to their record and their views on what is happening in Geelong. Frankly, although I found you, Mr Speaker, lenient concerning the relationship of Geelong to the Bill, it was an interesting outline of their views on what they have contributed to Geelong and what they see as its prospects for the future.

One honourable member on whom I should like to comment is the honourable member for Polwarth, who questioned my motives for introducing the Bill.

**Mr Maclellan**—Imagine that! Outrageous!

**Mr FORDHAM**—He suggested that there was some hidden motive or reason for the Bill; that it could not be as simple and straightforward as the words in the Bill and the second-reading speech suggested. I assure the honourable member that there are no hidden motives or reasons; it is as described by his colleague, a machinery measure that has come up essentially from the commission itself.

**Mr Maclellan**—You are a straight playing fellow, aren't you?

**Mr FORDHAM**—Yes; there is no question whatsoever about that. They are essentially accountability provisions dealing with the annual report and with the Auditor-General. I am sure the provisions dealing with the annual report are important, and I hoped they would have support from all sides of the House. On the role of the Auditor-General, I point out that clearly a significant amount comes from the public purse through the commission, and the Auditor-General ought to be able to trace that.

**Mr Maclellan**—They are broke, aren't they?

**Mr FORDHAM**—The Auditor-General ought to have the power and the ability to trace it through by audit.

**Mr Maclellan**—But their assets are less than their liabilities, aren't they?

**Mr FORDHAM**—I would suggest that the honourable member should speak to the Bill.

**Mr Maclellan**—You don't want to answer that?

**Mr FORDHAM**—The other matters that are before the House were referred to in a commonsense, proper and open way in the second-reading speech. If the honourable member for Polwarth would like a run down from Col Atkins or others in Geelong on what is happening in the commission and their reasons for supporting the measure, I am sure I can arrange that.

The Government sees the commission as having an important role. The commission certainly has the continuing support of the Government and I take this opportunity of paying tribute to the work of Col Atkins and members of the commission who have undertaken that work, not on their own behalf but on behalf of the people of the greater Geelong area and to great effect; and I record the Government's recognition of the work of both Liberal and Labor Governments in working and associating with the Geelong Regional Commission.

Like honourable members on all sides of the House, the Government recognises the importance of Geelong in the future development of Victoria. The Government believes the Geelong Regional Commission has an important role in enhancing and supporting that development in the future. Much has been achieved in recent years, but obviously much more needs to be done. I hope bipartisan support will be forthcoming to ensure the future prosperity of this and future generations of people in the Geelong area.

The motion was agreed to.

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

## PETROLEUM (SUBMERGED LANDS) (AMENDMENT) BILL

The Order of the Day for the resumption of the debate on the motion for the second reading of this Bill was read.

## JOINT SITTING OF PARLIAMENT

### Senate Vacancy—Victorian Curriculum and Assessment Board

**The SPEAKER**—Order! The time appointed by the House to sit in joint sitting with the Legislative Council has almost arrived. I advise the House that I shall resume the chair at 8 o'clock and shall call the honourable member for Balwyn on the Bill.

*The sitting was suspended at* 5.58 *p.m. until* 8.6 *p.m.*

## PETROLEUM (SUBMERGED LANDS) (AMENDMENT) BILL

The debate (adjourned from April 24) on the motion of Mr Fordham (Minister for Industry, Technology and Resources) for the second reading of this Bill was resumed.

**Mr RAMSAY** (Balwyn)—The Petroleum (Submerged Lands) (Amendment) Bill has been introduced into this House to enable honourable members to consider some amendments to the Petroleum (Submerged Lands) Act 1982.

The reasons for the amendments essentially are to bring into line with Commonwealth legislation Victoria's legislation as it affects the offshore areas of the Victorian coastline, where there is active exploration for and production of petroleum.

The history of Bass Strait petroleum, of course, goes back to March 1960, when a Mr Lewis G. Weeks was engaged as a consultant by the Broken Hill company, BHP, to at that stage review the Sydney basin concession that was currently being explored by BHP in the very early days of that company taking an interest in oil exploration.

Fortunately for Victoria—fortunately, indeed, for Australia—Mr Weeks's advice was against continuing exploration in the New South Wales area. In his view, all the geological

formations—and I do not believe it was any more than that—pointed to the high possibility of oil or gas deposits being situated on the continental shelf in the general area of Bass Strait.

Many years before, of course, there had been some signs of oil generally in the Lakes Entrance area and a certain amount of onshore exploration had taken place; but it was that decision of March 1960, when BHP turned its attention to the Bass Strait area, that things really started to happen—although, in general parlance, it would not be regarded as rapid development. It was not until some seven years later that the development of the Bass Strait oil and gas fields really began.

Nowhere in the world had offshore production platforms been built in such hazardous waters than those in which the Esso–BHP partnership built its platforms. Exploration had been placed in deeper water but even the North Sea offshore wells of Great Britain are not faced with the continuing uncertainties of weather conditions such as are a common experience in Bass Strait.

Therefore, it was an imposing challenge to the partnership to establish a network of steel islands in such a harsh uninviting environment. However, that is what has happened, and the development of our offshore oil and gas fields in Victoria becomes one of the true adventure stories of modern time.

There are now twelve developed platforms in Bass Strait situated in depths of up to 100 metres. As I believe we all know, words such as Barracuda, Snapper, Marlin, Kingfish and so on have suddenly taken on a new meaning from the piscatorial origins that they once had, which were known only to fishermen.

At present, the construction of three more platforms and four sub-sea connections are planned. Sub-sea connections are situated on the seabed at the wellhead but without any above surface platform and connected by a relatively short pipeline to such a platform, thus enabling the recovery of oil and gas from a growing number of locations under the seas of Bass Strait.

It is interesting for the House to note that in 1985 crude oil was Australia's second largest export earner, and for a country that was for so long heavily dependent on agricultural production for its major export earnings, it is a salutory thought that Australia's export earnings are now led by coal followed by crude oil. In 1985 the production of Bass Strait oil saved Australia approximately $7·5 billion worth of oil imports, and that trend continues on an annual basis.

In 1985 the Gippsland basin provided Australia with 75 per cent of its crude oil requirements and Victoria with 100 per cent of its natural gas. Victoria has a valuable resource situated in Bass Strait and it is being well developed, heavily exploited and making all the difference to the standards of living and the way of life of the community.

These offshore areas are a shared responsibility between Victoria and the Commonwealth. Under the offshore agreement Victoria has responsibility to the old 3-mile limit. The Commonwealth is responsible for the area beyond that where the major wells are currently situated. It is essential, therefore, that the Australian and Victorian Governments have common legislation regarding activities in these areas. It is important that such legislation be updated from time to time.

The Bill seeks to update that legislation. Among its key features, which are in line with the provisions in the measure passed by the House of Representatives and the Senate not so long ago, are provisions covering such problems as shipping and the vulnerable situation that these platforms and wellheads find themselves in when located in relatively deep water and in what could easily be part of the major shipping lanes. Thus the definition of an area to be avoided becomes an important part of any protecting legislation so far as offshore oil production is concerned. Therefore, the definition of areas to be avoided and the way the definition will be applied and the penalties applying to ships of over 200 tonnes entering these defined areas are clearly set out in the proposed legislation.

It is now twenty years since the commencement of the production of gas and oil from Bass Strait. Victoria is reaching a period where continuing production may show a decline. Further exploration has been continuing and, as the Minister for Industry, Technology and Resources announced in Parliament only yesterday, further areas are to be released for further exploration at this time.

Ongoing exploration is likely to reveal fields that may or may not be ready to be developed for immediate production. The Bill introduces the concept of a retention lease for an explorer having, during the period of an exploration permit, located some oil or gas resource; the size and nature of which might suggest that under present economic circumstances it is not feasible for a development project to proceed immediately.

What should happen? Obviously the explorer has spent the money locating the resource. Under normal circumstances if the explorer were not to proceed with the development of that resource he would be obliged to surrender the lease. That would obviously be unfair, and the concept of a retention lease, which will enable a successful explorer to maintain control over the lease without immediately going to the development stage, will now be available.

It will be possible for the Minister to grant a retention lease for a five-year period with the possibility of renewal for up to fifteen years, which could mean that under normal circumstances production would commence some time in that period.

The Opposition supports the idea of a retention lease being introduced into the principal Act. Again, that provision mirrors the Commonwealth legislation.

There are other provisions regarding the registration of leases and the power of the responsible authority to require information from explorers as their work develops.

There are measures to ensure the early release of data and interpretive information to the responsible authority, subject to the rights of consultation and some appeal rights so far as the explorers are concerned.

As the House would understand, in this area of oil exploration, the information obtained in the geological formation of a particular area is historical information which in the fullness of time can be valuable to the community in ways that perhaps are not fully understood at present.

It is important for the community to be able to build up this stock of information as part of its general geological survey and as an important element of any ongoing exploration program.

These new conditions set out in the Bill are acceptable to the exploring companies that are currently engaged in the area and the conditions have the support of the Opposition.

There are further amendments designed to improve the administrative processes for making regulations under the Act. Again, they are improvements that have been introduced to the Federal Act at the suggestion of the Victorian Government. These are an indication of the well qualified and intelligent manner in which the resources section of the Department of Industry, Technology and Resources is tackling its responsibilities so far as petroleum exploration is concerned.

The Opposition supports the Bill. Victoria's future is strongly linked to its Bass Strait developments. I hope the current exploration in the new offshore leases that were announced yesterday will, in the next few years, enable explorers to increase the volume of known resources, be it gas or oil, that can be used not only as part of Victoria's safeguard for the future but also as a chance to further develop energy-based industries to the benefit and welfare of the whole State.

Yesterday the Minister made a significant announcement on the release of almost 6000 square miles of territory that will be available for exploration purposes in the next few years. I wish the explorers well in their renewed endeavours.

The Bill will ensure that the legislative arrangements for the 3-mile limit will be consistent with the Commonwealth's legislation providing the offshore area beyond that limit.

It is important for the industry that the State and Commonwealth legislation applying offshore should be administerd consistently, thereby assisting to create an environment to aid exploration and to develop petroleum resources. I am glad that the legislative measure is being passed by Parliament and, again, I wish the explorers well.

**Mr B. J. EVANS** (Gippsland East)—Exploration for oil has always been a question that has interested people in the electorate that I represent. Onshore exploration commenced in the 1930s and there are still reminders of that activity in various spots, particularly round the Gippsland Lakes, in bores which produce hot water.

**Mr Cooper**—Mr Acting Speaker, I direct your attention to the state of the House.

*A quorum was formed.*

**Mr B. J. EVANS**—Perhaps one of the most interesting relics are the hot pools at Metung which are fed by water coming from an artesian bore and which have the remarkable characteristic that if a match is held over the surface of the water a flame is ignited. That, of course, is due to the natural gas that is contained in the water flowing to the surface.

Back in the early days some of the finds made were alleged to have borne a remarkable resemblance to axle grease—one sometimes wonders what skulduggery occurred then. However, as far back as the 1930s the thought occurred to people involved in the industry that there was a need to be able to get out under the ocean floor in some way. An attempt was even made to drill horizontally. Of course, early explorers did not have the technology needed to undertake offshore exploration such as was used in the discovery of the very important resources Victoria has off the coast of east Gippsland.

It is possible on most days, on those sunny clear days in east Gippsland—unfortunately there are all too many of them at present—to see the offshore rigs from the hills of Lakes Entrance. However, they may as well be on the other side of the earth for their actual benefit to the region because, unfortunately, neither Liberal Party nor Labor Party Governments have seen the force of the argument that there should be recognition in some small way of those valuable resources which contribute so much to the development of the State by the provision of a reticulated natural gas supply back to the towns in that region.

It is a bit hard to swallow the fact that these tremendous resources are in this region and that they are physically in sight, yet the people of the area receive no benefit whatsoever; they pay the same prices for fuel as people in the other parts of the State. Indeed, when one goes north, one finds that Queenslanders buy their petrol cheaper in Queensland than Victorians can in Victoria.

**Mr Jasper**—There is no fuel tax in Queensland; that is why.

**Mr B. J. EVANS**—When this very valuable resource was discovered the question of jurisdiction arose and which levels of Government actually controlled the area. In the initial stages the Victorian Government laid claim to complete control of these resources despite the fact that they were discovered well beyond the 3-mile limit.

As I recall, it was claimed that the State boundaries under international law extended out to sea at right angles to the coast where the State border met the coast and that the State Government should have jurisdiction.

The Commonwealth Government challenged that and won the argument, so there was a need to enter into an agreement, which found its expression in the petroleum submerged lands legislation.

Of course, the framing of this legislation comes about through what one might term a de facto Parliament. Basically the legislation is framed, argued, discussed and agreed upon

by departmental officers in the first instance and then by Ministers in due course, in this case, the Australian Minerals and Energy Council, which is made up of the Ministers responsible in each of the States and the Commonwealth. Presumably, these people do much the same as members of Parliament. They argue their points of view until they agree upon the proposed legislation.

As a result, all an elected Parliament is entitled to do is put a rubber stamp on what has been agreed upon. It is technically possible for a Parliament to move an amendment to proposed legislation in the chain of the legislative processes, but it would certainly cause many hassles if any of the respective Parliaments attempted to do that; so Parliament is more or less presented with a fait accompli with legislation of this kind.

Obviously, it is necessary that the control of offshore areas should be properly regulated and it is a complex problem. It is easy enough on dry land to determine boundaries of allotments and titles but even then it is not unknown for confusion to arise. However, one can always call in a surveyor who can start from a benchmark and decide the precise boundary of a property. In offshore areas the task is infinitely more complex, yet extraordinarily large amounts of money can hinge on a company's title accruing under this legislation to explore for minerals offshore.

It is true that, because of the complexity of the matter, we must rely on the technical people in this field for their advice and judgment regarding measures needed to safeguard the rights of owners of these entitlements.

If that type of security is not available, one cannot expect exploration companies to invest the large amounts of money necessary to discover new resources. Offshore exploration is a high technology process and is extremely expensive. It is necessary that companies have secure titles to the areas they are entitled to explore and that those titles should be extended over a reasonable period.

One of the complexities that arise from the great expense of offshore exploration is the fact that it is not worthwhile for exploration companies to discover resources too far in advance. In other words, if a company spends a large sum of money to discover resources that may not be used for 20 or 30 years, that company has a huge investment sitting idle and not returning a dividend until the time the discovery is utilised. The Bill recognises the difficulties involved in tenure and enacts the necessary provisions.

From the inquiries that have been made by the National Party, it appears that the industry is satisfied with the Bill. It has been suggested that several minor provisions can be improved.

**Mr Leigh**—Mr Acting Speaker, I direct your attention to the state of the House.

*A quorum was formed.*

**Mr B. J. EVANS**—There appears to be a discrepancy between the wording of the Commonwealth legislation and the proposed legislation. Section 101 (7) of the Commonwealth legislation states that a penalty refers to a fine not exceeding $10 000, whereas the Bill refers to a penalty of $10 000. That discrepancy is explained by the Acts Interpretation Act—it applies in the case of this Bill—which provides that the penalty is the maximum. Therefore, the Bill has the same effect as the Commonwealth legislation.

People who have contacted the National Party about the Bill are concerned about the confidentiality of information and the fact that a designated authority under the Commonwealth legislation has power to allow the inspection of instruments registered under the Act without the consent of the registered holder. It is believed that could provide an opportunity for other interests to obtain commercial knowledge that could be to their advantage and to the disadvantage of the holder of the title. That seems to be a legitimate complaint, and I hope the authorities concerned will consider that aspect to decide whether the provision should be tightened up and that the Australian Minerals and Energy Council also will consider that suggestion.

The suggestions made in correspondence received by the National Party refer to minor matters in a fairly complex piece of proposed legislation. The Bill has been prepared and agreed to by the de facto Parliament to which I referred earlier, and one would have to concede that it has made a reasonably good job of it. The National Party supports the Bill.

**Mr FORDHAM** (Minister for Industry, Technology and Resources)—I thank honourable members for their contributions to an extremely important Bill. The honourable member for Balwyn recounted something of the history of Bass Strait and its role in oil and gas production not only for Victoria but also for Australia. I commend to members on both sides of the House his comments that analysed the past and the prospects for the future.

I also welcomed the honourable member's comments on the announcement I made yesterday about the release of new areas in Bass Strait for further exploration. It is another exciting period for the industry, Victoria and Australia. I look forward with confidence to the results of the next few years of what I hope will be extensive exploration activity.

The honourable member for Gippsland East recounted something of his experience on the proposed legislation and its antecedents. The honourable member is one of the longer standing members of this place, and new members would be well advised to read his comments on the Bill.

This issue has been one of strong feelings within this Parliament, the Commonwealth Parliament and between officers and Parliaments over many years. There is certainly a greater understanding and consensus of approach between Parliaments now than was the case some years ago.

I was first elected to this place in 1970, which was towards the tail end of the debates that were an extremely important part of Parliament at that time. I note with interest the comments of the honourable member for Gippsland East, and I am sure he realises the significance of these discoveries, especially for the people of Gippsland. They have made quite a difference to employment opportunities.

**Mr B. J. Evans**—Not much really.

**Mr FORDHAM**—The people of Sale certainly regard the discoveries and developments consequent upon them as being of importance. That will grow in the future as there is a greater diversity in the exploration and development within that important area of Australia.

Victoria has been fortunate on the one hand with those discoveries but, on the other hand, various companies and Governments in Victoria have worked hard to obtain the benefits of those discoveries for the people of this State.

I thank honourable members for their contributions to the debate, and I am sure they will follow the passage of the Bill with continued interest.

The motion was agreed to.

The Bill was read a second time, and it was ordered that it be committed later this day.

**The ACTING SPEAKER (Mr Stirling)** announced the presentation of a message from His Excellency the Governor recommending that an appropriation be made from the Consolidated Fund for the purposes of this Bill.

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

Clauses 1 to 34 were agreed to.

Clause 35

**Mr FORDHAM** (Minister for Industry, Technology and Resources)—I move:

Clause 35, page 29, after line 21 insert—

"(2) In section 93 of the Principal Act, after "permit," (wherever occurring) insert "lease,".

The amendment corrects a drafting error in the Bill. The amendment extends to retention leases the same provision that applies to the permits. The wording of the amendment before the Committee appears in section 93 of the Petroleum (Submerged Land) Act. Section 93 deals with the exemption of stamp duty and states:

Duty under the *Stamps Act* 1958 shall not be chargeable—

(*a*) on a permit, licence, pipeline licence or access authority;

The amendment extends the exemption of stamp duty to the retention leases, which the honourable member for Balwyn referred to in his erudite speech on the second-reading motion. The amendment puts into effect the comments made by the honourable member, but due to a drafting error was not included in the Bill as originally drafted.

**Mr RAMSAY** (Balwyn)—I thank the Minister for Industry, Technology and Resources for his explanation and indicate that the Opposition has no objection to the amendment.

**Mr B. J. EVANS** (Gippsland East)—I have some difficulty in understanding how the amendment fits into the Bill. I understand what is intended by the amendment but I indicate to the Committee that the Bill already contains a subsection (2) and the amendment will mean there will be two subsections (2).

**Mr FORDHAM** (Minister for Industry, Commerce and Technology)—The House, by previous resolution has resolved that where this situation exists the second subsection (2) automatically becomes subsection (3).

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

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

## TRANSPORT ACCIDENT BILL

The debate (adjourned from September 11) on the motion of Mr Jolly (Treasurer) for the second reading of this Bill was resumed.

**Mr LEA** (Sandringham)—I am the eleventh speaker on the Bill and a number of issues have been canvassed so far by honourable members from both sides of the House. The Government and the Opposition are agreed that reforms of the transport accident area are a most urgent and needed situation. The Liberal Party is not opposed to reform, but has some differences of opinion on how that reform should be implemented.

I see some inaccuracies in conception about the Government's proposition. If honourable members compare the workers compensation area with the transport accident area they will note inconsistencies that are worth drawing to the attention of the Government. I should like to point out just a few.

Everyone is in agreement that if an unfortunate person loses a foot in his work situation that person is paid far more under the provisions of the Workers Compensation Act than a person who loses a foot due to a motor accident. Although there are funding problems in both areas the community must examine whether similar accidents merit similar compensation. The funding consequences for this would provide a dilemma for the Government.

The Minister for Water Resources would be aware of the inconsistencies in the system of workers compensation and the process proposed under the Transport Accident Bill. An area that I shall canvass tonight concerning common law claims indicates that the Government has allowed common law action under its workers compensation legislation because of pressures from unions.

Victoria does not need a Government that collapses and capitulates to the unions. I suggest that the joke is on the Government because the crux of control is with the unions and, because of this, conflicts will continue. The Liberal Party is firmly of the opinion that the right to sue under common law should be retained as part of the process under the Transport Accident Bill. It seems inconsistent to allow common law procedures to occur in the workers compensation area but not under the proposed legislation.

Members on the Government benches will find it difficult to justify a common law claim in one area and not in another. I suggest that the Government needs to examine those two areas of compensation. In fact, the problem is with the common law area.

There has been much vilification of the legal profession because the Government party is set on denigrating the professions in Victoria. For example, the Minister for Health in another place has introduced a Bill which will allow entry to medical practices, if passed, without a search warrant, which is necessary for normal citizens in the community. I am sure the Government would not agree to anything else, but the proposition I am making is that the inconsistencies in this area must be looked at.

I read the summary of the proposed legislation which was appropriately coloured red, blue and white. I think we are all inherently British and the Government has acknowledged that background by colouring the document in that way. The document referred to social justice and justice for low income earners. I pored over it, and I am a reasonably fast reader, but I did not find any reference to middle class or upper class people.

The philosophical flaw of the Government is that its social policy does not encompass all parts of the community. I suggest this Bill, like many other pieces of flawed social legislation, will bring down the Government whenever it calls the next election.

I suggest the performance of the back bench of the Government and the Premier indicates that they do not have an understanding and feeling for the mood of the electorate. When one comes to making a philosophy, one must encompass the whole electorate. When parties are divided, as the Liberal Party and Labor Party are, the shifts in the balance of power and policy——

*Honourable members interjecting.*

**Mr LEA**—The independence of this Government is tied to the unions and to people whose policy pushes more to the left than the right. The preselection process in Victoria indicates the state of the Labor Party. I am talking about policy and philosophy. If my colleagues on the Government side of the House would listen they would perhaps understand the argument. Their noisy interjections suggest that they prefer to make a gaggle of sound rather than listen to the argument.

**Mr POPE** (Monbulk)—On a point of order, I have not heard the honourable member for Sandringham mention the Transport Accident Bill or address the principles of the Bill for the past 3 minutes. He should be speaking to the Bill, not the philosophies that he may believe are held in other areas.

**The ACTING SPEAKER (Mr Stirling)**—Order! I do not uphold the point of order. It is a wide-ranging Bill and the honourable member for Monbulk will have the opportunity of replying later today to the matters raised by the honourable member for Sandringham.

**Mr LEA** (Sandringham)—I suggest that the honourable member for Monbulk has pointed the way to the rest of my argument. I have suggested that honourable members should consider the two basic inequalities in the system of workers compensation and the method proposed under the Transport Accident Bill, which will reveal the broad philosophy of the Labor Party.

When the Government made funding predictions for a ten-year term to fully fund its scheme and to pay the consolidated debts owing, it made a prophesy that it would pay up the fund in ten years. I am fairly good at mathematics and I have studied this issue. How

does one judge a promise? This is what Governments are about. I thought I would check the economic record in the light of the Government's promise.

The State Insurance Office has been down the tube by $1000 million a year. The State Electricity Commission has had losses of $200 million. I am staggered at the situation of workers compensation. If the honourable member for Richmond would listen, he would understand my point. After the Treasurer presented the House with a bright picture of the economy today, I decided to check what I said last year about the economic performance of the Government in *Hansard.*

I talked about a pumped-up economy, extended debt, Current Account liabilities and it has all come true. I suggest that the Treasurer needs to read my *Hansard* speech of last year. When the Government has a windfall it decides that it has performed well. When the drought broke, when Wall Street was running well and other influences on our economic climate were favourable, the Goverment thought it had been clever. However, when the reverse situation occurs, such as Wall Street dropping, another drought occurring or a farm recession developing, which is evident at the moment, what happens? The Government cannot have it both ways—it cannot take the credit without also accepting responsibility for what happens.

**The ACTING SPEAKER (Mr Stirling)**—Order! I ask the honourable member to advise the Chair how his remarks relate to the Bill. I should like the honourable member to tell me, without assistance from other honourable members.

**Mr LEA**—Mr Acting Speaker, I was suggesting that if we want to make a decision in the House tonight about the Transport Accident Bill, we should check the record to see whether the Government has a financial record.

*Honourable members interjecting.*

**The ACTING SPEAKER**—Order! The honourable member for Sandringham will make his remarks without assistance.

**Mr LEA**—Thank you, Mr Acting Speaker. I would not want to comment but when the honourable member for Geelong refers to my hand in my pocket, he might wear a suit. However, I shall not refer to it at all.

I now refer back to the performance of the Government. Let us look at its economic credibility. I suggest that the reason why the Premier looked so gloomy was the Government's performance. I am saying that if we want to believe that the statistics put before us by the Government are correct, we can go only on the Government's previous financial performance. I also suggest that the members of the Government back bench who are making comments either do not read or they do not understand the statistics put before them.

The Bill is very much like many other Bills that have been before the House. Both the Bill relating to workers compensation and the Transport Accident Bill deal with similar situations; they both cover accidents, but in different places. One relates to accidents in the work area and the other relates to accidents in the basic private motor car driving area.

The Government needs to tidy up its attitude. If one were clinical and watched what the Government did, one would find that the philosophy of the Government has put it into the situation where it makes a financial statement on what the position is. I should like to destroy that tonight by saying that the Government is concerned only with redistributing income so that it can give the low income earners a better chance. I would not disagree with that. However, I point out that one must examine the total picture and look to all people in society, not just the lower income earners.

The mistake that the Government has made is to push its socialist policies so far that it has lost credibility in the electorate. I do not want to say too much about that; the Government might work it out and make it good, and we might lose the next election—

which we would never do, because the Government does not have the capacity to understand the argument.

The Government needs to examine its philosophy, and I suggest there are traces of philosophic change in the Labor Party. The Prime Minister of Australia, Bob Hawke, is showing the lead in the right wing of the Labor Party, which is causing several members of the Labor Party very great concern.

**The ACTING SPEAKER (Mr Stirling)**—Order! I have allowed the honourable member to make certain references, but I ask him to now come back to the Bill. The scope of the debate on this measure is broad, but it is not that broad.

**Mr LEA**—I am learning tonight that members on the Government benches are not hearing my comments too clearly, and I should like to refresh their minds on a couple of points I have made.

Honourable members opposite have denigrated the legal profession; they have vilified it. I know they have made a big point, in the course of their grandstanding, of talking about lawyers; they have implied that all lawyers are dishonest. I dispute that remark because the legal profession is made up mainly of honest people who do an honest job. The honourable member for Geelong, who is interjecting, has not canvassed the area, done the research or obtained any statistical evidence, and I suggest that he checks his facts.

It is interesting that members of the Government party make a lot of noise, but they do not actually do any thinking. We are denigrating the legal profession, and we have to give everybody in the community a fair go.

*Honourable members interjecting.*

**Mr LEA**—The Government has the power to do that, but we are in opposition. When we get back into government next time, we will certainly do everything we can to adjust things so that everybody gets a fair go.

A tremendous amount of work has been done on this matter by the honourable member for Brighton, Mr Alan Stockdale. He has a very very good proposition. I suggest the "Liberal Motorcare" scheme as a Liberal Party philosophy.

**Mr Harrowfield**—What is in it? Have you read it?

**Mr LEA**—It gives access to the basic claims of $15 000, and if honourable members on the Government side of the House would listen, I could probably tell them what it is all about.

**The ACTING SPEAKER (Mr Stirling)**—Order! I call to order the honourable member for Mitcham.

**Mr LEA**—I am not the expert in the Treasury area.

**An Honourable Member**—Hear, hear!

**Mr LEA**—However, I believe the proposition put before the House is flawed. The Opposition will present some amendments at the appropriate stage. I just make that clear for the honourable member for Mitcham; that is all I need to say because, in fact, it is the responsibility—and rightly so—of the honourable member for Brighton to move those amendments.

*Honourable members interjecting.*

**Mr LEA**—I have examined the newspapers and have noted that they agree the "Liberal Motorcare" is easy, fair and equitable.

*Honourable members interjecting.*

**Mr LEA**—If the honourable member for Mitcham would care to see me outside the Chamber, I should be happy to give him a copy of the policy so that he can read something that will back up what I have said.

**Mr Harrowfield**—I would not want to see you outside!

*Honourable members interjecting.*

**Mr LEA**—In fact, that is very true: the last thing the Government would want to do is to change its view of society and the world because it is a stubborn Government that does not face up to the philosophical reality that exists in society today. I believe there is a difference between values and value systems.

The Labor Party needs to take stock of its electoral base and the fact that it has shifted out of the union area. I maintain frequent contact with schools, and I know that a large number of teachers will not vote Labor next time.

**The ACTING SPEAKER**—Order! I again ask the honourable member to come back to the Bill. I have allowed him some latitude, and the honourable member has used that opportunity very well.

**Mr LEA**—I am sorry, Mr Acting Speaker, I was getting a bit carried away. We cannot trust a Government that has a flawed social philosophy and a flawed financial performance.

**An Honourable Member**—Who wrote your speech?

**Mr LEA**—I suggest, when honourable members are considering the amendments in the Committee stage, that the Government needs to bear in mind that there are certain issues that the Bill just does not address. The common law issue is of fundamental importance. When one considers the situation of a no-fault fully-funded scheme, one notes there is a denial of justice to the extreme.

I suggest that the Liberal Party cares for justice and individual rights more than does the Labor Party. I shall give an example, and perhaps members on the Government back bench might listen so that they can understand the argument. If I were driving a car past a school and I knocked over a child who suffers a broken leg, and if my car then cannons into a post and I break my leg, although it is my fault, under the proposed scheme both of us would obtain the same amount. How could anybody honestly say that, even if it is someone else's fault, the same should apply to all?

**The ACTING SPEAKER (Mr Stirling)**—Order! I ask the honourable member to address the Chair, not the honourable member for Richmond.

**Mr LEA**—The Labor Party is totally dishonest. It has created a philosophy which is largely pragmatic and which, indeed, does not act for justice. The Government talks about social justice. I tried to find some social justice in Labor Party philosophy, and I just could not find any.

**The ACTING SPEAKER**—Order! I again ask the honourable member to come back to the Bill. He has been allowed a fair amount of latitude.

**Mr LEA**—The gaggle of noise or cacophony of sounds from members of the Government suggests that they agree a fault situation is not as good as a no-fault situation. I do not know whether they are logical or fair, but if they say my argument is wrong, they show themselves to be totally illogical and unfair.

I suggest that is one of the crucial issues in this debate. I ask members of the Labor Party to think about what I have said and to make an honest, fair and just decision. The crux of the matter is how this compensation system will be funded.

I am not sure that anyone has the right to predict what something will cost in ten years. It is hard to predict what one's current income will be worth in ten years because one could be out by $100 000 or more.

If the compensation process is at fault, that process should be examined so that different financial propositions can be put forward.

The Cain Government has spent approximately $600 000 in informing the community on the current system and in discrediting the lawyers involved in it, but I do not believe that will count for much. The Government wants to be fair but its philosophical process has prevented it from putting forward a just proposal.

We must consider the current common law system and examine the similarities and differences in other funded schemes involving workers compensation and motor accidents.

I shall conclude my remarks by considering the economic performance of the Government. I am not an economist but I believe I have an economic mind. If members of the Government back bench examine what the Treasurer has proposed, they will recognise that his predictions will not come to fruition. I shall inform the House about a few facts concerning the workers compensation scheme.

**The ACTING SPEAKER (Mr Stirling)**—Order! The House is now considering the Transport Accident Bill.

**Mr LEA**—The point I wish to make is that one cannot isolate compensation for people involved in accidents at work or on the roads.

**Mr McNamara**—It is intertwined!

**Mr LEA**—Exactly. The Government is pretending to ignore the issue, is trying to deceive the public or does not understand what is involved in motor accidents. I shall not make a judgment on which ground it has fallen, but it must examine all proposals that have been put forward.

The honourable member for Brighton presented a marvellous statistical case and I have attempted to address some of the fundamental, philosophical issues involved with the Bill.

*Honourable members interjecting.*

**Mr LEA**—The honourable member for Mitcham probably does not know what philosophical issues are involved, and that is the significant difference in the attitudes of the Government and the opposition parties. Many issues should be further examined by all three political parties. The different perspectives of the Government, the Opposition and the National Party suggest that occasionally amendments must be made to a Bill so that a better all round social justice deal results.

The honourable member for Brighton has been involved in a significant amount of work on this issue and he will move proposed amendments during the Committee stage. The Government should recognise that this is not a party political issue but affects every Victorian. Honourable members from all political parties should bear in mind that the person should count first.

Many people have spoken to me about the Transport Accident Bill and have stated that they wish an amalgam could occur between the Government and the opposition parties to work out a social justice compensation system.

It appears that my message has not been received by members of the Government back bench, but these important matters should be addressed during the Committee stage of the Bill. Honourable members should carefully examine the Bill and the proposed amendments and forget about party politics. Each issue should be examined so that all Victorians are considered. Members of the Government should carefully consider the issues and think about every person who may be affected by the Bill. If that were done, we might come to terms with some of the financial estimates that have been proposed.

**Mr Harrowfield**—What is the Bill?

**Mr LEA**—The Transport Accident Bill should be fully funded. It is obvious that members of the Government have not followed my argument. They appear to have no financial understanding and their own philosophy should be closely examined. All honourable members should work together to achieve an equitable and fair return for every Victorian. We should consider the issues involved in this Bill and forget about party policy.

I implore the Government to consider the proposed amendments of the Opposition so that justice for all can be obtained. The issue facing Parliament this evening is of monumental importance.

**Mrs GLEESON** (Thomastown)—I join with my Government colleagues in supporting the Transport Accident Bill. There is widespead community support for the Bill because members of the community are aware that there is a need to set in train an efficient and effective system of compulsory third-party insurance.

The Cain Government has proposed this Bill in the interests of equality based on the principle that, if a person is injured in a motor car accident, the injury is paramount rather than the fault component which determines compensation for the injury under the current system.

The reform of compulsory third-party insurance is necessary for three reasons: firstly, to make the system relevant to the 1980s and beyond; secondly, to rein in the crippling financial situation of the current system and to make it cost efficient; and, thirdly, to implement equity for all transport accident victims.

The current scheme is a dual system and has its origins in the early 1940s. The fault component has been underwritten solely by the State Insurance Office since 1977 and the no-fault component, which was introduced in 1974, is administered by the Motor Accidents Board.

This hybrid system does not serve the needs of Victorians who are reliant on the motor vehicle for their economic and social needs. It is estimated that when the system was introduced in 1941——

**Mr LEIGH** (Malvern)—On a point of order, Mr Acting Speaker, it appears that the honourable member is reading her speech.

**The ACTING SPEAKER (Mr Kirkwood)**—Order! The Chair did not notice whether the honourable member was reading her speech, but if the Chair has made a mistake I ask that the honourable member rectify it.

**Mrs GLEESON** (Thomastown)—The Bill is broad and comprehensive and therefore I am using extremely copious notes. I shall be happy to table them for the honourable member for Malvern at the conclusion of my speech. When the system was introduced in 1941 it was estimated that there was one motor vehicle for every eight Victorians. Now in 1986, this has increased to one motor vehicle for every two Victorians. This has necessarily brought an increase in the number of accidents and consequently the number of people killed or injured on the roads.

In the 1984–85 period approximately 52 000 people were injured in road accidents at a cost to the community of $1000 million. The critical financial situation of the current system is shown by the cost of claims payments which have more than trebled in the past five years.

**Mr LEIGH** (Malvern)—On a point of order, with due respect, Mr Acting Speaker, I have been watching the honourable member and I believe she is reading her speech.

**Dr COGHILL** (Werribee)—On the point of order, I was sitting in the Chamber during the contribution of the honourable member for Sandringham and now the honourable member for Thomastown. The honourable member for Sandringham made an appalling speech and I can only assume that he did not have the benefit of any notes or ideas. The

honourable member for Thomastown may have copious notes, but she is clearly not reading them.

The honourable member may well be referring to them and the quality of her speech suggests that she has done a lot of preparation for the speech. From my observation, the honourable member is not reading her speech.

**The ACTING SPEAKER (Mr Kirkwood)**—Order! I ask whether the honourable member for Thomastown is reading her speech.

**Mrs GLEESON** (Thomastown)—I was quoting some statistics on the number of accidents.

**The ACTING SPEAKER**—Order! The honourable member is in order.

**Mrs GLEESON**—In the past year there was a shortfall of $91 million—and I quote from my notes—in the present system, despite the $30 million subsidy from the general State revenue. Unless action is taken, this shortfall will increase every year requiring ever-increasing subsidies which will further increase the economic burden on this State, the taxpayer and other individuals.

Compensation for traffic accident injury under the present system is not what the Opposition or the Law Institute of Victoria make it out to be. This is because of the need to prove fault under the common law. However, more than 65 per cent of accident victims in Victoria do not receive common law benefits because they cannot establish fault. Therefore, we have people injured in car accidents who are not being compensated at all.

The Bill puts the needs of the injured person first and therefore rejects the litigation mentality which the Opposition seeks to perpetrate. The Bill introduces a needs-based system which covers all persons injured in traffic accidents in Victoria—including those injured in accidents involving public transport.

Injury is the pivot point for consideration and therefore all people injured in traffic accidents receive compensation in this no-fault system. Compensation under the Bill is based on two factors: the immediate loss of earnings and the actual impairment received together with the loss of earnings capacity arising from that impairment.

Payment of compensation after an accident—and I shall quote—resulting from injury is weekly benefits of 80 per cent of income loss, if unable to work, to $400 a week. The minimum payment is $196 a week plus allowances for dependants at the rate of $55 for the first dependant and $18 for other dependants. The total benefits cannot exceed pre-injury weekly earnings.

Impairment damages are paid eighteen months after the date of an accident or when the injury stabilises, whichever is the latter. Some benefits under this scheme will amount to $37 000 and $87 000. This is in addition to the payment of up to 85 per cent of the salary of the injured person.

These proposed impairment benefits are more equitable than the payments under the present system and are distributed more fairly because there is no proviso to prove fault.

Another reason I support the Bill is because of the administrative structure proposed. Currently the system is administered by two bodies: the State Insurance Office and the Motor Accidents Board. The Government proposes to establish the Transport Accident Commission. With the present system, the backlog of court cases amounts to 70 000, which means that $2·34 billion in claims is involved. If one considers the trend under the current system where fault has to be proved, one realises that 65 per cent of those people will not be compensated, and for the 35 per cent that will be compensated, some 17 per cent of the compensation will go in legal costs. Therefore, I do not think the Opposition can stand very strongly behind the common law provisions it is trying to protect.

It is an intolerable situation when injured people, including women, have to look after children in the home and carry out the normal household chores and yet receive little or

no compensation under the present system. The Bill will provide for women to receive compensation in terms of the services they provide in the home—that is, they will receive home help and other necessary services.

The Bill also acknowledges the need to get people back into society and the work force whether they are carrying out duties at home or are in paid occupations. The Government will be establishing rehabilitation centres similar to those established under the WorkCare program which have been operating effectively. We are shortly to gain a centre in the northern suburbs. This will bring people back off the compensation system and make the whole program viable.

The Bill will cater for the needs of Victorians who are unfortunate enough to be injured in motor vehicle accidents. It will be a fair system of compulsory third-party insurance. It will not be a drain on the public purse because of the economic wisdom that has been put forward by the Government. The economic wisdom of the Cain Government was firmly established today when the Treasurer introduced the Budget and by its reception by the community as a whole.

**Mr DICKINSON** (South Barwon)—The Bill establishes a scheme of compensation in respect of persons who are injured or die as a result of transport accidents. The purpose is to establish a scheme of compensation which will assist many people who are injured in our society.

That question vexes many people because not only are respectable people involved but also those from the legal and medical professions and the insurance industry. The Law Institute of Victoria has made lengthy submissions to both the Government and the Opposition.

I refer honourable members to a submission it made on 18 August 1986 in which it said that many people in the community are concerned that the Law Institute might have buried its head in the sand when it comes to policing its members. The number involved could be as low as 0·05 per cent. The same criticism could be levelled at members of the Australian Medical Association when some doctors succumb to supporting bogus medical claims.

In America there has been a considerable tightening up of the activities of the medical profession and those involved in compensation. In that country common law actions sometimes exceed millions of dollars. In recent years the fraud in workers compensation has grown. The fraud through the WorkCare scheme is already running into millions of dollars. The Transport Accident Bill with its no-fault provisions will allow cheats to make claims. This aspect has been highlighted in recent reports in the *Herald* and the *Age*.

We may be on a par with socialist Governments that accept handouts. At a Commonwealth level, Medicare has also been abused because it panders to the hypochondriacs in our society. It is a tragedy to have to say that some of our ethnic groups are often involved in the allegations of dishonesty. There are always a few who abuse the system.

Only a few years ago allegations were made against the Greek community. The case was known as the Greek conspiracy. Those involved were accused of falsely collecting social welfare handouts before repatriating themselves to Greece. The exercise cost the Commonwealth approximately $18 million. A long law suit resulted in which the Greeks involved were exonerated. A further $10 million was paid to them as compensation by the Labor Government because it was decided that they were falsely accused of ripping off the system.

Socialist Governments in Australia are intent on winning and buying votes. It is easy to introduce measures that will gain the acceptance of the industrial sectors of the community whether they are in Redfern, Sydney, or Springvale, Melbourne.

In an article in the *Herald* of 25 February 1985 the Treasurer could not comment on which ethnic groups were involved in defrauding the system. Some members of the ethnic

community have cheated in the area of compulsory third-party insurance and have made fraudulent compensation claims.

Australia has a history of knocking no-fault schemes on the head. Some years ago the Whitlam Government proposed a no-fault accident insurance scheme but it was knocked on the head by the Senate. The Prime Minister, Mr Hawke, said in 1984 that he also wanted to introduce a no-fault insurance scheme based on the scheme that is operating in New Zealand. That scheme has been operating for some years but, as Professor Woodhouse pointed out in recent press reports, it has been sadly abused.

I have stated that the legal and medical professions and the Police Force need to police their members. It is disturbing to read in press reports that the trend in recent years in Australia is towards a handout mentality, a cargo cult type thinking, that all will be found in the Aladdin's cave. People have come to expect that someone else will pay for their misfortunes.

**The SPEAKER**—Order! I ask the honourable member for South Barwon to advise the Chair to what area of the second reading and the disclosures of the intent of the Bill he is referring with respect to the cargo cult.

**Mr DICKINSON**—Mr Speaker, I appreciate that many honourable members would not be aware of what a cargo cult is about.

**The SPEAKER**—Order! The Chair is well aware of what a cargo cult mentality is. I am asking the honourable member to advise the Chair of the area of the Bill to which he is referring.

**Mr DICKINSON**—Mr Speaker, the second-reading notes state the purpose of the Bill is to establish a compensation scheme for people who are injured. I am addressing that matter.

**The SPEAKER**—Order! My understanding of the cargo cult mentality leads me to the conclusion that it is not related to the Bill, even if the honourable member for Sandringham believes it to be otherwise.

I should imagine the honourable member for South Barwon would be able to relate the Bill and his remarks to one area. I call the honourable member for South Barwon without the assistance of the honourable member for Sandringham.

**Mr LEA** (Sandringham)—On a point of order, Mr Speaker, as I am a new member of Parliament can you tell me what regulation in the House stops a member from speaking to another member? I do not have this information and I would like to know.

**The SPEAKER**—Order! I am not aware of the intent of the honourable member's point of order. I ask him to repeat it.

**Mr LEA**—Mr Speaker, I shall make myself a little clearer. I was asking the Chair which Standing Order specifically refers to the reproof I am receiving about chatting to my colleague. I should like some information on that, as I am a new member in the House.

**The SPEAKER**—Order! I should have imagined that with his experience in the world of education, the honourable member for Sandringham would have accepted that it is commonsense that if the Chair is on its feet, he should not continue to advise the honourable member for South Barwon about the matter before the Chair. Therefore, I do not uphold the point of order.

**Mr LEA**—Mr Speaker, on a further point of order, I ask you to tell me which Standing Order prevents me from chatting to my colleague. A regulated debate is being run and, Mr Speaker, if you cannot tell me which Standing Order you have used, you have no authority to order me.

**The SPEAKER**—Order! The Chair finds itself in the invidious position of not knowing what the honourable member for Sandringham is talking about. I advise the honourable

member that if he intends to remain in this House, he should accept that commonsense will be exercised by all honourable members when the Chair is attempting to direct the attention of the House to the matter that is before it rather than irrelevant matters.

I call the honourable member for South Barwon, on the Bill.

**Mr DICKINSON** (South Barwon)—I am concerned that 30 per cent of claims have been estimated to be fraudulent. One might well ask when was a doctor or lawyer last struck off the role for fraudulent activity.

I asked the Law Institute of Victoria to advise me of the number that has been struck off. There are 5900 solicitors and 940 barristers on the role and to date Mr Allsop of the Law Institute has not advised me of the number that has been struck off. I have taken the trouble to ascertain from the Parliamentary Library the names of outstanding lawyers and barristers who have been struck off the register but not necessarily for compulsory third-party or workers compensation frauds.

A report in the *Age* of 16 September said that a computer found third-party fraud of $8 million in eight weeks and that the Government had estimated that up to 30 per cent of claims found each year by the board are fraudulent.

In the *Herald* on 15 September last, there is a report of a man claiming compensation within 6 hours of a motor car crash. Mr Chau, aged 27 years, was in a car accident at 10 a.m. one day and 6 hours later he had claimed compensation for anxiety and multiple injuries. By 4 p.m. he had sought compensation from the Motor Accidents Board.

He went to—I presume—a respected member of the medical profession, Dr Nadia Sidrak, who gave Mr Chau the address of a good lawyer to act for him in this regard.

I am also aware that in the *Age* on 9 February 1978 the name of Mr Glickman, the solicitor who was convicted for misappropriating funds from a trust fund, was referred to. These, of course, are not motor traffic frauds. When vast sums of money are involved people may always be tempted to defraud their clients or to defraud the people who are paying out compensation.

It was reported in the press on 24 June 1986 that Mr Glickman, aged about 40 years, is paying off a fine imposed on him in 1979 for misappropriation of $617 139. He asked the court for time to pay this amount off at $20 per week. One can imagine how long it will take to pay off such a vast sum of money.

There are reports in the newspapers on 11 July 1984 of a solicitor who was gaoled for arson and theft. A solicitor advised his client how to commit arson and scandalous behaviour which brought disrepute on the legal profession in the County Court. Mr Anthony Calabro was sentenced to three and a half years in gaol. There have been instances of trust funds of $16 million being misappropriated. This was reported in the press on 20 May 1985.

There was also the case of Mrs Betty Bryant, 54 years of age, who was formerly a Melbourne solicitor, and who was gaoled for seven years for defaults of $8·3 million in her trust accounts.

I draw these names to the attention of the House to illustrate that wherever big money is involved there is a tendency for people to abuse the system. It concerns me when I see innocent people who may be the victims of such tragedies. I had such a case with a constituent who came into my office weeping because he could not pay the court costs, which amounted to $18 000 and he was likely to lose his home. I asked him had lawyers not advised him that he might lose the case. He said that he was not aware that he might have lost the case. Through the intervention of the Commonwealth Ombudsman, the Crown intervened and he did not have to pay these court costs.

Only last week the retired Commonwealth Ombudsman, in an address at Deakin University, which is located in my electorate, said that although all people may be equal

before the law, they are not equal in outcome because if one is involved in a court case against parties who can brief Queen's Counsel, should one lose the case one may be up for considerable expenses. In other words, if one has worries and a house the lawyers will take your house and leave you with the worries.

There have been instances of fraudulent and exaggerated claims that have been brought to account. In recent weeks, the Treasurer has indicated that certain groups are involved in such claims but he was not prepared to state in which areas. We all appreciate that the Australian population is made up of many people descended from the Irish, Scots and English and there are vast numbers from other continental communities. I should not like to intimate that any one group is a bad egg in the basket.

I am also concerned that over the years, in many of these actions for fraud on workers compensation, we have seen some outstanding lawyers linked with these types of cases. The Premier of this State in fact had a practice in this area. Men such as Senator Button, the Leader of the Government in the Senate, Mr Jim McLelland and Mr Gough Whitlam and others have specialised in this industrial field. It may be said that they may have amassed a certain amount of money during the length of their professions in this area.

**Mr HILL** (Warrandyte)—On a point of order, the speech being addressed to the House by the honourable member for South Barwon is not addressing the Bill at all. He is talking at length about lawyer's fraud and the occurrence thereof. I have heard nothing over the past 10 minutes about the Bill; my point of order is that the honourable member is not addressing the Bill.

**Miss Callister** interjected.

**The SPEAKER**—Order! I do not need the assistance of the honourable member for Morwell, who is out of her place.

I advise the House that I uphold the point of order as the honourable member for South Barwon has exercised a great deal of liberty in respect of the Bill before the House. I ask the honourable member for South Barwon, as I did during the time I interrupted him and the points of order raised by the honourable member for Sandringham, to come back to the Bill before the House.

**Mr DICKINSON** (South Barwon)—Mr Speaker, I appreciate the debate has now been carrying on for some days and honourable members' tempers must be frayed.

**The SPEAKER**—Order! I accept that comment as an acceptance of the point of order I have ruled upon. I advise the honourable member for South Barwon I shall not entertain him and I shall call the next speaker unless he addresses himself to the Bill before the House. I do not need an explanation.

**Mr DICKINSON**—I am referring to respectable and disrespectable members of a well-known profession. I have had family connections with a legal firm in Melbourne for nearly 100 years.

**An Honourable Member**—On the Bill!

**Mr DICKINSON**—I was talking about a few rotten eggs in the basket that affect society and whether they are lawyers, doctors or claimants under the compensation Bill that is before the House, that is relevant to society. It is relevant to what people in the street want. We are very much aware of the tone of the Federal Government and the tone of the State Government. I should like to quote the words of Abraham Lincoln when in 1850 he spoke about lawyers.

**The SPEAKER**—Order! The honourable member for South Barwon is testing the patience of the Chair. The relevancy of what Abraham Lincoln said in 1850 to the Transport Accident Bill that is before the House in 1986 escapes me. I ask the honourable member to debate the merits or demerits of the Bill before the House.

**Mr KENNETT** (Leader of the Opposition)—On a point of order, the Premier, in making public comment on this proposed legislation, has continually referred, as has the Treasurer, to the weaknesses within the practice of law by some people involved in the law and he has prompted the Bill to reduce costs, supposedly, to the community by getting rid of common law.

For that reason, the whole role of the legal profession is relevant to the Bill because this is a major point of contention between the Opposition and our opponents on the other side.

I can understand that you may be concerned, Mr Speaker, about what Abraham Lincoln has said, but I put it to you, Sir, if it is talking about reputation then it does not matter how far one goes back to draw parallels, it is relevant to the debate. I ask you, Mr Speaker, to give the honourable member for South Barwon an opportunity to make those points.

**The SPEAKER**—Order! On the latter point, I have given the honourable member for South Barwon a great deal of latitude. What the Premier or the Treasurer have said about the Bill in a public forum is not my concern. I am dealing with the Bill that is before the House. I do not uphold the point of order raised by the Leader of the Opposition and I ask the honourable member for South Barwon to relate his remarks to the Bill before the House.

**Mr DICKINSON** (South Barwon)—I remind the House that even today we read in the *Age* newspaper an article entitled "Putting the brakes on a legal lottery". It is a slur on a respected legal profession. I want to quote from what Abraham Lincoln said 100 years ago; it still has relevance today. He said:

> Discourage litigation, persuade your neighbours to compromise whenever you can. Point out to them how the nominal winner is often the real loser, in fees, expenses and waste of time. As a peacemaker, the lawyer has a superior opportunity of being a good man. There will still be business enough. Let no young man choosing the law for a calling, for a moment yield to the popular belief. Resolve to be honest at all events and if in your own judgment you cannot be an honest lawyer, resolve to be honest without being a lawyer. Choose some other occupation, rather than one in the choosing of which you do in advance consent to be a knave.

In recent weeks honourable members have seen advertising on television by both the legal profession and the Government which I believe has been brainwashing an innocent public. It is like the big television advertisements of BHP Ltd suggesting that its shareholders should, "Stick with us; we are the greatest". Very few people in the street really understand and appreciate what their rights are and what are the rights that they are about to lose.

Victoria has a socialist Government. Many members of the Government revel in their socialism. Many of them call each other "Comrade" and openly flaunt their socialism——

**The SPEAKER**—Order! The honourable member for South Barwon is well aware that he is straying so far from the Bill that I shall have to rule him out of order. If he does not accept the rulings made by the Chair, I shall call the next speaker. I again call the honourable member for South Barwon on the Bill.

**Mr DICKINSON**—What seems to have been lost in this debate is the fact that many people in our society want to defraud and cheat on their neighbours. The Bill is a green light to fraudulent and unscrupulous claimants who may or may not be aided and abetted by people in respected professions. That concerns me as an elected member of Parliament because many instances are reported of people who abuse the system. I should like to hear from the Minister how the cheats and the frauds are to be brought to account because the taxpayers of this country are sick and tired of the handout mentality of the Federal Government and the State Government.

Insurance investigators have recently written to the Premier of this State advising him of an incident on 4 January 1983 when a passenger alleged that the tram on which he was riding in Sydney Road, Coburg, braked causing the passenger to sustain a fall. This claim was strongly disputed by the Metropolitan Transit Authority through one of its conductors

who was on the spot and witnessed the alleged accident. This same man had been employed as a conductor by the authority and had been dismissed.

**Miss CALLISTER** (Morwell)—On a point of order, Mr Speaker, I draw your attention to the Standing Order or the precedent which relates to the reading of speeches. There seems to be a fair amount of reading of his speech by the honourable member.

**The SPEAKER**—Order! The honourable member for Morwell has raised a point in respect of a fair amount of reading of the speech by the honourable member for South Barwon. I ask the honourable member for South Barwon, because I am unable to observe, whether he is reading his speech. If he is, he is out of order.

**Mr DICKINSON** (South Barwon)—I have quoted from a document which I suggest is on the Premier's files, if he cares to look.

**The SPEAKER**—Order! In that case, I do not uphold the point of order and the honourable member is in order in referring to his notes and/or files that he has brought into the House.

**Mr DICKINSON**—This same man was employed as a conductor by the Metropolitan Transit Authority and was dismissed in 1976 for ticket irregularities. He was again employed in 1978 under an alias and was subsequently allowed to resign when the deception was revealed. In 1982 he was charged with arson, false accounting, perjury and attempted deception. He had building and contents insurance on a house worth $78 130 with a major insurance company and in 1979 a fire occurred at the premises.

**The SPEAKER**—Order! Can the honourable member for South Barwon advise the Chair how the matter that he is reciting is related to the Bill now before the House?

**Mr DICKINSON**—It seems to have been forgotten by honourable members that there are people who are there to defraud the system, and the system that the Government is about to put in place will mean open pickings for any unscrupulous person in the street. That concerns the public of Australia and the people of Victoria. If those on the Government benches are not prepared to listen, they will wake up at the next election.

**The SPEAKER**—Order! I accept the honourable member's explanation. I now call the honourable member for Forest Hill.

**Mr RICHARDSON** (Forest Hill)—Thank you, Mr Speaker.

**The SPEAKER**—Order! Would the honourable member for Forest Hill defer, in the sense that the call should go to the other side and I did not see the honourable member for Monbulk rise in his place?

**Mr RICHARDSON**—Certainly, Sir.

**Mr POPE** (Monbulk)—It is unfortunate that the last two Opposition speakers on the Bill have made lamentable speeches on what is probably one of the most important Bills that will be dealt with during the current Parliamentary term.

I intend to address the Bill, something that did not occur with either the honourable member for South Barwon, who made the worst speech I have ever heard in this House, or the honourable member for Sandringham, who did not address the Bill at all.

The Liberal Party's stand on the Bill was probably summed up in an article by Kenneth Davidson in the *Age* of 8 May 1986 in which he said:

> Essentially, legal disputation over fault and over compensation has generated a lot of income for the legal profession, placed a crippling financial burden on Victorians in their capacities as motorists and taxpayers, encouraged fraudulent behaviour by both accident victims and their lawyers, discouraged rehabilitation and provided inadequate compensation for major accident victims.

He goes on to say:

I don't think I am being unduly harsh when I assert that the Liberal Party contribution to the third party debate, strategically released earlier this week . . .

This was the Liberal Party's big announcement about its position on third-party insurance. He goes on to say:

. . . owes more to the efforts of the legal profession's attempt to protect its income than the efforts of the Liberal Party to come up with a policy designed to maximise motorist welfare within a context of liberal philosophy.

Furthermore, he says:

Basically, there are only two ways to cut the cost of third party insurance without cutting into the real benefits for motor accident victims—(1) to cut out the lawyers and (2) to end the fraud which is encouraged by the lure of lump sums.

What Kenneth Davidson has written in that article of 8 May 1986 is being addressed by the Bill. The Treasurer's second-reading speech makes obvious the need for reform. For the benefit of those opposite who do not appear to have an understanding of what the Bill is about—that was evident from the contributions of the honourable members for Sandringham and South Barwon—I shall repeat some of those aspects.

In terms of the need for reform, obviously the present system of compulsory third-party insurance has proven to be deficient in both economic and social terms. Addressing those economic terms, first of all, the economic costs could be listed as—Mr Speaker, I will have to go by my notes because I will be producing a number of figures and obviously, I cannot record in my mind all of the figures that I have to put forward.

Firstly, the estimated costs of claims incurred—both paid and outstanding—increased by 340 per cent between 1979–80 and 1984–85.

Secondly, the cost of claims payments has increased by 370 per cent over this period. If anyone has any doubt about the need for reform, I am sure these figures would alleviate the doubt; unless they are too thick!

Thirdly, the latest report of the Premiums Advisory Committee to the Government on 13 February this year recommended an increase in premiums of 176 per cent, which would take the premium for an urban-garaged motor car to approximately $500; and indeed, not only were we looking at a situation of getting up towards that $500 in 1986–87 based on this independent committee's investigations, but if one examines their projections over the next ten years, we would be looking, in 1995–96, at $1728 as an average car premium just to sustain the present system.

Therefore, if anyone has any doubt about the problems with the present system, just look at the independent inquiry by the Premiums Advisory Committee.

The fourth point on the economic cost is that as at 30 June 1986, there was an outstanding claims liability of an estimated $2·54 billion. The next point is that as at 30 June 1986, there was an estimated unfunded liability of $1·5 billion or, in other words, the system was unfunded to the extent of 62 per cent.

**Mr PERRIN** (Bulleen)—On a point of order, Mr Speaker, the honourable member is quoting figures as at 30 June 1986. I point out that the State Insurance Office accounts to 30 June 1986 have not been released to Parliament and I ask the honourable member to identify from where he is quoting his figures.

**The SPEAKER**—Order! On the point of order, I advise the House that that is not a point of order.

**Mr POPE** (Monbulk)—If the present system were to be left unchanged, there would need to be more than a trebling of premiums as I said before, from the average at the moment of $156 to something like $469 or up around the $500 figure.

I shall now quote an example of the lack of understanding even from the Law Institute of Victoria on this basic point. I have a transcript that I can make available showing that

at 8.49 a.m. on Thursday, 11 September on the Schildberger program on 3LO, Mr David Miles of the Law Institute of Victoria stated:

As I understand it the premiums committee's recommendations have not been accepted by this Government or previous Governments in this State for many years and in fact that's one of the reasons why the problem is as gross as it is. In addition to that the $500 premium assumes an immediate retrieval of the deficit that Ian is talking about, whereas his proposal and the Law Institute's proposal retrieves that deficit over a ten year period, so what Ian is doing in talking about the $500 is endeavouring to compare apples with pears.

This shows the lack of understanding from the Law Institute of Victoria. Mr Ian Baker replied on that program:

That $500 is just to service the deficit and keep us limping along for another year.

David Miles of the Law Institute of Victoria believes that that $500 cured all the evils over a ten-year period. What sort of computations have the institute made? That is basically what the honourable member for Brighton is basing his case on—just soldiering on, on behalf of the Law Institute of Victoria. Mr Ian Baker goes on:

Thereafter you would have to keep on putting it up, because it's just simple common sense that if you have to run down your reserves and you're not putting the premium price up and you're $1·6 billion in the red, common sense would tell you that you're not going to be able to pick it up, maintain the present system and run a premium level of around $200.

I have already illustrated that if one examines the projections of the Premiums Advisory Committee, one is looking at a premium in 1995 of $1728, on the present scheme. Honourable members appreciate the various economic costs that are involved.

As I said, it is not only the economic shortcomings, it is the social shortcomings of the present system as well. Firstly, the application of the fault principle outside the Motor Accidents Board area means that benefits beyond the no-fault limit of $20 800 are not available to injured persons unable to establish fault.

Secondly, there is an average delay of 28 months from the date of the accident to the date of the common law settlement. Thirdly, there is an estimated backlog of 70 000 common law claims and this has been exacerbated by the scare tactics of the Law Institute of Victoria, supported by such people as the honourable member for Brighton and other members of the Opposition, and that is why we now have 70 000 common law claims.

Fourthly, a conservatively estimated 17 per cent of costs of common law settlements go in legal expenses and, lastly, there is the well-known tendency of the common law to over compensate minor claims and under compensate the long-term severely injured—and I will speak about the Woodhouse committee later and explain that with actual figures.

Between 1979–80 and 1984–85, the Motor Accidents Board claims increased at an annual average rate of 7·1 per cent compared with 11·1 per cent for common law actions over the same period.

In this package the Government has produced a detailed reform proposal. It is that reform proposal that I shall move on to now. It is quite obvious that there is a need for reform and the Law Institute of Victoria has recognised the need for reform since we raised the issue. Indeed, we had no response from the Liberal or National parties until after the issue was raised. Everyone was prepared to let the scheme go along as is.

In the area of road safety, the measures under consideration include: a major increase in random breath-testing; a child restraint subsidy scheme based on the successful results of the subsidy schemes for bicycle helmets; accelerated expansion of the novice motor cyclist training scheme, State-wide; the introduction of community road safety resource centres; the introduction of a graduated licence scheme for novice drivers, and, lastly, increased expenditure on public education.

On the basic of the actual benefits included in the package being put forward, they have been well outlined by other speakers, including the Treasurer, in the second-reading debate, and I will just go through the subheadings of them to refresh the memories of

honourable members opposite as, certainly, the honourable member for Sandringham did not understand.

All we heard from the honourable member for South Barwon was his usual attacks on the ethnic groups, without any substance.

Four major types of benefits are contained in this reform package: firstly, the medical, hospital and generous additional benefits for care and rehabilitation; secondly, an adjustment benefit based on the victim's earnings, payable for the first eighteen months after the injury; and the two more longer-term benefits are, thirdly, with respect to an impairment benefit assessed when the injury has stabilised; and, fourthly, a long-term loss-of-earning-capacity benefit to supplement the impairment benefit.

The other features of the reforms with respect to the benefits package are as follows: an extended benefits system, which will be of special assistance to women and unemployed people, and that has already been explained; and the abolition of the second world war structure, which used the 32 kilometre radius from the General Post Office to distinguish between rural and urban premiums. The package sets out the various premiums in the low-risk country areas. It is unfortunate that only one or two members of the National Party are in the Chamber, but, nevertheless, I put it to them that, in actual fact, with the package that has been put forward, the ones who will benefit the most are those in low-risk areas, which are in the country.

The package being put forward is saying that they would pay a premium of only $152.10. Therefore, I dearly hope that members of the National Party, such as the honourable member for Swan Hill, will take cognisance of that and certainly sell that package in their own electorates—as I am sure that honourable member will.

Also, premiums will be indexed to inflation. There will also be an adoption of a ten-year fully-funded system that will eliminate the deficit under the current system. There will be a systematic crackdown on fraud. There will be extended coverage to provide no-fault benefits to people who are injured in accidents involving public transport, and extended geographical coverage for transport accidents.

There will also be a streamlined third-party insurance administration with an unprecedented emphasis on accident prevention and rehabilitation of victims. I am sure the honourable member for Swan Hill will be interested in my next comment. There will be a doubling of funds for road accident prevention and for rehabilitation of victims. There will be a 50 per cent increase in on-the-spot fines and a speedier system to deal with claims.

As I mentioned before, the average at the moment is 28 months, and it can sometimes take up to twenty years to solve some of those problems. Therefore, the benefits I have referred to scantily—which have been covered to a greater degree by the Treasurer in his second-reading speech and by other speakers—are there for all in this House to recognise and understand.

What have honourable members heard from honourable members opposite? I have already mentioned the lack of understanding, as demonstrated by David Miles from the Law Institute of Victoria in his debate with Ian Baker on the Schildberger radio program a few mornings ago. Mr Miles did not even understand what the premiums committee was talking about, but there he was as the Law Institute's spokesperson on the issue of third-party insurance. That was unbelievable!

The situation is that only 1 to 2 per cent of common law cases are actually judicially assessed. The rest are resolved in the bargaining and haggling process between lawyers, which the Cooney report described as reminiscent of a street bazaar.

In its advertising, the Law Institute of Victoria stressed the protection of the rights of innocent victims. I point out that an entirely innocent victim who cannot prove fault receives nothing at common law, whereas a grossly negligent plaintiff who can prove some

fault on the part of the other driver will recover a proportion of the damages. I ask: what sort of justice is that?

The institute has ignored or has failed to represent the one-third of innocent victims who have no possible recourse to common law. An example of that is a driver who is involved in a single vehicle accident, as well as that significant body of people who evidently are unable to prove fault or, for other reasons, are deterred from bringing an action.

I do not believe anyone in this place would see any equity in that system, and yet it is the proposal of the Law Institute of Victoria, which is being supported in toto by the Liberal Party. Also, despite the claims of the Law Institute, the common law tends to under-compensate. As I mentioned earlier, I now provide the example of the Woodhouse committee. Common law under-compensates the severely injured. In fact, as I understand it, the only head-to-head comparison that has ever been made was that made by the Woodhouse committee.

The proposed Woodhouse committee benefits were structured in a very similar way to what is structured in the transport injury protection scheme that honourable members have in front of them. The Woodhouse committee tested these against awards made in personal injury cases determined in the Common Law Division of the Supreme Court of New South Wales. What did the committee find with respect to those cases?

**Mr BROWN** (Gippsland West)—I raise a point of order, Mr Speaker. The honourable member for Monbulk has read his speech in its entirety and, as such, he should be ruled out of order, and inclusive in that ruling should be that he is debarred from continuing to read his speech.

**The SPEAKER**—Order! The honourable member for Gippsland West aims to put words into the mouth of the Chair.

**Mr BROWN**—I do not!

**The SPEAKER**—Order! I do not uphold the point of order. I do not believe that the honourable member for Monbulk is reading his speech. I am intelligent enough to observe that myself.

The honourable member appears to me to be referring to extensive notes, or copious notes, and I ask the honourable member to verify that to the Chair. If that is what he is doing, he is in order.

**Mr POPE** (Monbulk)—Mr Speaker, I should be happy to even provide the copious notes to the honourable member for Gippsland West, who was not in the House when I said that I would be quoting many facts, for which purpose I would obviously need notes.

**The SPEAKER**—Order! The honourable member is in order.

**Mr POPE**—I dearly hope that the honourable member for Gippsland West reads those notes when I give them to him. The Woodhouse committee found that, of the 58 cases that were assessed, the common law exceeded the compensation benefit in nineteen cases and was less in 39 cases.

However, in eleven of the nineteen cases where the common law was greater, the total payment was less than $20 000, thus confirming the well-known tendency for the common law to be comparatively more bountiful in cases of less serious injury and to under-compensate in the case of the severely injured. Yet, we have the position put forward by honourable members opposite and the Law Institute of Victoria that all is well by keeping the common law situation in existence.

The only head-to-head comparison was made by the Woodhouse committee, and the figures I have quoted come from that committee. I dearly hope that the honourable member for Gippsland West, who came into the House only a few minutes ago, will be

able to read my notes because, if he does so, he might be able to glean some information to prepare him in case he speaks on this Bill, if he has not done so already—I am not sure whether he has already spoken on this Bill, but, if he has, I must have fallen asleep while he was speaking.

With regard to the Liberal Party scheme, as I have already mentioned, Mr Davidson's critique on that scheme was less than glowing in his article of 18 May this year. It would appear that the Opposition is saying that its scheme would cost only $300 a year but there would also be $74 million in new taxes. That is $74 million in new taxes, not just for people who drive cars but $74 million in taxes from every Victorian. That is not a matter of any equity for those who do not drive cars, but that is what the Opposition is putting forward as an alternative to the well-put-together package put forward by the Treasurer.

The fact is that the Liberal Party's scheme would go broke by 1994, and that has already been explained through the media by the Treasurer. To keep the Opposition's scheme on a fully-funded basis would take the annual premium to $300 a year for each car, which is 50 per cent more than that proposed in the Government's new scheme.

The proposed scheme has been so ridiculed not only by members of the Government and people who are knowledgeable in this area, but also by those journalists, including Mr Davidson, who have any understanding of the issue.

Under the proposal advanced by the Opposition $74 million would have to be raised from all tax receipts received in Victoria. I challenge the Opposition to state from where the $74 million in new taxes would come, given the fact that the Opposition is continually putting forward the proposition that there is no need for the imposition of new taxes. I am dumbfounded as to where the Opposition would find that $74 million.

In summary, I refer to the editorial in the *Australian Financial Review* of Tuesday, 20 May 1986, which states:

> The Victorian Premier, Mr Cain is to be congratulated on his wide sweeping and comprehensive reform of the State's bankrupt third-party car insurance scheme and other States would be well advised to follow the ensuing debate with interest, if not coming to the same conclusions.
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> . . . . .
>
> And if the State Liberal and National Parties are silly enough to use their numbers in the Upper House to stop the reforms going through, they will face a backlash from the electorate as CTP premiums rise, as they must, to $500 a year. Motoring then would no longer be in the realm of the common man.

I refer to an article by Kenneth Davidson that appeared in the *Age* on 8 May 1986. The article states:

> There is a lot at stake in this issue for Victorians. On the one hand, a reduction in premiums of more than $200 and better treatment of serious accident victims and on the other hand about $100 million in income for the lawyers.

I conclude with this quote because it sums up the whole situation. The article further states:

> While it is clear why the lawyers are behaving in the way they are, it is difficult to see the logic behind the Liberal strategy of support unless they believe the voting motorist is a complete moron.

**Mr RICHARDSON** (Forest Hill)—The debate has continued for a long time and, indeed, so it should because the subject matter of the debate directly and potentially affects all Victorians.

It is right and proper that this matter should be thoroughly debated both here and in another place. It is pleasing to note that the Government has applied the gag to this debate in the way it applied the gag most unfairly and, indeed, very timidly early in this day in relation to the Racing (Sunday Racing and Betting) Bill, the debate on which was a fiasco.

May I compliment my colleague, the honourable member for Brighton who, as the Opposition spokesman on Treasury matters, presented to the House a long and

comprehensive speech. It was necessary that his explanation of the reasons for the Opposition rejecting much of what is in the present proposed legislation and the reasons for proposing alternatives should be fully explained to the House.

There has been the preparation of an extensive document to support the honourable member's remarks. A large amount of work deliberately has gone into the preparation of that document, and into the preparation of the speech made by the honourable member for Brighton, to put on the record the position of the Opposition on this important matter. There can be no question in anybody's mind about where the Opposition stands; where it agrees and disagrees with the Government and, more importantly, the reasons for adopting these particular positions in relation to the Bill.

The explanation by the honourable member for Brighton will remain on the record as a permanent statement of the Liberal Party's position. The Opposition will stand by the remarks that have been made by the honourable member.

There are a number of areas of agreement in relation to third-party motor accident compensation. It is agreed by all sides of the House that it is necessary to have a motor accident compensation scheme, which the State has enjoyed for many years. It is further agreed that the existing scheme is becoming untenable because of the massive costs involved.

It is agreed that the State Insurance Office is bankrupt, despite the fact the Government has tried to fudge the figures by altering the accounting methods. Even the Government has to admit that it has made a mess of the present scheme and that the State Insurance Office is bankrupt.

All sides agree that there needs to be a review of the way in which motor accident compensation operates in the State.

What is important is the area of fundamental disagreement between the Government and the Opposition on the question of what has hitherto been regarded as the inalienable rights of every citizen in the State, and the nation, to take a matter to law; to be able to present a case in a court of law and to receive justice under the law.

It is the stated intention of the Government to remove that fundamental right of the individual to take a matter to law which is what disturbs the Liberal Party so much.

If the Government proposes that the fundamental rights of citizens should be removed in this way, what is next on the Government's agenda? Where will it end?

This right is too important for Parliament to allow it to happen. The Liberal Party will not allow the Government to take away the fundamental and inalienable rights of every citizen to take a matter to law and to receive justice under the law.

The National Party resolve will be put to the test at the right moment—I trust the National Party will also be interested in preserving the fundamental and inalienable rights of every Victorian citizen—but I cannot believe my colleagues in the National Party would take any other view.

It is on that issue that the Government and the Opposition cannot agree. The Premier has said that it is not negotiable. However, I have read recently that he may perhaps be starting to soften his stand.

*In accordance with Sessional Orders, the debate was interrupted.*

**The SPEAKER**—Order! The time appointed by Sessional Orders for me to interrupt the business of the House has now arrived. I advise the honourable member for Forest

Hill that when the Bill is next before the House he will be given the call to continue his speech.

*The House adjourned at* 10.30 *p.m.*

# Joint Sitting of the Legislative Council and the Legislative Assembly

## Wednesday, 17 September 1986

### Senate vacancy—Victorian Curriculum and Assessment Board

A joint sitting of the Legislative Council and the Legislative Assembly was held this day in the Legislative Council Chamber to choose a person to fill a vacancy in the Senate of the Commonwealth of Australia, and to recommend three members for appointment to the Victorian Curriculum and Assessment Board.

Honourable members of both Houses assembled at 6 p.m.

**The Clerk**—Before proceeding with the business of this joint sitting, it will be necesary to appoint a President of the joint sitting.

**Mr CAIN** (Premier)—I move:

That the Honourable Roderick Alexander Mackenzie, MLC, President of the Legislative Council, be appointed President of this joint sitting.

**Mr KENNETT** (Leader of the Opposition)—I second the motion.

The motion was agreed to.

**Mr CAIN** (Premier)—Mr President, 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. R. A. Mackenzie)**—Who seconds the motion?

**Mr KENNETT** (Leader of the Opposition)—I second the motion.

The motion was agreed to.

**The PRESIDENT (the Hon. R. A. Mackenzie)**—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 resignation of Senator Donald Leslie Chipp.

**Mr CAIN** (Premier)—Mr President, I propose:

That Janet Frances Powell hold the place in the Senate rendered vacant by the resignation of Senator Donald Leslie Chipp.

Mrs Powell 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 I have been advised by letter dated 31 July 1986, from the Victorian President of the Australian Democrats, that the nominee is a member of the Australian Democrats, the party represented in the Senate by Senator Chipp.

**Mr KENNETT** (Leader of the Opposition)—I second the proposal. I propose to speak briefly to the nomination.

This appointment fulfils another of the casual vacancies that have occurred in the life of this Parliament and, I think all parties in the Parliament are agreed, the nominated

person is from the party in which the retirement or vacancy arose and, therefore, is recommended for appointment.

However, I make the point that this retirement happened at a time when Parliament was not sitting and, because of changes in the Federal Constitution, the person we are now proposing to be appointed to fill that vacancy representing Victoria was, in fact, yesterday sworn in as a Senator.

I find that procedure in total accord with the Federal Constitution but I do consider it a slight affront to this Parliament, and to the State of Victoria that, in the event that there may have been a challenge—and I am not saying for a moment that there would have been but it does mean that a person has been sworn in—and if for any reason honourable members on either side of the House had wished to nominate a person from the same party but who was a different person from the one who has been sworn in, obviously it would have been a fait accompli in real terms and it would have been difficult for this joint sitting to exercise, correctly, its responsibilities.

Having said that, the appointment was carried in extraordinary circumstances, but it does undervalue the importance of this Parliament in recommending and ultimately voting on who should represent the State of Victoria at the Federal level in the Senate. By the same token, I wish Senator Powell every success.

**Mr CAIN** (Premier)—I believe I should say something in reply to the matters raised by the Leader of the Opposition. The Federal Constitution makes the position very clear in a situation such as this. Under section 15, an action was taken that is in accord with the Federal Constitution. Having provided that the Parliament of the State from which the Senator was chosen must fill the vacancy, it goes on to state:

> If the Parliament of the State is not in session when the vacancy is notified, the Governor of the State, with the advice of the Executive Council thereof, may appoint a person to hold the place until the expiration of fourteen days from the beginning of the next session of the Parliament of the State or the expiration of the term, whichever first happens.

**Mr Ross-Edwards**—When was that done, by the way?

**Mr CAIN**—Before I answer that question, I should make the Government's position clear: it does not believe that a Senate position should remain vacant when that provision is there. The section is very clear and it enables the Executive Council to take action to fill the place and ratification must then occur within the time specified in the provision.

The Australian Democrats notified me by letter dated 31 July that Mrs Janet Powell was a current member of the Australian Democrats. They had earlier advised me that she was the choice of that party—that was advised on 31 July—and I proceeded to advise the Governor who, in turn, advised the Governor-General, to comply with the process that should be followed in filling the vacancy.

It is my understanding that Mrs Powell could have taken her seat at any time after the Federal House resumed, presumably three weeks ago, but I cannot definitely answer that point. It seems to me not to be the point. The facts are that this Parliament is exercising its obligation and its duties under this provision and it should be.

The Leader of the Opposition says, by interjection, that it is not a duty. I believe it is the proper course to follow in ensuring that the people of Victoria are not denied a place in the Senate as provided in the Constitution.

This is the third time that an appointment has been made since the amendments to the Constitution in 1977 and I say again, as I said on the last two occasions, that I welcome the situation where there is a requirement that a member of the same political party as the original Senator should be the appointee.

The amendment has formalised what many people had believed to be the convention and one to which my party has always subscribed and will contine to do.

**Mr Ross-Edwards**—It has always been the case elsewhere.

**Mr CAIN**—Political parties in other States have not done it. I am not casting a slur on anybody. I am merely saying that this has not been the case before, to the enternal descredit of those who have perpetrated that kind of thing in other States of the Commonwealth.

I shall say something about Senator Chipp. Something should be said about him because he has represented his party in the Senate with distinction. He represented the people of this State, following two different roles in Federal Parliament, with considerable distinction over a long period. His most notable role has been as Leader of the party which now holds, and has for some time, the balance of power in the Senate. I think Senator Chipp has always regarded that role and the power he holds as being one of great responsibility and one that he regards as a serious role.

**Mr Kennett** interjected.

**Mr CAIN**—To pick up the point of the Leader of the Opposition, the Upper House is a House of review, not one that should frustrate the will of a democratically elected Government.

**Honourable Members**—Hear, hear!

**Mr CAIN**—That is the fact of the matter, which he has made clear. He does not see that House as carrying with it a role to frustrate the will of the elected Government. I am sure that Mrs Powell and other Australian Democrats Senators will adhere to that convention and uphold the same standards. If honourable members want me to go the whole way, I will say that I hope the Opposition and National Party in another place in this Parliament do not sully the record, and that they will take note of the Australian Democrats' record and policy on this matter because it is one from which they could learn a great deal. It is a long-established and fundamental principle of our Parliamentary system and I hope it is not sullied in this Parliament.

It is not easy for the Australian Democrats to replace a man of Senator Chipp's knowledge, political experience and integrity in the Senate. I believe Janet Powell will bring to the position a long association with her party, dating back to its inception in 1977. She has previously been a candidate for that party in both State and Federal elections and was the first woman president of the Victorian branch of the party.

Mrs Powell has been extremely active in her party and her views on uranium and education, two significant issues, are well known. She has an occupational background in teaching that will stand her in good stead in the Senate. She has also been concerned with a wide range of community groups in our society. She is currently a member of the National Council of Women of Victoria and a Parliamentary subcommittee of that organisation.

I am pleased that the Australian Democrats have chosen a woman Senator to represent this State. I suppose it is not expecting too much to say that I hope her nomination, together with the increasing number of women entering this Parliament, particularly on the Government benches, will encourage the Liberal Party and National Party to select women for winnable seats. They have a lot to learn from us.

The responsibilities that Mrs Powell will take on as a member of the Senate are not just those of her own political party. She will be a representative of this State. I believe she will discharge those duties and responsibilities vigorously and with distinction. I congratulate her and, like all Victorians, I look forward to her contribution as a Victorian Senator over a number of years.

**Mr ROSS-EDWARDS** (Leader of the National Party)—I wonder whether the Premier could answer the question that I asked. When was Senator Powell appointed by the Governor in Council in Victoria to be a Senator?

**Mr CAIN** (Premier)—On 26 August last.

**The PRESIDENT (the Hon. R. A. Mackenzie)**—As only one person has been proposed, I therefore declare that Janet Frances Powell has been chosen to hold the place in the Senate rendered vacant by the resignation of Senator Donald Leslie Chipp.

The motion was agreed to.

**The PRESIDENT (the Hon. R. A. Mackenzie)**—The second part of the joint sitting is to recommend members for the Victorian Curriculum and Assessment Board. I direct the attention of honourable members to extracts from the Victorian Curriculum Assessment Board Act (No. 50/86) which is designated Appendix "B" in the documents that have been circulated. It will be noted that the Act requires that the joint sitting be conducted in accordance with the rules adopted for the purpose by the members present at the sitting. The first procedure will be the adoption of the rules.

**Mr CAIN** (Premier)—I desire to submit the rules of procedure, which are in the hands of honourable members, a document marked "Appendix C". Accordingly, I move:

That these rules be the rules of procedure for this joint sitting.

**Mr KENNETT** (Leader of the Opposition)—I second the motion.

The motion was agreed to.

**The PRESIDENT (the Hon. R. A. Mackenzie)**—The rules having adopted, I am now prepared to receive proposals from honourable members with regard to members to be recommended for appointment to the Victorian Curriculum Assessment Board.

**Mr CAIN** (Premier)—I propose:

That the Honourable David Mylor Evans, MLC, Carolyn Dorothy Hirsh, MP, and the Honourable Haddon Storey, QC, MLC, be recommended for appointment to the Victorian Curriculum and Assessment Board.

They are willing to be recommended for appointment if chosen.

**Mr KENNETT** (Leader of the Opposition)—I second the proposal.

**The PRESIDENT (the Hon. R. A. Mackenzie)**—Are there any further proposals?

As there are only three members proposed, I declare that the Honourable David Mylor Evans, MLC, Carolyn Dorothy Hirsh, MP, and the Honourable Haddon Storey, QC, MLC, have been chosen to be recommended for appointment to the Victorian Curriculum and Assessment Board.

I now declare the joint sitting closed.

*The proceeding terminated at* 6.18 *p.m.*

**Thursday, 18 September 1986**

**The SPEAKER (the Hon. C. T. Edmunds)** took the chair at 10.35 a.m. and read the prayer.

## ABSENCE OF MINISTER

**The SPEAKER**—Order! I advise the House that the Minister for Consumer Affairs will be absent during question time.

*QUESTIONS WITHOUT NOTICE*

## FRINGE BENEFITS TAX

**Mr KENNETT** (Leader of the Opposition)—I direct a question to the Premier. I refer to the Premier's continued support for the fringe benefits tax and I ask: why does the Premier continue to support this tax when his own Government's Budget Strategy Paper No. 2, published yesterday, on page 6, states that there has been a marked decline in vehicle registrations "due in part to concern about fringe benefits legislation"? Will the Premier now agree that the fringe benefits tax is threatening thousands of jobs in Victorian motor manufacturing and component industries, and will he, in the light of his own Budget's evidence, now join with me in appealing to the Federal Government for urgent review of this devastating tax as it affects the motor vehicle manufacturing and component industries?

**The SPEAKER**—Order! the honourable member calls for the Premier to join with him in supporting an opinion that he has formed in respect of a matter, which, in the context of a question without notice, is out of order. I call the honourable member to reframe the question.

**Mr KENNETT**—I shall state the question again. Given the Premier's continued support for the fringe benefits tax, I ask: why does the Premier continue to support this tax when his own Government's Budget Strategy Paper No. 2, published yesterday, on page 6, states that there has been a marked decline in vehicle registrations "due in part to concern about the fringe benefits legislation"? Will the Premier and his Government now give strong leadership to this State's manufacturing industry to protect the State from the impact of this unjust tax as it affects the motor vehicle manufacturing and component industries?

**Mr CAIN** (Premier)—The premise of the question indicates that the Leader of the Opposition has read the Budget Papers, or at least some of them. If he has done so, he will be well aware that those papers indicate that the State is continuing along the growth path, which means more jobs for all Victorians. It is continuing along a path that the Government has pursued more effectively than any other State Government in this country. That is what the Budget is about; it does not talk about one isolated instance.

The Budget Papers examine a whole range of economic indicators. When one examines the labour force statistics, the consumer price index statistics, the building approvals statistics and the private capital investment statistics, one realises the whole picture is one of continuing growth in the economy and continuing jobs. I am delighted that the Leader of the Opposition has read those Budget Papers and recognises the path along which the Government is going. It is one that is strongly supported by the whole community.

The question appears to imply some lack of support by the Opposition for the whole Budget strategy. I have just attended a breakfast attended by approximately 200 business people from the State, and the support from the business sector for the Budget appears to be overwhelming.

There will always be those who will find fault with some aspect of what is a very significant package. I believe I adequately answered the particular matter and if the Leader of the Opposition wants to concentrate his mind on one small matter, he can do so but I will not do it. I believe I answered the question more than adequately yesterday on the motor vehicle industry. I used figures to demonstrate to the Leader of the Opposition that the motor manufacturing industry is not in decline, and that view is shared by the perceptions and predictions of the business community, which believes the Victorian economy is moving along and doing better than that of any other State.

I believe the private investment figures indicate that support. I have always said—and I said it again yesterday—that I am not prepared to support those who rort the tax system. I have acknowledged that there is a case for saying that the fringe benefits tax should be simplified in its implementation. That has always been our position and it will always continue to be our position.

## PRODUCTIVITY SAVINGS

**Mr ROSS-EDWARDS** (Leader of the National Party)—Will the Treasurer advise the House how he can justify his claim that there were efficiency gains and therefore supposed cost savings in the Public Service during 1985-86 due to the Government's 1 per cent productivity direction when, in fact, an extra 8800 people were employed in the Public Service at a conservative cost of $193 million between March 1985 and March 1986?

**Mr JOLLY** (Treasurer)—Apart from the botchy estimates put forward by the Leader of the National Party, it is important to concentrate on what is meant by a productivity saving. It is important for Leaders opposite to understand. When the Liberal Party was in government it had no idea of economic or financial management at all. As it is so long since the National Party has been in power, its members would not even know what a number is!

Let us examine how a Budget is put together and then the Leader of the National Party may have an understanding of the issue. In order to arrive at productivity savings, one must be provided with a forward estimate of the expenditure for the Budget sector based on unchanged policies.

A number of new initiatives have been taken by the Government and many of them have been of absolute importance to the private sector of this economy. That is why one finds that the Victorian economy has outperformed the rest of Australia in terms of economic performance. That is why Victoria has the lowest unemployment rate of any State in Australia.

**Mr Kennett** interjected.

**Mr JOLLY**—I shall take up the interjection.

**Mr ROSS-EDWARDS** (Leader of the National Party)—On a point of order, I ask the Treasurer not to take up interjections, but to answer the question. There is one question. The point of order is that the Treasurer should answer that question. He can do so any way he likes and I cannot stop him from doing that. However, the Treasurer has no right to answer an interjection from the Leader of the Opposition.

**The SPEAKER**—Order! The Leader of the National Party has raised a valid point. I did not hear the interjection of the Leader of the Opposition. If there was an interjection from any honourable member, it was out of order, and I ask the Treasurer to ignore interjections.

**Mr JOLLY** (Treasurer)—Thank you, Mr Speaker, I shall ignore disorderly interjections. The point I was making was in relation to the need to stimulate activity in this State and that is the major reason why Victoria has the lowest unemployment rate of any State in Australia. Some of the Opposition members seem to think this was inherited from the previous Liberal Government. I have heard that comment from the mouths of many

honourable members opposite. The facts of life are these: when one examines the unemployment rate in Victoria, one finds that in the past 39 months—on every occasion—Victoria had the lowest unemployment rate.

Let us look at the famous inheritance! In the last six months of the former Liberal Government's rule in this State on only eight occasions did Victoria have the lowest unemployment rate. That is less then one-third of those occasions! What an appalling record! No wonder the Liberal Party was thrown out of government.

When one assesses the productivity savings, one needs to take into account the forward projection expenditure and any new initiatives, and then must deduct 1 per cent for productivity savings. As the Leader of the National Party would be aware, in this year's Budget the productivity saving is 1·5 per cent, which is a saving of some $75 million. As a result of that approach the rate of increase, in nominal terms, is the lowest for about a quarter of a century—25 years.

When considering the number of employees in the Public Service honourable members must remember that the State Bank is included in that figure. That is why there has been growth, and the Leader of the National Party agrees with that.

The Government has introduced part-time employment which means that for the same hours worked more employees are involved. In other words, two part-time employees can do the work of one full-time employee. That also needs to be taken into account. The real test is expenditure restraint, and the Government has delivered no new taxes and no increase in taxes.

## "WOMEN IN THE HOME"

**Mrs HIRSH** (Wantirna)—Can the Premier give details to the House of the responses to the Government's discussion paper, "Women in the Home"?

**Mr CAIN** (Premier)—I asked the Victorian Women's Consultative Council to undertake a study of the issues that affect women in the home. The purpose of the study was to ensure that services are directed to the needs of women in the home. In the past these issues have been overlooked.

On 30 July approximately 3500 copies of a discussion paper entitled "Women in the Home" were sent to a wide range of individuals and groups. On 8 August the Victorian Playgroup Association wrote to the council to congratulate it on the discussion paper and to ask for copies for its 25 000 members.

In response I decided to have a further 5000 copies printed and they were relaunched about two weeks ago. The response has been overwhelming. Already 500 comment sheets, which were supplied in the document, have been returned. The period of consultation has also been extended to 30 September. The final report is expected to be ready by the end of the year when all comments have been received and analysed.

Some of the comments I have examined are interesting and demonstrate forcefully the need for such a project. Many women have commented on how grateful they are for the opportunity of expressing their views in the comment sheets. The interest shown by women right across the community in the issue is huge. They appreciate what the Government is doing.

I was a little disappointed when the Opposition spokeswoman on women's affairs, the honourable member for Kew, chose to use the Freedom of Information Act to obtain a copy of the discussion paper. I do not know why she used this method. If she had telephoned me she would have received a copy, which would have been easier than going through that exercise. I would have been pleased to provide her with a copy.

**Mr Fordham**—Change the Act!

**Mr CAIN**—This is not the first time she has done this. She also sought information about the Women's Trust Ltd through a freedom of information request and this did not please the trust. I would have been happy at any time to explain to her or any other honourable member what was happening.

**Mr Brown** interjected.

**Mr CAIN**—The honourable member for Gippsland West is also a user of the Freedom of Information Act. One cannot overlook the cost of requests. The request made by the honourable member for Kew about the Women's Trust Ltd cost $335.

The honourable member for Kew could have obtained that information, which would have been given willingly by the members of the trust. That was an avoidable cost, which is strange coming from the Chairperson of the Liberal Party Waste-Watch Committee.

If honourable members want any information or advice about women's affairs, the Government will be happy to provide it. Likewise, I am sure, although I cannot speak in unqualified terms, the Chairperson of the Women's Trust Ltd would be happy to provide any honourable member with information about the administration of the trust, which is another monumental step forward in the Government's program to redress some of the inequities that have existed for women in this State for too long.

## EMPLOYMENT BY VICTORIAN TOURISM COMMISSION OF MR K. HARRISON

**Mr PESCOTT** (Bennettswood)—I refer the Minister for Industry, Technology and Resources to the fact that Mr Ken Harrison is a full-time employee of the Government-owned airline, Australian Airlines, and ask the Minister why the Government has allowed the Victorian Tourism Commission to supply Mr Harrison with a salary package of $29 500 as the part-time Chairman of Victour Properties Pty Ltd, given that that represents a salary increase of 35 per cent on last year.

**The SPEAKER**—Order! I ask the honourable member for Bennettswood to get to the question.

**Mr PESCOTT**—I have asked why the Government, which includes the Minister for Industry, Technology and Resources, has allowed the Victorian Tourism Commission to give that salary package to Mr Harrison in light of the fact that it represents a 35 per cent increase on last year and in view of the fact that an audit opinion says that the spirit of the Commonwealth legislation and State policy goes against——

**The SPEAKER**—Order! I refer the honourable member for Bennettswood to the Standing Orders in respect of questions without notice. The honourable member has asked the question and is continuing to supplement it with information. If the honourable member has asked his question I ask him to resume his seat and I shall call the Minister for Industry, Technology and Resources to respond.

**Mr FORDHAM** (Minister for Industry, Technology and Resources)—It was a little difficult to understand what the honourable member for Bennettswood was getting at. Perhaps he was making the point that Victour Properties Pty Ltd is doing a very good job in meeting its requirements in Victoria.

I could refer to the Mount Buffalo Chalet which, under a previous regime, was seen as a significant burden on the Victorian community. I am pleased to indicate that over the past twelve months, under the leadership of Mr Harrison and Victour Properties Pty Ltd, the chalet is now trading profitably. That is a remarkable turnaround and one that many people doubted would ever happen.

Reference was made to the remuneration package of Mr Harrison. I have not been involved in the development of that package either in his job with Australian Airlines or with Victour Properties Pty Ltd. I shall be pleased to make inquiries to discover the details

of those arrangements. I make the point that under the leadership of Mr Ken Harrison, Victour Properties Pty Ltd has done an extremely good job on behalf of the Victorian community.

## MORNINGTON PENINSULA AND DISTRICT WATER BOARD

**Mr HANN** (Rodney)—Will the Minister for Water Resources explain to the House how the Government calculated the debt owed to the State by the Mornington Peninsula and District Water Board, both the present value and the actual real debt and whether it will be paid by Melbourne and Metropolitan Board of Works ratepayers?

**Mr McCUTCHEON** (Minister for Water Resources)—From the question, I do not know the particular debt to which the honourable member for Rodney is referring. If he is referring to the arrangements that were announced yesterday in the Budget, which concerned the future delivery of water, I can explain that in the following way.

The allocation of water to the Mornington Peninsula is approximately 60 000 megalitres. That allocation from the Thomson dam was being paid for by payments from the State. That water is to be purchased on a pay-for-use basis from the Melbourne and Metropolitan Board of Works.

I believe the capital debt referred to by the honourable member is a debt that was carried by the Mornington Penninsula District Water Board when it was part of the Rural Water Commission district and that is still the subject of finalisation between the board and the Rural Water Commission.

## VICTORIA COUNCIL CHAIRMAN

**Mr NORRIS** (Dandenong)—Can the Premier advise the House whether the Government has appointed a new chairperson to the Victoria Council of the Australian Bicentennial Authority?

**Mr CAIN** (Premier)—In answer to the honourable member for Dandenong——

**Mr Kennett** interjected.

**Mr CAIN**—The Leader of the Opposition has had an awful week; he is not doing any better today.

Honourable members will be aware that the Victoria Council is responsible for the organisation of the bicentennial year in Victoria and the current chairman, Mr Bruce Grant, had indicated that he did not wish to continue as chairman until the conclusion of the celebrations. He had agreed to act until a suitable replacement was found, and I am pleased to announce that the Chief Executive of the State Bank, Mr Bill Moyle, has agreed to become chairman.

*Honourable members interjecting.*

**Mr CAIN**—Despite the derision of the Opposition, I believe this appointment is supported by both the Opposition and the National Party for which I am pleased.

**Mr Kennett** interjected.

**Mr CAIN**—The Leader of the Opposition says that it is a good appointment. Mr Moyle is a very distinguished Victorian and he has certainly made a valuable contribution to the State Bank since he became its chief executive. He began his career with the Commonwealth Bank and became Managing Director of the United Dominion Corporation in 1978 and Managing Director of Chase—MBA in 1981. He took up his present position in 1984. He brings to the position of chairman considerable experience in banking and a knowledge of corporate affairs in this State. I am sure he will be an excellent chairman.

I take this opportunity to thank Bruce Grant on behalf of the Government and all Victorians for his work as Chairman of the Victoria Council. It was not easy because he took over at a time when the bicentennial authority was going through what I might describe as an uncertain period and in a dignified, methodical and thorough way he has steered the Victoria Council through its difficulties.

The Victoria Council is now well placed, despite the derisory comments made by the Opposition, to deliver a valuable and memorable bicentennial celebration for Victoria. I welcome the support that Mr Moyle's appointment has received from the Opposition and the National Party.

## AUSTRALIAN RAILWAYS UNION

**Mr BROWN** (Gippsland East)—I ask the Minister for Transport whether it is a fact that on Thursday of last week shunters who are Australian Railways Union members came to the Minister's office with a request to discuss the railways redundancy scheme and, upon being refused an audience with the Minister, proceeded to kick down his office door.

What was the outcome of the door being kicked in; did the unionists meet with the Minister; were undertakings given, have any charges been laid; and, if not, is this a new method of approach to the Minister for Transport for members of the public, many of whom, including municipalities, have been refused deputations?

**Mr ROPER** (Minister for Transport)—I understand that a group of railway workers visited the office of the Ministry of Transport last week. Neither Mr Ingersoll, the Director-General of the Ministry of Transport, nor I were at the Ministry at that time because we were here at Parliament House.

It was agreed that there would be further discussions with the Australian Railways Union and there have been many discussions with the union over the past few months. That further discussion occurred. It is part of the process of the Government achieving its aim of reducing the transport deficit.

Some members of the Ministry's staff, particularly secretaries, were extremely concerned at the threat that they saw to themselves. Appropriate apologies from officers of the union to those staff have been made. I believe that represents a significant belief on their part that that is not the way to go about discussions. The Government does not expect that type of situation to occur in the future.

## MOTOR VEHICLE INDUSTRY

**Mr JASPER** (Murray Valley)—Is the Premier aware that, according to the Australian Bureau of Statistics' figures, new motor vehicle sales have dropped 23·5 per cent during the first six months of 1986 compared with the figures for the first six months of last year? A major contributing factor to this decline in sales is believed to be the imposition of the fringe benefits tax.

What action will the Premier take to overcome this potentially damaging effect to the motor vehicle construction industry in Victoria?

**Mr CAIN** (Premier)—The honourable member for Murray Valley, above all other members of the House, should be aware of the recent history of motor car sales in Victoria and, indeed, in Australia. The honourable member knows that, over the past two or three years, particularly so far as one motor company is concerned, with which I do not think the honourable member is concerned——

**Mr Jasper**—I am interested in the motor vehicle industry.

**Mr CAIN**—I was alluding to the fact that the Ford Motor Co. of Australia Ltd has been one of the great success stories of the past five years. That company is now cost competitive

with overseas industries and its products, in fact, are being exported. I am advised that the honourable member may know more about that than other honourable members. That has not been the case across all sectors of the motor industry. Over the past few years all sections of the motor industry have enjoyed boom conditions.

**Mr Jasper**—That is not the fact, and you know it.

**Mr CAIN**—The honourable member says that that is not the fact. If the honourable member asks a question of me and then proceeds to yell and scream, I will say no more. If the honourable member knows all the answers, why is he acting in the way he is? Either the honourable member knows the answers or he does not.

**Mr Jasper** interjected.

**Mr CAIN**—If the honourable member wants an answer from me, I will give him an objective and correct answer; if he wants to put his own point of view, he should not ask me questions. The honourable member should make up his mind.

All the empirical and anecdotal evidence suggests that the motor industry over the past two or three years has enjoyed boom conditions, as I indicated earlier. A whole range of factors affect this industry and, if honourable members examine its history during the 1950s and 1960s, they will note that it was given to violent fluctuations in performance. That has been the history of the motor vehicle industry. Honourable members know that.

**Mr McNamara** interjected.

**Mr CAIN**—The honourable member for Benalla has now taken over the yelling. I wonder about the National Party at times. The Government gives people in their communities the world. They get everything. I go into National Party electorates and their representatives ask me to come back. Ministers of my Government go into National Party electorates almost weekly.

We look after them; we wet-nurse them. The Leader of the Opposition is saying, by way of interjection, that he has not asked me to visit his electorate. He is frightened of what I may do if I visit his electorate. I imagine the Burwood electorate would be easy for me to knock over. He won by a margin of only 7 per cent——

**The SPEAKER**—Order! I advise the Premier that it is out of order to debate the answer to the question. I ask him to return to the question.

**Mr CAIN**—I was referring to the margin by which the Leader of the Opposition won his seat in the last election, not his popularity.

I was saying that in the motor vehicle industry a range of economic factors have operated upon an historically high base. I do not think anyone in the motor industry—the honourable member for Murray Valley may be the exception—will say that what has occurred in the industry is referable to any one factor. A range of factors have affected that industry.

Investment decisions and purchasing decisions that are made both by business and private buyers are affected by a range of factors. There is no evidence to support the assertion that is implicit—perhaps not explicit—in the question that the honourable member asked.

Finally, I refer the honourable member to the Budget Papers which the Leader of the Opposition found so enlightening. They show that all the factors that are operating will ensure that the State's economy will continue achieving as much as it can in the growth of the overall economic climate and in remaining the leader of all the other States of this country.

One of the targets of the Budget has been not to lose sight of the overall strategy of the Government, despite the economic factors that have prevailed upon the Government in the short term in determining the Budget. The overall target is for growth in providing

jobs, jobs and jobs. They are the three great issues facing the State on which the Government has delivered.

## BUSINESS OF THE HOUSE

**Mr KENNETT** (Leader of the Opposition)—I wish to address you, Mr Speaker.

**The SPEAKER**—Order! Are you seeking leave?

**Mr KENNETT**—I shall take a point of order if I have to.

**Mr FORDHAM** (Minister for Industry, Technology and Resources)—Leave is granted.

**Mr KENNETT** (Leader of the Opposition) (*By leave*)—Mr Speaker, last night, when the House had finished with its business for the day, and as you had been, and always are, given notice of those from the Opposition side of the House who wished to raise matters on the motion for the adjournment of the sitting, you were aware that three Opposition members and one member from the Government benches rose in their places.

As you will appreciate, Mr Speaker, the debate on the motion for the adjournment of the sitting is one of those occasions in which members of Parliament, regardless of their party, have the opportunity of expressing matters on behalf of their constituents. At the end of sessional periods, when everyone is tired, from time to time the adjournment debate is not carried through in its full form and sometimes it is entirely excused from proceeding. However, I put it to you, Mr Speaker, that last night was not an occasion when people were tired and there were matters of genuine concern that were wished to be raised by members of the Government and the Opposition.

I express concern from the Opposition benches that the honourable members who rose in their places last night were unable to raise matters on behalf of their constituents. It has been suggested that those honourable members rose to their feet too slowly. I do not countenance that suggestion. You were well informed, Mr Speaker, that there were matters to be raised, but the Chair decided on that occasion that there would be no adjournment debate. I ask that, in future, particularly when the Chair has been given notice in order to assist with the orderly operation of this place, those who wish to raise matters are given the opportunity of doing so.

**Mr FORDHAM** (Minister for Industry, Technology and Resources) (*By leave*)—Mr Speaker, I was present at the time, and my understanding is a little different from that of the Leader of the Opposition.

I share his view on the importance of the debate on the motion for the adjournment of the sitting. It is an opportunity for honourable members to raise issues of concern on behalf of their constituents and an array of Ministers certainly were ready for the start of the adjournment debate last night. I do not believe that, when you called the debate on, members of the Opposition rose in their places; I assumed that they were so disheartened because of the public response to the Budget that they had given the game away. It has been reflected again in question time this morning, I might add. The circumstances last night were a little different in that honourable members did not rise at the appropriate occasion.

Care does need to be taken to preserve the prerogative of honourable members on the debate in question and it may be appropriate for you, Mr Speaker, to indicate some clear guidelines to honourable members responding to the motion for the adjournment of the sitting.

**Mr HANN** (Rodney) (*By leave*)—I support the concern expressed by the Leader of the Opposition. I am aware that you, Mr Speaker, some time prior to the moving of the motion were given a list of honourable members, particularly from the Opposition, who wanted to speak on the motion for the adjournment of the sitting.

Certainly, some members of the National Party wanted to contribute to the debate and the National Party believes it is vitally important to the democratic processes of Parliament that, in future, due consideration is given to those people who want to raise issues during the debate on the motion for the adjournment of the sitting.

**Mr GUDE** (Hawthorn)—Mr Speaker, I also wish to raise a matter by leave.

**Mr FORDHAM** (Minister for Industry, Technology and Resources)—Leave is refused.

**The SPEAKER**—Order! Leave is refused. I should advise the House that I am meticulous in respect of adjournment proceedings and have been so, except on one occasion at about 4 o'clock in the morning.

Although I have lists poked under my nose by various individuals during the course of proceedings, unless an individual member stands up before I put the question, I do not call by the list; I call by who rises in his or her place; and last night I was meticulous. I paused before I put the question; I put the question; it was carried by the House, and that was the end of the proceedings.

## PETITIONS

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

### Packaging standards

TO THE HONOURABLE THE SPEAKER AND MEMBERS OF THE LEGISLATIVE ASSEMBLY:

The petition of certain citizens in Victoria shows that there is a need to end the current discrepancy in trading conditions between local manufacturers of confectionery and importers, caused by inadequate packaging laws in this State. Your petitioners therefore humbly pray that this discrepancy should be rectified by the introduction of the recommended national packaging standards, based on a 40 per cent maximum free-space in the packaged product, which will enable equal trading opportunities for local and overseas confectionery manufacturers alike and protection for consumers against dishonest packaging practices.

By **Mr Culpin** (194 signatures)

### Early childhood services

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

The humble petition of the undersigned citizens of the State of Victoria sheweth that they are gravely concerned at the future of early childhood services for young children and their families.

Your petitioners therefore pray that urgent action be taken to ensure that there are no cuts to the funding of children's services and that there be no reduction to the quality, accessibility and flexibility of such services in the State of Victoria.

By **Ms Sibree** (29 signatures)

### Trafalgar boom gates

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

The humble petition of the undersigned citizens of the State of Victoria sheweth that level crossings situated at the east and west ends of the township of Trafalgar are used by a number of local residents to gain access to the shopping centre. They are also used by a number of motorists to gain access to the highway bypass to Moe. Over the years the crossings have claimed lives and injured a number of people and because of the high usage are considered very dangerous.

Your petitioners therefore pray that the Government take immediate steps to have automatic boom gates installed as a matter of urgency at both crossings.

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

By **Miss Callister** (2195 signatures)

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

## COGNATE DEBATE ON BILLS

**Mr FORDHAM** (Minister for Industry, Technology and Resources)—By leave, I move:

That this House authorises and requires Mr Speaker to permit the second reading and subsequent stages of the Appropriation (1986–87, No. 1) Bill and the Works and Services (Further Ancillary Provisions) Bill to be moved and debated concurrently.

As discussed with the Deputy Leaders of the Opposition and the National Party, the motion deals with a machinery measure, the basis of which was explained by the Treasurer during the second-reading speeches yesterday.

For technical reasons, aspects of the water capital works and one aspect of education have to be dealt with in a separate Bill, but clearly it is sensible to have a single cognate debate.

**Mr KENNETT** (Leader of the Opposition)—The combining of debates on two Bills has been a course of action that has come into use over the past few years. Obviously, the Opposition does not oppose it.

Bringing these two Bills together has meant that the normal debates have been changed, and I just ask the Deputy Premier again to give an assurance that discussion and debate on the Budget will not be cut short to deny honourable members the opportunity of speaking either during the second-reading stage or at length in Committee.

Last year the Committee stage was guillotined very quickly. I believe that occurred after debate on the section relating to agriculture—I am not sure; the Committee may have moved one step further—and many matters that should have been debated were to be dealt with.

This is probably the most important debate that comes forward in a calendar year. I therefore seek an assurance from the Deputy Premier that there will be no move by the Government to deny members the opportunity of contributing to the debate on behalf of their electorates.

**Mr FORDHAM** (Minister for Industry, Technology and Resources) (*By leave*)—To ensure that the Leader of the Opposition understands, I point out that the Works and Services (Further Ancillary Provisions) Bill referred to in the motion is not the same as the Bill that has traditionally been called the Works and Services Bill. Parliament has since passed legislation that will put debate on the Appropriation Bill and the Works and Services Bill together.

The second Bill referred to in the motion deals with some aspects of water capital works and one aspect of education capital works which, by oversight, were not picked up in earlier legislation.

On the more substantive issue that the Leader of the Opposition raised, that is, the time available for debate on the Budget, my recollection is that last year a record amount of time was made available to honourable members on both sides of the House——

**Mr Perrin**—There are more members!

**Mr FORDHAM**—They certainly talk more. As I said, a record amount of time was made available to consider the Budget last year. The Government has no plans, plots or programs to curtail proper and adequate debate of what I agree with the Leader of the Opposition is the most important debate that is undertaken during the year.

The motion was agreed to.

## AGRICULTURAL INDUSTRY CRISIS

**Mr AUSTIN** (Ripon)—I move:

That this House deplores the fact that the Victorian agricultural industry is in a state of crisis which has developed and worsened as a result of the policies of the Government and condemns the Government for its failure to adopt appropriate measures to reduce farm costs and assist farming families.

I am certain that even most members of the Government party in this place would recognise that farmers in recent times have experienced or are still experiencing a serious economic situation. There is hardly any agricultural industry that has not been detrimentally affected by what has occurred across Australia.

Let us not believe that the slump or the crisis is peculiar to the mid-1980s or that it has occurred overnight. Some observers believe the changes that have taken place so that agriculture no longer leads this nation date back as far as the 1920s. In his recent comments, Professor Lloyd said that he believes the change in agriculture's pride of place in this nation dates back to before the first world war.

In spite of that, there is no doubt that, even in the mid-1960s, we could still refer to this country as the lucky country. At that time there were no serious long-term problems in the rural sector. In the 1950s the average farm income was double average weekly earnings; if one examines the situation into the 1980s, one finds that normal farm income—that is, without drought, fire or flood—was 25 per cent above average weekly earnings.

Farm income for 1985–86 was 14 per cent below average weekly earnings. The Bureau of Agricultural Economics predicts that in 1986–87 the net value of agricultural products will fall to 30 per cent below average weekly earnings—a substantial change in that short period.

Of course, historically farm incomes have always tended to be below those of other industries and, in recent years, because of the volatile situation of world markets, agriculture's position in the overall economy has worsened considerably.

That has been as a result of the policies of the European Economic Community and, more recently, the effect of the American Farm Bill, as well as some new Japanese policies. Those factors have accelerated the problems of the farming sector.

It is difficult to obtain a correct figure of the cost of the European Economic Community policies but it is estimated that it is in the order of $30 billion a year. I understand that the European Economic Community is considering whether it can continue to afford that sort of taxpayer burden. It is possible that production controls within the European Economic Community are already taking place.

America today has a wheat surplus of some 50 million tonnes and the world has an estimated carryover of wheat of 150 million tonnes.

Federal and State Labor Governments always want to blame world markets for all the problems of the rural sector. Whenever questions are asked of Ministers, they quickly hide behind that protective mechanism by saying that it has nothing to do with the Government and that it all relates to the EEC problems, subsidies, dumping or whatever might be outside the Government's control.

Honourable members on this side of the House recognise the severe problems imposed by other nations that are outside the Government's control. However, we also know that State and Federal Governments should examine more closely what is happening on the home front. It is the savage impact of wages and economic policies of State and Federal Governments that has increased the burden on farmers to such an extent that many of them have been forced to the wall.

The situation, especially in the Mallee district, is that some 12·5 per cent of farmers in particularly hard hit areas are in a position from which they can never recover.

**Dr Coghill**—What about the climate?

**Mr AUSTIN**—Climate always has something to do with the economy, whether good climate or bad climate. Once again, the Secretary of the Cabinet is hiding behind something outside the Government's control and blaming other factors rather than those which the Government is able to remedy.

Professor Lloyd in his report states that although farm prices have risen from an index of 105 three years ago to an index of 113 at present, over that same period farm costs—the costs that are in the hands of the Government—have risen from an index of 123 to 155.

**Dr Coghill**—How much of that is from the Government?

**Mr AUSTIN**—Those are Government taxes, charges and fees. Most of that index can be related back to the Government. The regulatory burden on agriculture has increased enormously since 1982. It may be of interest to the honourable member for Werribee to learn that the Department of Agriculture and Rural Affairs is responsible for some 150 taxes, charges and fees, of which 10 per cent are new since 1982, 10 per cent have been chartered on a new basis and 20 per cent have increased at a higher rate than inflation. That means that the regulatory burden is greater than inflation and has increased at a greater rate than inflation since the Cain Government came to office. During that time, most of those 150 taxes, charges and fees have increased substantially, some by as much as 900 per cent.

If the honourable member for Werribee wants to know specifically what those fees and charges are, I shall tell him. They include fees for knackeries, pet food establishment licences, artificial breeding of horses, stock and Crown land, which fees, from my research, have increased by an average of 212 per cent since 1982. That demonstrates that Victoria has the highest taxing Government in Australia. I might mention, in passing, that the lowest taxing Governments are Tasmania and Queensland.

I now turn to some specific industries within the rural sector. Victorians experienced the recent reduction in egg prices of 12 cents a dozen. The Opposition welcomes any reduction in prices of products that assist the consumer but that decision was made without any prior warning and drastically hit egg producers. I do not agree with the way it was done because egg farmers suddenly had a reduced annual income of $25 000 to $30 000. At the same time, permit fees for hen producers with more than 100 hens increased by between 300 per cent and 900 per cent.

The Government has failed to assist farming enterprises involved in the egg industry. The egg industry recently had an opportunity of exporting eggs to Japan, which would have been advantageous because of the decreased value of the Australian dollar. It was unable to take advantage of that position because of the regulatory nature of the industry which prevents egg producers from producing more than 2 per cent above their hen quota. Therefore, another significant opportunity was lost.

There is another example of where the Government has failed to assist farmers is the dairy industry. Before the last election many Victorian dairy farmers were being forced off their farms and demonstrations were held to protest to the Government about their position. Significant sympathy was expressed by metropolitan and urban communities for dairy farmers. The media, through television, radio, and the newspapers, took up their cause and the Premier suddenly realised he might lose some electoral support, so he decided to pay one of his rare visits to country Victoria. He received a good deal of publicity from that trip. He told Victorian dairy farmers that he would kick Queensland in the head and punch New South Wales in the stomach; he would ensure that fairness prevailed and that dairy farmers would be able to sell their liquid milk across State borders. In other words, the Premier told dairy farmers that they would be entitled to some action on the eastern seaboard market of Australia. He said that dairy farming would become a much more open industry and would not be confined to Victorian borders.

Victorians from metropolitan Melbourne and some country areas believed the Premier wanted to help dairy farmers, but other people with similar experience to mine did not believe that promise. After the State election, the Premier forgot about his promise to dairy farmers and completely ignored them. Today they are in the same financial position as they were in before that election.

Labor Governments in Australia, whether State or Federal, appear to have a bee in their bonnets about export industries such as agriculture and mining. They believe those vital export industries are of little importance today and that they will become of less importance in the future.

As a result of statements that have been made by Government representatives, one can infer that the little support and assistance that has been given to agricultural industries will be removed and allocated to the manufacturing sector.

The Opposition believes all possible assistance should be given to the manufacturing industry, to small business and to larger business organisations but not to the disadvantage of primary industry. Productivity in the agricultural and mining sectors is miles ahead of many of Australia's major competing nations.

The Australian farmer produces 51 per cent more than his American counterpart; 55 per cent more than his British counterpart and 220 per cent more than his German counterpart.

In the manufacturing sector Australia is almost on a level with the United Kingdom; it is behind Germany and produces half as much as the United States of America.

If the economic planners of this great Government direct Victoria's resources to the areas where it performs worst at the expense of where it performs best, the country will go broke.

Often in the House the Treasurer, Premier and other Ministers are keen to pat themselves on their backs and say what great economic planners they are. Those honourable gentlemen should visit the rural community and ask the operators of small businesses and farmers what effects the Government's policies are having. If those honourable gentlemen did that, they would be told just how disastrous those policies are.

Under the Murray Byrne policies of the previous Liberal Government, decentralisation was a major policy initiative. Recently the Premier claimed that under the Government's targeted grants program many industries receive enormous benefits. That is all very well for the industries that are lucky enough to receive a targeted grant; they get some benefit, but what about all the existing decentralised industries which today receive absolutely nothing?

The hypocrisy of the Government can be no better demonstrated than in its response to the Lloyd report. Part of that report compliments the Government on its freight rates. The Government thought that compliment was marvellous. However, the report also states that the Grain Elevators Board and the wheat growers of the nation should not be responsible for more than a very small portion of the public authority dividend tax. The Government criticised that aspect of the report as being hopeless. The Government has dishonestly picked out the aspects of the Lloyd report with which it agrees.

The Minister for Transport spoke absolute nonsense on what he assumes to be the Liberal Party policy on the deregulation of the rail system. The Minister claimed that if Victoria has a deregulated rail system all the grain will be transported by road. That is absolute nonsense because, under a deregulated system, true and proper competition would flourish. If the rail system were in any way efficient, as it ought to be, rail would be used to transport grain and only a small portion of the total wheat crop would be moved by road; at least the rail system would be competitive.

The Government has failed miserably to deal with problems which may appear small in the overall situation, but which to farmers who are directly affected are great indeed. I refer to the problems caused by long-billed corellas and sulphur-crested cockatoos, which for a number of years have been eating grain crops around the State. The Government has done nothing to alleviate that problem.

Yesterday during the presentation of the Budget the Government made an enormous fuss about the fact that it had increased State taxes and charges only at the same rate as the consumer price index.

Farmers cannot continue to absorb consumer price increases in costs of 6 per cent to 8 per cent because there is no way they can pass on those cost increases in their own products. Farmers are price takers, not price makers. Eventually farmers will go broke if Victoria continues to be subject to the policies of the Government.

In the Budget the allocation to livestock industries through the Department of Agriculture and Rural Affairs has dropped by 2·3 per cent, while the allocation for corporate services—salaries, overtime and publications—and all the things that are of little benefit to farmers, has increased by 42·2 per cent. I commend the motion to the House.

**Mr HANN** (Rodney)—The National Party supports the motion because the National Party is concerned at the low priority that the Government gives to agriculture.

Honourable members who were in the House yesterday and listened to the Budget speech by the Treasurer, will know that it consisted of eighteen pages. How many lines of that speech were dedicated to agriculture? Four lines. All the Treasurer commented on was the fact that $1·8 million was to be provided to establish new regional offices in country Victoria. No other recognition was given to the important role that agriculture plays in the Victorian economy.

I want to talk about that role because it is important to remind Victorians, and especially the Government which appears to believe that it can totally ignore the agricultural community, of the importance of agriculture to the State.

In Victoria 14·255 million hectares are used for agricultural purposes. That represents only 3 per cent of the total area of agricultural production in Australia. Yet that 3 per cent produces $3·437 billion of the gross value of Australian production or 23 per cent of Australia's gross value of agricultural production.

The total number of people employed in agriculture and services to agriculture on that 3 per cent of arable land totals 88 000, which is 23 per cent of the Australian total. In 1983–84 the gross value of agricultural production of Victorian crops and cereals was $850 million or 16·8 per cent of Australian production. The figure for vegetables, fruits and grapes was $523 million, or 10 per cent of the gross value; for pastures and grasses $287 million, or 53·8 per cent of Australian production; for livestock production—cattle, $352 million, or 17·3 per cent; for sheep and lambs, $159 million, or 28·4 per cent; for pigs, $114·8 million, or 30·7 per cent; for poultry, $92·3 million or 22 per cent of the Australian total; for the wool industry, $381·9 million, or 18·9 per cent; for milk, $589 million, or 51·1 per cent; for eggs, $82·7 million, or 28 per cent; and for honey, $3·3 million, or 15·9 per cent.

Agriculture is vitally important to the Victorian economy. The annual value of rural exports from Victoria is also important at a time when Australia desperately needs extra export income.

In 1984–85 the value of rural exports from Victoria amounted to $2731 million. The figure for fishing was $28·9 million and for forestry it was $7 million, giving a total income of $2767 million from Victorian rural products.

Total exports from Victoria amounted to $6430 million. The rural share of those exports amounted to 43 per cent. Yet, as I said earlier, the Treasurer devoted only four lines of his Budget speech to agriculture.

In 1983–84 there were 46 500 farms in Victoria. The nominal gross value of production per farm amounted to $73 893. The average farm size was 307 hectares. One needs to be reminded that many of the farms are family farms. In 1983–84 there were 7145 wheat farms, 9440 dairy farms and 1896 horticultural farms. A real concern was highlighted by the Treasurer in the Budget yesterday when he admitted in the documents that, although

the nonfarm sector had shown an improvement, the rural sector had dropped significantly from an Australian average of 2·2 per cent—Victoria had fallen by 11·3 per cent.

The Premier often speaks in this House about how glowing the Victorian economy is, but when one examines Victoria's gross domestic product, one finds it is below the Australian average. During the past year the average growth in the Australian gross domestic product was 3·7 per cent and in Victoria it was only 3·6 per cent. The major reason was the drop in the value of rural production. Yet, this did not rate a mention in the Budget speech.

**The DEPUTY SPEAKER (Mr Fogarty)**—Order! I hope the honourable member will not dwell too much on the Budget speech because he will have ample opportunities of doing so later. I also point out to the honourable member that the crux of the motion is contained in the last three lines which state "and condemns the Government for its failure to adopt appropriate measures to reduce farm costs and assist farming families".

**Mr HANN**—It is timely that you should mention that, Mr Deputy Speaker, because I intended to lead into that subject and highlight the terms of trade and how the situation for Victorian farmers has deteriorated dramatically since 1967–68. In doing so, I shall quote comparative figures. It has been suggested that you, Mr Deputy Speaker, should be the Minister for Agriculture and Rural Affairs, and all honourable members—certainly those on this side of the House—agree. However, that is beside the point.

The difficulties with the terms of trade highlight the predicament of the farming community, and that is the reason for debating the motion. I shall make the comparison using an index of 100 points for all the various components to which they refer for 1967–68. With respect to the terms of trade index of prices received by the farming sector in the year 1983–84, there was an increase to 297 points. If one compares that with the index of prices paid or costs incurred by farmers, one sees it has increased to 475 points. The differential between the index of prices received by farmers of 297 points and the index of prices paid of 475 points is dramatic.

If one compares the consumer price index during the same period, using the index of 100 points for 1967–68, it has risen to only 393 points and yet, as I said, the prices paid by farmers increased to 475 points. Therefore, on a basis of real prices received, the rural sector received effectively 76 points in 1983–84 compared with 100 points in 1967–68. With respect to real prices paid, the figure is 122 points in 1983–84 compared with the index of 100 points in 1967–68.

The terms of trade figures highlight the concern expressed in the latter part of the motion. In 1983–84 the farmers were at a level of 62 points with respect to the terms of trade compared with 100 points in 1967–68. The deteriorating terms of trade are explained by the fact that real prices received are decreasing and the cost components are dramatically increasing.

It is also alarming to examine the debt and equity situation of farms. In 1984–85 dollar terms the average debt per farm was $13 000 in 1953. In 1985 the level of debt per farm rose to $80 000. At present that figure would be higher because of the higher interest rates imposed over the past two years. Therefore, farm debt is increasing dramatically and farmers cannot pay off their capital.

Between 1980 and 1985 the institutional debt of the farm sector increased by 50 per cent. With respect to farm equity—that is, the proportion of the farm business capital free of debt—in 1953 it was 96 per cent but in 1985 the equity was back to 86 per cent.

That brings me to examine the figures relating to the proportion of farms that are at risk. In 1984–85 the proportion of wheat farms at risk was nil. In 1985–86 it is estimated that 8 per cent of those wheat farms are now at risk.

**Mr W. D. McGrath** interjected.

**Mr HANN**—As my colleague, the honourable member for Lowan, reminds me, that figure would be higher in the Mallee where farmers are facing a crisis at present.

With respect to the dairy industry, in 1984–85 13 per cent of farms were estimated to be at risk, and in 1985–86 the figure rose to 15 per cent. With respect to the horticultural industry, 6 per cent of farms were at risk in 1984–85 and in 1985–86 the figure is 10 per cent.

It is important to examine the contribution of the farm sectors to the gross domestic product, and in 1984–85 agriculture contributed approximately 5 per cent, mining 5 per cent, manufacturing 18 per cent and other service industries and so on 72 per cent.

Of the total export scene amounting to $29 909 million, forestry and fishing accounted for approximately 37 per cent, mining 41 per cent and manufacturing only about 22 per cent. If one examines the figures over a number of years, one finds that the manufacturing percentage has remained fairly stable at around 22 per cent to 25 per cent of exports. Both the State and Federal Governments are suggesting that manufacturing will be the saviour of Australia, and that is why the State Treasurer chose to ignore agriculture in his Budget speech. I do not believe that is right. The most appropriate and logical way for Victoria to lift its economy is through the agricultural industries.

It is interesting to examine some of the overall statistics which relate very much to the Australian economy over the past 50 years or so where one discovers that, according to United Nations figures, Australia's living standards have fallen to No. 21 on the list.

Australia has fallen from being the eighth largest trading nation to the 23rd largest trading nation. That was a quote from Mr Dawkins, the Federal Minister for Trade. In just five years Australia's overseas debt has exploded from $15 billion to approximately $85 billion.

Australia's debts have snowballed by 183 per cent in the same time. Australia's trade balance deficit is chronic and debilitating. In the past three years it has doubled, and Australia is losing much more than $1 billion a month. I believe the figure is in fact more than $1·5 billion.

Australia's inflation rate is three or four times higher than its major trading partners, according to the figures of the Organisation for Economic Co-operation and Development. These figures should alarm any thinking Australian and are probably the basis for the depressed state of the rural industry.

Victoria is sliding rapidly and helplessly towards insolvency. The one thing Australia needs more than anything else is to arrest and reverse this dangerous situation by a change in its economic philosophy and direction. Both the State and Federal Labor Governments believe they can solve the economic crisis faced by Australia by concentrating on manufacturing and high technology. They believe the manufacturing industry will lift the country out of its economic mire.

In an address to the Australian Labor Party national conference held in Hobart recently, the Prime Minister said that Australia has a prime opportunity to move away from its dependence on primary industry for export income and to expand exports of manufactured goods. The Premier and Treasurer repeated those remarks in the House. It is absolute nonsense to suggest the manufacturing industry in Australia can ever generate significant export income while Australia has a centralised wage fixing system that takes little account of profit levels in industry.

Australian wage earners enjoy the benefits of shorter working hours; a minimum of four weeks' annual leave—many enjoy more than that; holiday loadings; generous sick leave; rostered days off; and flexitime. All those types of benefits in Australia's wage system are not enjoyed by its competitors overseas.

**Dr Coghill**—Get your facts right!

**Mr HANN**—Those benefits are not enjoyed by our Asian neighbours with whom Australia is trying to compete. I would be interested to know whether the honourable member for Werribee can tell me of any country where the employees receive four weeks' annual leave or more than four weeks' annual leave.

**Mr McCutcheon**—Does that mean we should not have it?

**Mr HANN**—It does not necessarily mean that we should not have those benefits but it probably means that we cannot afford to have them. One must ask the question, to which, I believe, the answer is, "No". Why is this country in such turmoil?

It is extremely difficult to turn the system around once those sorts of concessions have been made. Recently a Japanese Rotary exchange student who was staying on a neighbouring property made the point that his father works six days a week, has one week's annual leave and believes he is working for Japan. That type of attitude would be difficult to instil in Australian workers and that further highlights the difference.

Export statistics for manufacturing industry show that its share of export income remained static for many years then fell from a peak of 29 per cent in 1974–75 to 20 per cent in 1984–85. It is not possible to increase that sector significantly. The increase in the number of manufacturers transferring operations offshore in order to lower costs of production makes it difficult for manufacturing to increase future export revenue significantly.

That move is continuing, even with the devaluation of the Australian dollar. In reality the high cost of production makes it impossible for many of Australia's manufacturers to compete.

**The DEPUTY SPEAKER (Mr Fogarty)**—Order! I take it the honourable member for Rodney is relating his remarks to agriculture.

**Mr HANN**—Mr Deputy Speaker, the point I am trying to make is that Victoria has a Government, which is supported by Federal Government policy, which virtually wants to write off agriculture. It is virtually saying to the people of Victoria that the State no longer needs to place importance on the Agricultural economy and the wealth it can obtain from that sector.

The Victorian Government is concentrating all its efforts on high technology, not just general manufacturing. In recent days the Premier, Deputy Premier and the Treasurer have emphasised so-called high technology, saying that it will lift Victoria out of the economic recession and boost revenue. At a seminar held in Parliament House yesterday to discuss the future, the speaker highlighted that perhaps one should look at the "brands" and "processes" to extract more dollars from the existing system. He did not propose ways and means of increasing the total number of dollars through the manufacturing sector. That is the point. All the Government's resources are being put into manufacturing.

I shall give examples of where the Government could place emphasis to generate additional revenue. The Government has given rural Victoria a very low priority. We are talking about farmers and their families. There has been a significant increase in poverty in rural areas and many farmers are unable to feed and clothe their families. That is sad.

I know of examples of people who have been proud because for many years they have survived without help and who are now embarrassed about relying on handouts from churches, Government social service agencies and other financial support to feed their families. In the past, these people would never have contemplated seeking assistance through the normal sources.

The number of farm bankruptcies is increasing. I believe the number will increase more rapidly in the future because many people who at present are in an insoluble position have not yet been forced by the lending authorities to sell their properties. This is partly because the country and the State are in recession and therefore it will be difficult for those authorities to find buyers. The land value has decreased dramatically because of the

present economic situation. I have been surprised at the number of people facing a financial crisis who I believed were financially sound. Generally their plight is no fault of their own; it is the result of high interest rates, debt levels and the change in terms of trade, to which I referred earlier.

Part of the problem lies in the interest rates. The Primary Industry Bank of Australia is a lending institution that was established mainly to assist the rural community with long-term loans. In January 1984 the bank's interest rate was 11 per cent; by January 1986, two years later, it was 21 per cent, a dramatic increase. Figures that are thrown off the top of one's head do not have much meaning but, effectively, by the time the bank charges and additional costs are added to the interest repayments on the mortgage, which the borrower is unable to meet, the interest rate runs at around 25 per cent,

When the interest rate rises above 20 per cent, every four years the borrower finds that his principal has been turned over in interest. That is an impossible situation. I am talking about loans of $100 000, $200 000 or $500 000. What has the Government done to assist landholders in Victoria? It has provided a token amount for interest subsidies and has not effectively put pressure on the Federal Government to change its economic policies.

The high cost of living makes it difficult for farmers to survive during the current recession. The drop in land values has drastically affected the equity of individual properties, and that is another matter causing grave concern in many areas.

While the debt situation may not have changed dramatically for some farms, the equity has changed because of the drop in land values. For example, in the Mallee some of the farms are literally unsaleable because of the drop in land values.

From my experience I believe young farmers have been the worst affected. They have large borrowings and have been caught by the drop in commodity prices. The dairy industry is a good example. Three years ago many young farmers were borrowing money to purchase farms on the basis of an estimated payment of $4 a kilogram for butterfat. Reliable lending institutions were happy to lend money on that basis. In eighteen months to two years, the price has dropped below $3 a kilogram and those young farmers have been in desperate financial trouble since.

A few years ago young farmers were encouraged to develop their farms; they were encouraged to buy new machinery and to spend large amounts of money on landforming in the irrigation areas. That was done at high capital cost and has jeopardised the equity of a number of young farmers. Although those measures have improved production, they have increased the debt loads. That was fine when commodity prices were high, but those young farmers are now in difficulty.

The current situation affects not only farmers but also country towns and cities and the people who service agriculture. There have been examples of family companies that have been operating in rural industries for 50 to 100 years going into insolvency. One machinery dealership in the north-west region of Victoria was a family company and had five dealerships that employed a large number of people. That company has now gone into receivership and has lost all its assets, including family assets.

Acklands Pty Ltd, a major equipment manufacturer, provided a vitally important service industry to agriculture, but it also went into receivership and had to sell off its assets.

International Harvester Australia Ltd has been affected by the situation. The company was forced to amalgamate with Case (Aust.) Pty Ltd and that has had an affect on the rural sector. The decline in the profitability of International Harvester Australia Ltd probably began with the American rural recession.

Recently I was speaking to a chap who has been involved with an International Harvester Australia Ltd dealership for 34 years. He said that the past two years had been the worst ever due to enormous floor costs and the spare parts the dealership must carry, which

amount to thousands of dollars. Money has been borrowed to cover the cost of that. That chap is one small example of what is currently happening. The overheads are far too high, and Victoria is fortunate that more of those people have not gone broke.

Even viable farmers have stopped spending because of the current economic recession and the drop in commodity prices. Prices for wheat have dropped from $140 to $131 a tonne, which is the estimate for the current season. The estimate for next season is approximately $80 a tonne. What person can suffer such a cut in returns and still survive?

Smaller country towns have been affected because they depend heavily on the service industries. It is not only large dealerships that have been affected, but also small shops. When agricultural prosperity improves, the question is will those service industries return? I believe we will see literal ghost towns for some time to come.

I shall now refer to some of the policies of the Government that have affected the situation. My major concern is that the Government has given a low priority to agriculture. It has reduced the agriculture budget each year in real terms. It has reduced the number of personnel employed by the Department of Agriculture and Rural Affairs over that same period. Funding for research has been continually cut. Quite a bit of money is spent on the department, but it is used on propaganda activities and public relations exercises.

I shall now refer to some of the specific policies affecting rural areas. Local government amalgamations, which are now history, would have had a drastic effect on rural communities. The policy had a drastic effect anyway because during the crisis period councils had to concentrate on the attack from the State Government.

Regionalisation of the Rural Water Commission is a problem as the proposal will effectively downgrade small towns. It will reduce the services provided to irrigators in local towns. That proposal was carried out with no prior consultation with rank and file irrigators; the decision was imposed from the top.

The withdrawal of major decentralisation benefits and payroll tax rebates have also had a significant impact upon many country towns. Few new industries are being located or established in country Victoria. I have difficulty in naming any at all.

Recently some country freight centres have been closed and public transport in country areas has been reduced. Changes are being made to the State education system through the Blackburn report and the Government has proposals to encourage or force small primary schools to amalgamate. Many professional people will be forced to leave country towns. If the Government closes a Rural Water Commission office in a district centre or reduces its emphasis, local district engineers who have been relocated to an area along with a number of other personnel will then be lost from the community. They will leave volunteer positions in the community with hospitals, schools and service clubs. There will also be a loss of revenue in the commercial centres. That is an unfortunate side effect of the Government's policy on regionalisation.

I shall now refer to some of the areas to which the Government should be giving priority. The National Party strongly believes that rural Victoria has the potential and ability to significantly increase its economic output, which would not only boost the economy of the State but also it would increase its export income, which is so vital to the nation.

The current economic recession has discouraged farmers from maximising productivity on their farms; it has discouraged them from investing in new techniques, new machinery and new ideas. Thousands of hectares of land are presently lying idle because commodity returns are too low.

One of the major deficiencies in rural Victoria is the lack of marketing expertise and assistance beyond the farm gate. I give due recognition to the Minister that he has finally established the position of a director of marketing in the department, but, at this stage, that has had little result. There are a number of industries where marketing systems should be improved. Techniques that will give farmers a more effective return beyond the farm

gate and give a greater knowledge and understanding of what are the potential markets and the products that farmers are producing should be considered.

Farmers are extremely efficient as producers of viable products on the farm but they tend to rely on the entrepreneurs beyond the farm gate to market their produce. Unfortunately many of those people are unscrupulous; they show little interest in the financial welfare of those farmers.

**Dr Coghill**—Name them!

**Mr HANN**—I do not need to name them; the honourable member knows who they are.

**Dr Coghill**—Farmers have a right to know who you are attacking.

**Mr HANN**—No; If one looks back over the years one sees that, as is their right, those people have been getting the maximum possible dollar for themselves, but in my experience it is only on the occasions when the farmers become directly concerned with marketing, that they maximise the returns for that particular commodity. That is not to say that should not be a private enterprise system as well running in tandem. I am sure the honourable member for Werribee would agree with me, but I will not name the people concerned because that may be embarrassing to all of us.

**Dr Coghill** interjected.

**Mr HANN**—The meat industry is a good example of an industry that has exploited the rural sector over the years. However, over the years the meat exporting industry has also had its problems with the unions. It is an industry in which the farmers have not grasped the nettle. They have tried, through their cooperative marketing arrangement and their abattoir, but that ran into problems. They need help, particularly with marketing skills.

Cooperative marketing should be encouraged and farmers need to be educated in those skills. At present there is no provision within our system to train leaders in the farming community in marketing techniques and in the skills that they will need beyond the farm gate to be involved in the corporate world, the business world, the business sector.

We should be looking at the tertiary colleges for this training, or at the Victorian College of Agriculture and Horticulture, where specific courses should be set up to train farm leaders. They do not have to be farm leaders; they could be farmers' sons or individuals interested in that area.

**Dr Coghill**—Or daughters!

**Mr HANN**—Yes, or daughters. They might be even more effective! They should be trained in those skills so that they can go out and become involved to a greater extent in the marketing of products.

We should be searching for new markets—for example, in South-East Asia—but to do that we must consider the type of products they require. The export of the milk biscuit some years ago was an example of that. Since the people of South-East Asia could not consume dairy products, the milk biscuit was established as an effective alternative way of marketing milk. Options and initiatives such as the milk biscuit are very much one-off situations. We are not developing enough of those new techniques and that is because our system does not allow us to do it.

In 1977, I came back to this Parliament having been to Canada on a Commonwealth Parliamentary Association trip and said that we should be introducing computer selling of livestock in Victoria, but it has taken nine years for the Meat and Livestock Corporation to consider implementing a system along with a private company, Elders, which has moved in that direction. These techiniques were being used nearly ten years ago overseas and yet we have moved slowly. I put much of the blame for that on the Department of Agriculture and Rural Affairs.

We should be researching new ways of selling products—for example, lamb versus chicken.

Recently the National Party was given examples of 92 different ways to package chicken. One would think that it was impossible for there to be 92 ways to package and sell chicken, but that is so because the industry is organised; it has its marketing, research and development together. Yet the lamb industry is still fiddling away to starting to work on shortcuts—the new term for lamb cuts—but we have been slow to develop those sorts of techniques.

In relation to research and extension, Victoria with its diversity of fertile agricultural land has enormous potential for the development of new products. It is interesting to look at examples given by Mr Julian Cribb in a talk to the Grassland Society, in which he highlights the fact that there are a number of new industries which we ought to be considering. He points out:

Our fruit and vegetable industries are capable of earning an extra $700 million by 1995, with a vast array of promising new export crops and technologies, to satisfy out of season markets in the northern hemisphere.

There is an example of that in northern Victoria with Kiwi fruit. We need to encourage people to a greater extent in its production. He continues:

Our cashmere and angora mohair luxury fibre industries face a potential expansion of export sales to an estimated $400 million a year also within ten years—

. . . . .

While there is world oversupply in cereal grains, there is an emerging world shortage of specialist protein grains, and Government estimates say we can capture export sales worth $250 million a year.

. . . . .

Our cut flower, exotic blooms, native flower and nursery industries too are projected to have $100 million export potential.

With plant variety rights, there is every reason for Australia's seeds industry to expand dramatically—industry estimates say between $100 and $200 million a year is possible, with pasture, crop and vegetable seeds, essential oils, herbs and spices.

. . . . .

Our meat industries are presently exploring a vast range of new more highly-processed and value-added products that will lead to increased earnings from a traditional export industry.

The arrival of Middle Eastern fat-tail sheep in Australia offers the opportunity for substantially wider penetration of Arab markets for sheep meat and fresh ways to make use of our native pastures.

The pig industry has an opportunity to earn $350 million in new exports from the sale of chilled pork to Singapore.

Australia is rapidly developing expertise in the farm production of a wide array of gourmet foods with export potential—from deer, quail and pheasants, to buffalo, prawns, barramundi, salmon and shellfish.

Genetic engineering of livestock has already produced a "superpig" and a "supersheep"—animals which grow one third faster and larger than our present livestock, heralding a genuine revolution in productivity in traditional farm industries and again, offering potential to make better use of our improved and native pastures.

There is enormous potential too in industrial crops—crops which provide pharmaceutical inputs, which provide building materials, which provide even petroleum and other fuels.

The arrival of the information technology revolution means our farmers will soon have access to a vastly increased array of advice and farm management systems with which to lift productivity.

That was said in Julian Cribb's article. The remarks reflect the options we should be considering in the Government, encouraging agricultural industry to do this in this State. But this will not be done unless money is put into research and unless it encourages research leaders within the Department of Agriculture and Rural Affairs to go out and develop the new products in conjunction with the farmers.

A senior officer in the Department of Agriculture and Rural Affairs has predicted that the irrigation areas of northern Victoria, for example, which at present generate approximately $200 million of revenue, could produce five times that amount with new agricultural techniques. In other words, production could be lifted from $200 million a year to $1000 million a year.

The difficulty we have at the moment, however, is that we have no effective techniques to market that additional product if we produce it.

It is reliably predicted that Australia's agriculture is fully capable of launching an export expansion worth $2 billion a year by 1995, and yet in the Budget, agriculture in Victoria gets only four lines and that was only for capital works, to set up new regional offices. Furthermore, agriculture is capable of saving Australia another $1 billion a year by starting to produce many other products that are now being imported at high cost.

Agriculture has the potential to be Victoria's sunrise industry. It is an industry in which we have already unique skills and resources. It has the capacity to benefit every Australian, no matter where he or she lives. There is a need for Government recognition of that fact. There is a need for this Government to recognise that one does not just push agriculture aside and give it a low priority and forget about it, but resources must be injected in the research areas, particularly into the extension and into on-farm work, because it has enormous potential to lift the revenue of this State, which would boost the economy instead of depressing it, as has happened over the past twelve months.

The National Party is not talking about subsidies for rural communities but about support for research and financial assistance for young farmers to encourage them in their efforts. The National Party is talking about a reduction in Government charges such as fuel taxes, freight charges and water charges. Those charges must be kept to a minimum in order to boost the rural economy.

Industry investment in agriculture is an excellent long-term investment in the future prosperity of Australia and, unless the Government changes its priorities and establishes that as its new target, none of the predictions made by the Treasurer in his Budget speech will come to fruition.

The National Party strongly supports the motion because it is concerned that the Government currently gives agriculture a very low priority in its economic strategy.

**Mr McCUTCHEON** (Minister for Water Resources)—The Government is disappointed with the contributions of the honourable members for Ripon and Rodney. The Opposition and the National Party have followed a line of gloom and doom and have not put any constructive points.

The statistics and arguments put by the honourable member for Ripon did not advance any constructive thoughts, raise any hope or encourage rural communities to tackle their problems in a constructive way.

The Government is concerned and sympathetic about many of the difficulties faced by sections of the agricultural community, particularly the crop sector and, to a lesser extent, the dairy industry. Positive signs for agriculture are emerging, including a projected increase of 6 per cent in farm output in Victoria for 1986–87 when the rest of the agricultural community in Australia is facing declining output.

The Government, through the Minister for Agriculture and Rural Affairs, has done many constructive things for the rural community, and I shall make reference to those matters during the course of my remarks.

The suggestions for improving the agricultural industry, put by the honourable members for Rodney and Ripon, can be summed up by saying that the Opposition wants more public funds to go to the rural sector. Honourable members opposite have made requests for more money for the rural sector, yet at the same time the opposition parties talk of

smaller government and lower taxes. The Opposition must decide how it will deal with these problems.

On behalf of the Government, I therefore move:

That all the words after "House" be omitted with the view of inserting in place thereof the words "recognises the severe difficulties facing sections of the Victorian Agriculture Industry and notes Government actions to tackle these problems including—(*a*) initiatives in line with the long term economic strategy; (*b*) increased assistance to those in need; (*c*) the setting up of the Office of Rural Affairs; (*d*) creation of the Rural Affairs Committee of Cabinet; (*e*) the conduct of the Rural Economics Study; (*f*) consolidation of the Department of Agriculture and Rural Affairs; (*g*) measures to improve the general economic climate; and (*h*) other specific initiatives in the 1986–87 Budget".

The amendment to the motion indicates the constructive and positive action that is being taken by the Government to deal with the agricultural industry.

I have already indicated that the Government acknowledges the difficulties facing sections of the agricultural community and it has developed a comprehensive approach to deal with the situation, an approach that has never before been taken by previous Governments that claimed to represent rural interests.

The Government is injecting money to assist the real issues facing agriculture and is creating an environment in which the agricultural community can have a future. The Government is focusing on exports and replacing imports; on making industry more competitive. A new level of cooperation has developed between Federal and State Ministries on issues of national or State significance, and the two levels of Government are working together to develop real strategies.

The Government has a third emphasis on the marketing chain of agriculture. The Minister for Agriculture and Rural Affairs has indicated an emphasis on marketing, product development, value adding and a need for more effort in improving freight handling and packaging.

The Government has a long-term strategy as well as short-term strategies that are dealing with the immediate difficulties facing that industry. As examples of that I instance the situation of Mallee farmers during the past twelve months when the Government acted to deal with the problems facing grain producers and provided assistance so that growers could plant their crops this year and thus could survive until better seasons occurred.

The Government listens to the rural community when representations are made. Direct assistance has been given to grain growers at their point of need rather than blanket assistance across the board. It has allowed those farmers to deal with their immediate problem. At the same time, grain growers who qualified for assistance loans were allowed a deferral of their water bills for last year.

In addition to that assistance, Community Services Victoria has developed appropriate services for people in those areas: it has created special regional activities through regional offices in the Wimmera and Mallee regions; in Mildura, for dried fruit producers; and in Sea Lake and Wycheproof for depressed farming families. The Office of Rural Affairs is providing a range of services for farming families.

The problems of rural Victorians have an impact on farming families, and the Department of Agriculture and Rural Affairs has recognised that fact and responded to it. The farming communities have appreciated the resources directed in their direction. The department has appointed a financial counsellor in the Mallee region who is counselling and helping people with their problems. His work is appreciated by those families.

The actions of the Government in the Mallee region demonstrate that specific problems are dealt with effectively and that the Government is responsive to the needs of communities. It is typical of the way the Government is prepared to tackle problems throughout rural and urban Victoria.

The Government established the Office of Rural Affairs in Horsham and appointed Frank McClelland as its director. The office operates under the direction of the Rural Affairs Committee of Cabinet. No previous Government has focused Government resources on rural issues across the board as this Government has done.

I am unsure how members of the National Party and the Liberal Party feel about the creation of the Office of Rural Affairs, but I understand that the Leader of the Opposition has said that he would get rid of it. The Victorian Farmers Federation supports that office.

I shall read what Heather Mitchell, President of the Victorian Farmers Federation, said about the establishment of the Office of Rural Affairs. The published leaflet giving information about the office states:

The decision to establish the Office of Rural Affairs was seen by the Victorian Farmers' Federation as a positive acknowledgement of the different requirements of rural communities when distributing government services.

Further, we appreciate the locating of the head office in Horsham and were especially pleased to note that the first head of the office was to be Mr Frank McClelland.

Our major concern must be that adequate resources are available to ensure that during periods of crisis, the department will be able to assist the farm community to cope in a technical, economic and social sense.

Following these crises, there is a period of rehabilitation and many farmers rely on the expert advice available through the department, including social aspects of the farm environment. In this period of depressed conditions, this is becoming an important aspect of the department's operations.

The VFF believes we can be an effective consultant for the Office of Rural Affairs in its developmental processes and wishes it every success.

I have had a number of conversations with Mrs Mitchell, particularly over water issues affecting the irrigation community, and she has indicated a positive attitude by the federation towards the office and towards the way in which the Government is focusing resources on the problems as they arise. The Government has taken constructive and relevant action at a time when there are rural issues that need special attention.

I shall now refer to the Lloyd report, which is entitled, "Rural economics study". It would be a good idea for Opposition members to read the report. I refer to page (xvii) of the report.

**The ACTING SPEAKER (Mr Kirkwood)**—Order! Will the Minister explain to the House which report he is referring to and when it was published?

**Mr McCUTCHEON**—It is the "Rural economics study" report to the Minister for Agriculture and Rural Affairs by Professor Alan G. Lloyd, published in July 1986. It is now open for public discussion and comment. A comment on page (xvii) of the report reveals an understanding of some of the causes of the difficulties facing rural and agricultural communities, as opposed to a blind blaming of Governments. It states:

How much blame should be attached to recent governments? Any government presiding over a rural slump inevitably is blamed, but should only be convicted of its own sins. It must be remembered that in any particular year, the level of farm income is dominated by the weather and export prices, neither of which can be controlled by Australian governments. It follows that policies of recent governments, State and Commonwealth, coalition and Labor, have contributed little towards the rural slump of the 1980's.

In the time available to me, I do not want to enter into a long argument, but those who have contributed to the debate so far, and those who will continue to contribute to the public debate, ought to take note of the rest of that report and the issues it raises in a move towards improving the direction of our consideration of the problems facing rural Victoria.

The report also indicates that the overall lending by the State Government and State Government funding of rural Victoria through the department is neither demonstrably excessive nor deficient. The Government has received public comment on the Lloyd report and will make a decision on it in the New Year. It is an important document for all who are interested in rural Victoria to consider and to make contributions accordingly. Since the conduct of that study there have been other factors emerging. For example, in

this year's Budget the public authority dividend from the Grain Elevators Board has been reduced from $4·5 million to $3 million.

*Honourable members interjecting.*

**Mr McCUTCHEON**—The National Party does not like this, but it is a fact that the Government has done that. The National Party has always been upset about the treatment of the Grain Elevators Board. The Government is lowering the V/Line fees this year for grain freight by 5 per cent in real terms and 13 per cent in actual terms. The freight rates have been reduced by 26·03 per cent at Moorlort and 18·4 per cent at Goornong.

**The ACTING SPEAKER (Mr Kirkwood)**—Order! I ask the honourable member for Geelong to cease making the noise that he is making as it is difficult to hear because of the metallic intrument he is using. If he wishes to undertake that sort of engineering, there are other places where he can do so.

**Mr McCUTCHEON**—I shall refer to V/Line freight charges, which have been reduced by 13 per cent this year. This will assist grain growers and will have a beneficial effect on rural Victoria. The reductions in freight charges have been 18·4 per cent at Elmore, 18·4 per cent at Goornong, 15·4 per cent at Bridgewater and 15·07 per cent at Dunolly. Significant reductions have been announced by V/Line. Like everything else the Government has done, this initiative has indicated that the Government has responded to the problems facing grain growers. It is evidence of how that response is being carried out and will benefit grain growers.

I shall mention also the consolidation of the Department of Agriculture and Rural Affairs. The Government has increased the Budget allocation to the department by 9·4 per cent this year, which is a real increase above inflation. The department will be able to operate within its present overall level of staff numbers, so considerable resources will be available for field work and services in the coming year.

I shall briefly consider the measures aimed towards improving the general economic climate. In the Budget and its general policy, the Government has been containing taxes and charges below the consumer price index right across the board.

Cost reducing measures have affected urban and rural industries, for example, by a reduction in WorkCare subscriptions. In addition, a boost to the housing budget will have an influence in rural areas.

A major announcement in the Budget was made by the Treasurer about the campaign to increase international tourism in Victoria. That will flow through to rural Victoria because much of tourism engages country areas and country sites and a number of marketing initiatives are being taken by the department to diversify rural industry.

The marketing initiatives the Government has adopted in areas such as horticulture and lean lamb have been well received in the industry. Another example is the important part that the Sunraysia Export Development Committee and the marketing division of the Department of Agriculture and Rural Affairs will play in the future of the industry.

All the issues that were referred to by the Deputy Leader of the National Party from the *National Farmer*, such as marketing seminars, trade fairs, computer selling of livestock, lamb cuts and packaging, are initiatives that the department is currently undertaking. They are not new; they are being done now. This shows that the Government is ahead of the National Party and is implementing what is necessary to support rural Victoria and to help stabilise the rural economy.

I suggest that the general measures set out in the amendment will improve the economic climate and also will benefit agriculture and rural Victoria. I have mentioned those measures.

Where a job climate is created in the State in general, it will flow through to rural communities and urban areas in rural Victoria. The devaluation of the Australian dollar

has helped our exports enormously; and increases in our exports, particularly in horticulture, will flow through to the agricultural community.

The technology statement that the Government issued in July outlined plans for the development of high tech industries in Victoria. Disparaging remarks were made by the Opposition about that, but those initiatives will encourage private sector investment and export activities in rural Victoria. The most sophisticated economic statement produced by any Government was surrounding that possibility for this State, and it was well received across the board.

I shall make brief reference to other initiatives dealt with in the Budget. I have already mentioned the rail freight charges and the cut in the public authority dividend. The Department of Agriculture and Rural Affairs is developing a model to help facilitate storage and handling systems and to reduce their costs by new types of on-farm storage.

There are specific marketing initiatives in the Department of Agriculture and Rural Affairs budget which, as I said, total an increase of 9·4 per cent, including the promotion of boneless lean lamb cuts, the pork support plan, the expansion of the livestock marketing reporting service, support for computer aided livestock marketing, export marketing and development of alternative crops. In addition, this debate should not ignore the salinity initiatives of the Government that are seeking to hold back the onslaught of salinity to reduce the difficulties that farmers are going through and to ensure that we receive maximum production from our rural areas.

The Liberal and National parties have conflicting policies on these issues. There are differences between them and this debate has been set up to cloud those differences and their embarrassment over the statement in Horsham on 22 August when the Leader of the Opposition said that "There would be no place in his Government for rural affairs". Obviously he is prepared to throw out the window the constructive moves that the Government is currently making. I am sure that some of his back-bench members would not support that idea, and the National Party must find great difficulty in seeing itself in any form of coalition where a potential Liberal Government would throw out an Office of Rural Affairs and attack those structures established by the current Government to give support to the agricultural and rural communities of Victoria.

The amendment summarises what should be said by the House, and I commend it to the House.

**The ACTING SPEAKER (Mr Kirkwood)**—Order! I inform the House that every future speaker on this subject will be speaking to both the motion and the amendment.

**Mr I. W. SMITH** (Polwarth)—The Deputy Leader of the Opposition has asked me to take charge of the debate on his behalf, because he has been urgently called away. I am happy to make a contribution to the debate and to begin by criticising the Government's insensitivity and total lack of understanding of commerce in general but, particularly, of agricultural productivity and the people who depend on it.

That is fairly easy to understand, because the minds of members of the Government are tunnelled along a course of socialism, which was set for them by their guru, Hawke, when he was speaking to the *Australian Financial Review* on 25 March 1971 and he made these comments:

> I believe that ultimately, the welfare of the people of Australia will be best served when the means of production, distribution and exchange are removed from private ownership and are owned by the people.

The stamp of that guru is reflected in the policies and the actions of both the Federal and State Governments because they have no interest in making the individual self-reliant, productive or dependent upon his fellow producers; but rather, they are interested in devising and practising a system, which I will demonstrate in a moment, which encourages individuals to become subservient to the State and dependent upon it.

Let us examine what they have done to achieve this: one of the greatest scourges encouraged by the accord and beefed about by the Government is indexation. Indexation is simply like compound interest. The Government sets a range of costs and charges for its services and taxes and then indexes them according to a factor that is determined by the initial costs and charges and the rate at which they are set; that is compound interest.

The Government has rapidly removed the control of finance from the private sector to the public sector. Since 1967 when I became a member of Parliament, the amount of gross domestic product consumed by Governments has risen from 26 per cent to 43 per cent. Fifty per cent of that increase has occurred since the Federal Labor and State Labor Governments came into office four years ago.

If that trend continues, guru Hawke's comments made to the *Australian Financial Review* in 1971 will come true: the ownership of the means of production, distribution and exchange will become the asset of the people through the State and not the asset of individuals.

The Government has aggravated a difficult world–competitive situation. If one listens to the Federal Treasurer, Mr Keating, one may be inclined, as most journalists naively seem to be, to think there is world overproduction of primary production and that that is what is causing our problems. This is not true. There has been world overproduction of most primary products since the second world war.

The Treasurer and all commentators ignore the fact that the problem is not overproduction; it is our costs and the cost at which we can sell in a competitive world market. There is overproduction of motor vehicles and practically everything else, but it is the cost at which we can afford to sell that is important. I want to demonstrate to the House how this socialist Government has deliberately set out to aggravate the costs of production and rapidly assist in pricing us out of our world markets.

One example relates to fuel. Most commentators would say that, by removing the excise duty on diesel fuel for farmers, the problem of fuel costs as a component of production has disappeared; nothing could be further from the truth. The State and Federal Governments fail to realise that there is a large non-diesel fuel component in the production of rural produce, and that cost is severely aggravated by the huge amount of taxation.

If we had a free world market price on fuel, it would be 22 cents a litre instead of 58 cents a litre, as it now is in country areas.

While the Government subsidises commuter transport in Melbourne to the tune of $1500 per family per annum, people in country areas who need 50 per cent more fuel for day-to-day use, let alone for business purposes, are not receiving that $1500 a family commuter subsidy. They also have to pay an additional $1000 or $2000 in extra fuel costs, and that aggravates their cost of living.

Let us examine the fiscal policies of both the State and Federal Governments. They started out with a policy of putting heat on the economy by taking out large borrowings. The effect of that was to put heat on interest rates. One cannot just put heat on interest rates to the extent that business is priced out of the market and unable to borrow. Nobody in business is now borrowing unless he has to. That is as a direct result of the policies of both the State and Federal Labor Governments.

Heavy borrowings will cause high interest rates; and high interest rates will cause a de-escalation in business activity, particularly in the rural sector, which has never enjoyed high returns on the capital value of its assets.

When I started out in agriculture, I hocked myself to the eyeballs. The going rate of interest then, in 1966, was 6·5 per cent, and I was able to make a profit while I was paying that interest, and I did very nicely.

However, imagine the situation of the person now, with a heart full of hope, going out to establish himself in any form of business or even trying to take advantage of some of

these incredible new initiatives that the Government talks about. That person will need to borrow to do that and at an interest rate of about 18 to 20 per cent, by the time one adds bank charges on the loan. One has no hope of making an economic return on that sort of interest rate.

I now turn to State Electricity Commission costs and charges. Here again is an area deliberately aggravated by this Government. Although domestic charges may well have been related to this compounding consumer price index figure that I have already discussed, that is not so for the industrial users of electricity. Dairy farmers, for example, use quite a bit of electricity for their milking, and particularly for the cooling by refrigeration of their milk.

As a result of the policies of this Government, dairy farmers are now paying an additional $1000 for electricity. That happens to be one-fifth of their net income. I ask honourable members opposite: how would any of them like to be paying one-fifth of his net income for electricity as a direct result of the Government's policies for increases in electricity prices?

While I am talking about dairying, let us consider the castration of this State's dairying industry by this socialist Government and the socialist Government in Canberra.

When the Liberal Party left office in Victoria, money was being put into dairy farmers' pockets as a result of very successful market promotion of "Big M" and white milk. The per capita consumption of milk was rising to an unprecedented level and was unequalled anywhere else in the world. However, that has now reversed, and per capita consumption of milk in Victoria has returned to the level it was at before those promotion campaigns were initiated ten years ago.

To worsen the problem, instead of the dairy authority being fully commercially oriented, it has been brought back into the Public Service, thus removing it from the commercial realities of the marketplace, to which the Government openly boasts that people should be exposed.

The Government has the hide to introduce legislation to deregulate the margarine industry but it ignores the total regulation of the marketplace in Australia. It has it the wrong way around. If the Government wishes to deregulate the dairy industry, it should start at the other end: it should start by freeing up the marketplace and then, when farmers are more competitive as a result of enjoying that freed up marketplace, it can deregulate and move towards free competition between the margarine and butter industries. Deregulation should not occur in the way that the Government now proposes. That simply proves again the Government's lack of sensitivity to and knowledge and understanding of rural areas.

All of us know that, as a result of the subsidisation of the grain industries in Europe and the United States of America, the Australian grain industry will not enjoy a competitive position in the world market over the next couple of years. The Minister for Transport boasts about rail freight reductions but they are rail freight reductions on very high rates. He has been singling out the grain growers, the only single users of the railways for cartage of freight, to pay more than the cost of the service. They are the only people who are asked, at a time when there is a flagging rail system, to pay more than the cost of the service.

**Mr McCutcheon** interjected.

**Mr I. W. SMITH**—But this is where the Government fools itself with percentage increases. The problem is the real cost. The real cost of grain handling and freighting happens to be about $40 a tonne which, in a situation of a diminishing value for a tonne of grain, assumes—if the Minister wants it in percentages—a much higher percentage of the take. While a 5 per cent reduction is welcomed, it is a small reduction on an already high impost. It does not even account for the taxation impost on the Grain Elevators Board by this Government.

That is all right if one has a crop. One of the problems that we have suffered has been allowed to continue partly because the Minister for Conservation, Forests and Lands in another place believes there is no crisis in the bush at all. That shows how much she knows about it. She is not sensitive to the fact that grain growers, as a result of their cropping practices, are causing a plague of cockatoos and corellas. Of course, by the time a grower obtains a permit to do something about the cockatoos and corellas, his crop is gone anyway.

There must be a greater understanding by this Government that in certain areas, where cockatoos and corellas have reached plague proportions, they cannot be allowed to continue breeding and existing at the rate at which they do now. It is not a natural situation. It is an artificial situation, because their numbers would be greatly diminished if the farmers did not feed them on their crops. It also makes alternative crops extraordinarily difficult to grow.

The Deputy Leader of the National Party mentioned the impost of the proposed local government restructure on rural communities. It is quite clear from comments made by various members of the Government party—such as Mr Henshaw in another place, and the honourable member for Monbulk in this place—who talk of property taxes, that it was proposed that the implementation of the Government's social justice policy would take place at the expense of ratepayers; that ratepayers would have pushed on to them all the welfare systems that this Government desired to be made available, and that those systems were to be paid for by ratepayers. That was to be yet a further impost in rural areas.

In the remaining moment or two that I have available to me, I conclude my remarks by saying that if one wants to demonstrate whether there is a problem in the country, surely one must relate it to costs and income and the potential of income. Although market forces and seasonal conditions do bear on those factors, the aggravation of costs through indexation of taxes and charges has helped to remove farmers from a competitive position.

The imposts of the policies of this Government seem to be related to public relations and trying to convince the rural community that this is a Government that is good for it.

In announcing that a $5 million package was available to the dairy industry, the Treasurer failed to tell us that $3 million of that was waived stamp duty that he would not have received anyway.

*In accordance with Sessional Orders, the debate was interrupted.*

**The SPEAKER**—Order! The honourable member for Polwarth may resume his contribution to the debate when the motion and the amendment are again before the House. I shall resume the chair at 2 o'clock, when Government Business will take precedence.

*The sitting was suspended at* 1 *p.m. until* 2.5 *p.m.*

## ERROR IN DIVISION LIST

**The SPEAKER**—Order! Before calling Government Business, I inform the House of a teller's error in a division list. In the second division that took place in the House on Wednesday, 10 September, relating to the motion on broadcasting of question time, the name of the honourable member for Gippsland East, Mr B. J. Evans, was inadvertently recorded in the Ayes instead of the name of the honourable member for Ballarat North, Mr A. T. Evans.

## AUDITOR-GENERAL'S REPORT

**The SPEAKER** presented the Treasurer's statement of the receipts and payments of the Consolidated Fund and the Trust Fund for the year ended 30 June 1986, accompanied by the report of the Auditor-General and by the documents specified in section 47 of the Audit Act.

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

## CORRECTIONS BILL

**Mr FORDHAM** (Minister for Industry, Technology and Resources)—On behalf of the Minister for Police and Emergency Services, I move:

That this Bill be now read a second time.

The purposes of this Bill are to provide for the establishment, management and security of prisons and the welfare of adult prisoners; to set out the functions of the Office of Corrections; to provide for the administration of services related to community-based corrections, including the welfare of adult offenders in such community-based programs and to provide for other correctional services for adults.

Historically the system of corrections in Victoria has been under-resourced and inadequately managed. The Cain Government in its first term of office moved to address these problems by establishing a separate Office of Corrections by preparing a building program and by expanding the system of community-based corrections. In addition, the Government has overhauled and consolidated the law relating to sentencing in the Penalties and Sentences Act 1985 which has been in operation since 1 June 1986. However, the law relating to the administration of the Office of Corrections and correctional programs has remained substantially in the Community Welfare Services Act 1970 and in the regulations made under that Act. There are other matters which are not clearly addressed in legislation. It is therefore timely that a new Act be introduced to consolidate legislative provisions relating to the administration of corrections and to define more clearly the responsibility of persons working in the corrections system or held in the corrections system.

Provisions of the Bill recognise the separate function of the Office of Corrections. This not only enables corrections to have its own identity consistent with the importance of the correctional function but also recognises the importance of corrections as a key service of Government. The Bill makes provision for the establishment of prisons and police gaols and provides for the employment of prison officers. The Bill importantly provides in legislative form the duties of prison officers and their responsibilities for the control of prisons.

The Bill provides specific powers relating to the management of the security of prisons, including photographing, fingerprinting and searching.

The Bill also provides for a number of classes of persons to have a statutory right to visit prisons, including judges, magistrates and the Ombudsman. The Bill gives statutory recognition to official visitors. Official prison visitors have now been appointed to most prisons in Victoria and the scheme is working well.

For the first time in Australia the Bill provides for a legislative description of a prisoner's rights. The rights listed in the Bill are for the most part consistent with the United Nations minimum standards for prisoners. They include the right to a period of open air daily, dietary food when prescribed by medical practitioners, the right to suitable clothing, the right to practise a religion of the prisoner's choice, the right to receive visits and the right to have the benefit of educational programs.

The Bill also details the procedures to be followed in respect of breaches of prison discipline including procedures to ensure prisoners adequate time to prepare a defence to charges laid and the right of appeal to a magistrate in those instances where the penalty for an offence is to subtract eight or more days of a prisoner's remissions.

The provision is made for the composition and operation of the Adult Parole Board. The composition of the parole board is expanded by including a judge of the County Court. This change is thought to be appropriate in the light of the very heavy criminal workload of the County Court and the experience of County Court judges in dealing with crime. The parole board will continue to be chaired by a Supreme Court judge.

The Bill provides that in determining the length of a prison sentence, account may be taken by a court of any period of remissions to which a prisoner is entitled. This has the effect of reversing the decision in *Yates* case, which was made on the old legislation where the Full Court held that a court could not under the legislation take into account the impact of remissions when fixing an appropriate sentence. Under the provision in this Bill courts will now be able to do so.

The Bill also provides for the tightening up of administrative discretions in relation to leave of absence which may be granted by the director-general for special purposes. Under the Bill the director-general cannot grant leave for more than three days at a time whereas under the previous legislation no limit was imposed.

The Bill also provides a statutory framework for the operation of community corrections centres. Victoria now has 23 community-based corrections centres covering the whole of the State. The programs operated by these centres have been extensive. The expansion of these services has been consistent with the Government's philosophy of utilising the imposition of a sentence of imprisonment as a sanction of last resort. The development of these community-based programs enables offenders to remain in the community and to continue to support themselves and their families while undergoing correctional programs and suffering loss of their leisure time. The community corrections centres are supervised by community-based committees and the centres have been generally well accepted in local communities. The early statistics on the operation of our expanded community-based corrections centre program indicates a satisfactory success rate.

The Corrections Bill is an important step taken by the Cain Labor Government to overhaul and modernise the criminal justice system in our State. We have already taken a number of steps to reduce the delays in the courts, to expand the number of courts to hear criminal cases and to overhaul the law relating to sentencing. The Corrections Bill, together with the ongoing improvement and upgrading of correctional facilities, is an important part of that process. I commend the Bill to the House.

On the motion of Mr JOHN (Bendigo East), the debate was adjourned.

It was ordered that the debate be adjourned until Thursday, 2 October.

## NATIONAL TENNIS CENTRE (AMENDMENT) BILL

**Mr TREZISE** (Minister for Sport and Recreation)—I move:

That this Bill be now read a second time.

The purposes of the proposed amendments to the National Tennis Centre Act 1985 are threefold.

First, the functions and powers of the National Tennis Centre Trust will be amended to provide for a broader range of financing and development options for the construction of the National Tennis Centre. These options will enable the trust to seek out cost savings through commercially acceptable financing arrangements. As part of the process, the proposed amendments will extend the Treasurer's guarantee provisions. The powers of the National Tennis Centre Trust to enter into agreements and leases are also widened.

Secondly, the amendments allow for the resetting of boundaries for the National Tennis Centre, thus giving it a much improved visual impact in keeping with its international significance and its location near to the city. The resultant relocation of Old Scotch oval will provide the users of that oval with an improved playing surface in an environmentally pleasing area.

Finally, the anomaly currently preventing the reappointment of some trustees will be removed by amending the retirement age for National Tennis Centre trustees from 65 to 72 years in line with other part-time Government appointments. This will ensure not only that all trustees are eligible for reappointment, but also that the valuable contribution

provided by the inaugural members of the trust is not lost, particularly during the critical early years of development. I commend the Bill to the House.

On the motion of Mr REYNOLDS (Gisborne), the debate was adjourned.

It was ordered that the debate be adjourned until Thursday, 2 October.

## WATER (MISCELLANEOUS AMENDMENTS) BILL

The debate (adjourned from 17 April) on the motion of Mr McCutcheon (Minister for Water Resources) for the second reading of this Bill was resumed.

**Mr DELZOPPO** (Narracan)—The Bill will amend the Water Act, the Drainage of Land Act, the Geelong Waterworks and Sewerage Act, the Latrobe Valley Act, the Mildura Irrigation Trusts and Sunraysia Water Board Act, the Planning Appeals Board Act, the Sewerage Districts Act and the 1983 and 1984 Water and Sewerage Authorities Acts.

The purposes of the Bill are set out in clause 1—the main ones being to make miscellaneous amendments to the Water Act with respect to advisory bodies, committees of management, the abolition of districts and to provide for appeals to the Planning Appeals Board. That is a new innovation and I shall refer to it later in my contribution.

The Bill also proposes miscellaneous amendments to the Water Acts to make constitutional changes to correct anomalies and allow for efficient management structures to be put in place; to increase the autonomy of local agencies while preserving an appropriate level of accountability to government; and to make miscellaneous changes mainly designed to provide greater equity to consumers.

The Bill applies mainly to rural areas of Victoria and water boards outside the control of the Melbourne and Metropolitan Board of Works. The Minister for Water Resources euphemistically described it as "the non-metropolitan water sector".

The majority of amendments incorporated by the Bill have been requested by the water industry. Consultation has occurred with all sections of the industry, practising clerks and engineers and members of water boards, the Department of Water Resources and the Rural Water Commission.

The Bill has been widely circulated in rural areas by the Opposition and, I am sure, by the National Party. The Chief Executive Officer of the Mornington Peninsula and District Water Board advised me of certain points in a letter he wrote to me. I suggest that those points encapsulate the work involved in bringing to fruition this Bill.

The chief executive officer, Mr Maglen, writes in the following terms:

> These amendments have been the result of the work done by the Local Authorities Division Functional Review Committee. This committee was established by the Department of Water Resources some two years ago to examine the role and function of the then proposed Department of Water Resources in relation to local water supply and sewerage bodies in the non metropolitan area. Membership of the committee was drawn from the department, water boards, VWSAA and consultant engineers.

In May 1984 a discussion paper was circulated throughout the industry. Adequate time was allowed for departments, organisations and water boards to respond to that paper. The responses were summarised and circulated again in 1985 seeking further input.

The proposed amendments set out in the Bill are the result of extensive consultation with the water boards. I compliment the Minister for Water Resources on that consultation. So often in the past Parliament has been led to believe consultation has taken place on a Bill that has been rushed through, when no such consultation has occurred. Further in the letter, Mr Maglen states:

> The Bill will facilitate the transition to more efficient management of the urban water sector and improve autonomy. At the same time accountability to Government is maintained at a reasonable level.

Many of the amendments have been sought for several years by various bodies in the water sector portfolio. The amendments are timely and a welcome first step.

The reference in the letter to the "first step" refers to the fact that the Department of Water Resources and the Minister have already commenced a reform of the 21 water Acts that govern Victoria's water supply and sewerage industry. It is a large and ambitious program and already documentation has gone out to all interested parties on the process of review.

In some ways the Bill is only a transitory stage in the preparation of a final water law Bill which will come before the House at some time in the future.

The Bill is essentially a Committee Bill because many of its aspects are technical. However, I wish to highlight a few of the clauses for the attention of Parliament and foreshadow that I shall move two small amendments during the Committee stage. During the debate I shall outline the reasons for those proposed amendments.

Clause 5 amends section 33B of the Water Act. The clause deals with objections to approved drainage schemes. Under the present legislation there is no mechanism for comments to be considered and, more importantly, they cannot be put into action and cannot affect the outcome of any schemes.

At present, anyone who wishes to object to a scheme would encounter a frustrating process.

Clause 5 provides for the Planning Appeals Board to become the arbiter in such instances. The Opposition supports that approach because the Planning Appeals Board has now developed considerable expertise and skill in drainage matters. Any objection should go to appeal before the Planning Appeals Board because that is the most appropriate body to hear such objections.

The Opposition has some doubts about clause 6 which deals with the sale of surplus departmental houses. Under the Water Act at present property is disposed of by public auction. The effect of the new clause will be that the Rural Water Commission can sell by private treaty to any of its officers. The Minister should reconsider this clause and at least have the Valuer-General place a value on the property before it is sold to an officer of the department.

I highlight the fact that this practice is being adopted by the Government in the disposal of surplus railway property, whereby people who lease railway property have been told that when their lease expires the land will be put up for auction. The Government has adopted such a practice to protect assets that have accrued out of the public purse.

Water commission houses have been purchased with public moneys and, rather than enter into a private treaty to sell such property, the Government should first obtain a valuation from the Valuer-General.

Clause 7 will allow the Rural Water Commission to form companies or other corporate bodies to market any expertise it may have in the way of computer programs or other engineering advice. Such a facility already exists for the Gas and Fuel Corporation and the State Electricity Commission.

I foreshadow that during the Committee stage I shall move an amendment to prevent this Government or future Governments from forming a company and borrowing for purposes outside the water sector. If agreed to, the amendment will mean that any borrowings of any corporation formed under this section will have to be reported to Parliament and will have to be included in the financial returns of the Rural Water Commission.

Having made a moral objection to clause 7, I am not suggesting that the Rural Water Commission should be discouraged from marketing its expertise because such expertise could benefit the citizens of Victoria.

Clause 12 inserts a new section 9D into the Drainage of Land Act. The clause deems the commission to be the owner of land in certain circumstances and enables the authority to refer to the Planning Appeals Board for determination matters concerning the appropriateness of existing works which restrict the flow of water. Such action can occur only in conjunction with the normal drainage and flood mitigation and river management proposal.

There were some initial objections to clause 12 when certain people read the Bill for the first time because on a first reading it appeared that the Rural Water Commission was assuming powers of compulsory acquisition which were unfair and unjust. This is not the case, but the Opposition does have a problem with the clause inasmuch as the Opposition believes it is not clear whether an appeal can be launched under either the Water Act or the Drainage of Land Act. For that reason, I foreshadow an amendment during the Committee stage which, if agreed to, will put the matter beyond doubt.

There are some drafting anomalies with clauses 12 and 13. Both the Opposition and the National Party received a letter from Mr John Adams, who practises law at Kyabram. He has given advice on the Bill not only to the opposition parties but also to the Minister. The practical experience of Mr Adams in both the Water Act and the Drainage of Land Act makes his advice most valuable. He is in a unique position to bring a practical approach to any reforms.

In a memo to me and to the Minister, Mr Adams commented at length on clauses 12 and 13. He says that there are anomalies in the present drafting of those clauses, so I hope the Minister has picked up those anomalies and that they will be included in the amendments made to the Bill in the Committee stage.

I refer to the effect of clause 13, which is to remove an existing right of compensation payable to landowners in the circumstances at present set out in section 36 of the Drainage of Land Act 1975. Mr Adams points out:

> That no reference to the removal of the compensation rights was made in the Minister's second-reading speech and to this degree the speech is somewhat misleading in failing to point out the effects of clause 13 on existing land owners rights.

Therefore, I ask that during his closing remarks, the Minister refer to that point and give an explanation to the allegation made by Mr Adams. Mr Adams further states:

> It is also noted that neither the Rural Water Commission or the department consulted with the legal profession or others interested in this area" . . .

Although there was wide consultation with persons practising in the engineering and administrative areas, it would have been appropriate, as Mr Adams points out, for the Government to have consulted with those legal practitioners who have to deal with the Drainage of Land Act and the Water Act on a day-by-day basis.

In respect of clause 12, Mr Adams states:

> This clause introduces a new section 9D to the D.L.A. deeming the Rural Water Commission (the R.W.C.) to be an owner of land for the purpose of taking proceedings under the Drainage of Land Act for removal of works which restrict or resist a flow of water on other lands where such works have been identified in a drainage, flood mitigation or River Management Proposal published in the *Government Gazette*.

The submission that Mr Adams makes—and of which I have made mention—is that it is unclear in proposed section 9 whether appeals can take place with either the Drainage of Land Act or the Water Act. The amendment to which I have referred would take care of that point. Mr Adams mentions a couple of other anomalies in the clause which would be better dealt with during the Committee stage.

With respect to clause 13, Mr Adams states:

> The purpose of this clause is to substitute the Planning Appeals Board for the Minister as the appropriate appellant authority where a person is aggrieved at a direction from a drainage authority that works be modified or altered on lands that have been declared areas liable to flooding. Similar amendments are proposed so as to substitute the Planning Appeals Board for the Minister in appeals against directions to remove works in lands

that have been declared as a drainage course. In addition, the board is being substituted for the Minister in relation to appeals where the relevant drainage authority has refused under section 38 (12) D.L.A. to consent to the erections of works which could interfere with the flow of water in a drainage course. These provisions are welcome . . .

I ask the Deputy Leader of the National Party to note them because Mr Adams lives in the electorate he represents. Mr Adams further stated:

. . . as it is considered that the Planning Appeals board is the appropriate forum for determining these matters.

Mr Adams raised minor points on the comparison of sections 36 and 38 on areas liable to flooding which I believe will be more appropriately dealt with during the Committee stage.

During the winter recess the Opposition received a letter from Mr Geoffrey William Tomlinson, a barrister and solicitor from Kerang. He raises some serious questions about the amendments to the Water Act which are contained in the Bill. I shall present those concerns to the Minister and ask him to comment on them in his summation at the conclusion of the second-reading debate. The letter from Mr Tomlinson stated, inter alia:

I am incensed by the Rural Water Commission, the Shire of Kerang the Borough of Kerang, and Camp Scot Furphy Pty Ltd methods by which they have purported to make recommendation in respect of land that I own and occupy, without even the courtesy of a consultation, advice or any other remark.

It is left for me to find out the matter in a circuitous manner and I take the situation to be one of quite unprincipled tactics used by the Government departments and their so-called advisers in achieving an overall plan and not properly informing those concerned.

. . . . .

In respect to the proposed amendments to the Water Act to allow the Rural Water Commission to treat other people's land as if the Rural Water Commission owned it in a flood situation to allow works to be done without consultation by the owner and perhaps at the owner's expense is completely undemocratic, completely wrong in law and I urge you to review the particular amendments in the Water Act and vote against it so that it will not pass Parliament, will not become law.

I have informed the Rural Water Commission that I will resist the matter with every means. . .

I should like an assurance from the Minister that this is not the case and that no amendments in the Water Act or any other Act being considered today would affect or prejudice the land described by Mr Tomlinson in his letter.

As I mentioned, the Bill has been, in the main, widely accepted by the water industry. However, I received a letter from the Shire of Strathfieldsaye which had a rather ironic twist about which I should like the Minister to comment. The secretary of the shire stated that in the main he had no arguments against the proposed legislation. However, he further stated:

If these measures are to prove successful, it is obvious that there will be reductions in rates and the Minister's confirmation, that this will in fact take place, would be appreciated.

It also would be appreciated by members on this side of the House if the Minister could give such an assurance. I have already acknowledged a number of people who have tendered advice to the Opposition on what is really a technical Bill. I thank Mr John Campbell, the Assistant Chief, Property and Legal Services Branch of the Rural Water Commission, for his advice and explanation on a Bill which could be difficult to interpret without his assistance. I also thank the Minister for allowing his officers to render assistance.

Earlier I said that I have other comments which would be more appropriately dealt with during the Committee stage, and I shall deal with them then.

**Mr STEGGALL** (Swan Hill)—It is revealing to examine the second-reading speech made by the Minister about this interesting Bill. It is understandable that the interest of honourable members would not be overwhelming because basically, except for a few provisions concerning the Department of Water Resources, the Bill is a rural Bill.

I had difficulty equating the second-reading speech of the Minister with the Bill. The Minister stated that the amendments proposed could be categorised into three main

groups. He further stated that the broad thrust of the first group of amendments is to increase the autonomy of local water supply and sewerage authorities and to put in place more suitable arrangements for preserving accountability to Government.

I suggest that the Victorian water industry is so accountable to the Government at present that it finds it hard to make any decisions because of the highly regulated nature of the industry.

The Bill helps overcome some of the problems. When the water reform envisaged by the Government is completed next year I hope that many more regulations will be thrown out the door so that local water trusts and boards and sewerage authorities will be able to operate more efficiently.

The second group of amendments is to provide greater equity to consumers and user groups. The Government is using the word "equity" a lot. I tried to find out what it means but was unsuccessful. Eventually I realised that it does not mean anything to the Government. Some amendments are being made to the rating provisions, and this is good because they virtually introduce a differential rating system.

The third group of amendments deals with miscellaneous administrative matters designed to streamline the day-to-day workload of water supply authorities and to correct existing machinery-type anomalies. Basically that summarises the amendments proposed by the Department of Water Resources.

Part 1 deals with the Rural Water Commission and amendments to the Water Act. It is the section that applies to the rural areas. After listening to the Minister's second-reading speech and comments from other honourable members, one wonders whether the Government consulted people in rural communities.

For the first time in a long while proposed legislation opens up the question of flood studies. At present the lower Loddon flood study is in full flight. It has been going for some time. These studies are not easy because it is difficult to get people who have been involved in floods to agree to any proposed scheme. The lower Loddon flood study is an example.

Another flood study is being undertaken in Avoca. Someone has decided to redirect the watercourses in that area. About one-third of the Avoca River water is to be directed down the Lalbert and Tyrrell creeks into the terminal lake. The idea is to alleviate the flood problems experienced at the mineral reserve basin in the Swan Hill electorate. Lake Tutchewop has been taken out of the system and included in a salt evaporative basin. One thing leads to another and the problems accumulate.

The Avoca flood study will probably be one of the most fascinating flood studies to come from the northern region because of the history of floods in the Avoca area.

It is a very interesting time but, unfortunately, most of the changes will affect the irrigation, drainage and river areas in the country. Only about five or six members of Parliament represent country areas and, as there are 88 members of Parliament, the majority of them are concerned about metropolitan issues. Unfortunately, the Bill affects mainly country communities.

Country people have enormous problems in dealing with Governments, members of Parliament, bureaucrats and the Public Service regarding water problems. Obviously not many people in Melbourne fully understand how floods can tear a community apart. They are extremely dangerous. The breadwinners of families will do everything they can to protect their homes and livelihoods when threatened by a flood. That is reality.

No matter what the Government proposes in legislation, the community will decide how it will steer the flood waters. No matter how many flood studies or amendments are made to the Water Act, unless the communities are prepared to work under a common scheme, the Bill will be meaningless. For some reason bureaucrats and politicians tend to believe legislation will solve any problem.

The Bill should be right from the start and the Government should consult people in flood areas. I do not have much confidence in the Labor Party rural committees which propose some of these schemes and which prepare discussion papers on water law reform. I do not have much faith in their understanding of what happens in the bush. The Government concerns me because more responsibility and power are being based in Melbourne and not in the country where they belong.

Last week in Shepparton the Minister for Water Resources released a discussion paper by the Department of Water Resources entitled, "Water Law Review Discussion Paper". In Part H, under the heading Draining Regimes, it says:

Protection of the Drainage Regime.

Alterations to the layout of land, improvements to a private farm drainage system, or any change from rural to urban land use all affect the way in which water drains from the land concerned. Many of these activites result in increased run-off and concentration of water flow from the land, and their combined effect imposes new pressures on the rivers and streams that receive the drainage, sometimes leading to stream erosion or to flooding.

It is therefore considered that the proposed legislation. . .

For God's sake! This is a discussion document! It continues:

. . .should include measures for the protection of the drainage regime. This can be achieved by building on existing land-use planning and development controls.

It is proposed to provide that any development or change to land use that requires authorisation, licence or permit (under any statute) and that will affect the prevailing drainage regime must be subject to certain conditions for the protection of that regime. A Municipal Council Water Board, the Department of Conservation, Forests and Lands or a regional planning authority that has power to grant any approval, authority, licence or permit relating to development of land or change of land use will be required to decide whether the proposed development or change to land use will affect the prevailing drainage regime. If the authority finds that there will be such an effect, it must attach conditions to the permit, approval, licence, etc.

In the discussion paper the Minister suggests that communities and local councils should have major input to the drainage and flood studies. The Minister will argue, as will many other honourable members, that they have that say today.

If one examines the simple flow chart put together by the Rural Water Commission, one can see the consultative stages that the system goes through; everyone talks to everyone, except the only group that has any power is the Rural Water Commission. The Minister will make judgments, but he will be divorced from the flood situations throughout Victoria. He will have to make decisions on the recommendations of flood studies.

During the Committee stage, the National Party will move an amendment that will horrify some people. The proposed amendment provides that before an area can be declared an approved scheme, in other words, before a flood study can be an approved scheme, the local councils of the affected area and the Rural Water Commission must agree on the detail of the study. Without that agreement, the Minister will not be able to declare it as an aproved scheme. That principle should be applied not only to flood studies but also to irrigation management and costings.

I am asking the Government and the Opposition to consider something that is a little different. The local people—the people who get their feet wet when floods occur—should have some say in the formulation of a flood study and they should agree to a scheme before it is approved by the Minister.

I am prepared to include with that proposed amendment a provision stating that if agreement is not reached within fifteen months after the scheme has been advertised in the *Government Gazette*, the Minister will then have the powers he currently has. Local councils would have a year to come to a unanimous decision on the matter.

If five councils are involved in a flood situation, four councils may agree on an issue, but the fifth may say, "It is not on". Under my proposed amendment, the fifth council will have the power of veto. The proposed amendment will encourage people in affected flood areas to set out from the first day to agree on the best way to steer a flood.

During the Committee stage, I shall give some examples of the problems that can occur with steering a flood. The honourable member for Narracan mentioned a few of them. He asked for an assurance from the Minister, and I wonder what the Opposition will do if the Minister does not give that assurance.

If the proposed amendment is agreed to, it will probably be the first time that legislators in this State have given responsibility and authority to the people who have to bear the result of the decisions. Honourable members should not believe they are doing anyone a good turn by deciding to leave the decision-making power in Melbourne. When floods occur, everyone in Melbourne has dry feet, but in the affected area everyone is fighting the flood on an hour-to-hour basis to protect their families and livelihoods. Better decisions will be made if those people have power in the decision-making process.

As the honourable member for Narracan mentioned, clause 6 refers to the sale of property to employees of the Rural Water Commission. That will not cause difficulty so long as it is done responsibly and checks and balances are in place.

The issue of regionalisation has caused a lot of heartache to people living in water areas. Clause 6 is included because the Rural Water Commission wants to off-load some of its houses in rural areas and, in some cases, would like to sell them to its own staff.

Regionalisation has caused problems, and the Minister will have the opportunity of explaining how it will work. The Minister should explain from where the capital works funding for the building of offices of the Rural Water Commission will come. Will it come from the Department of Management and Budget or will it come from the irrigators? I ask the Minister to respond to that because people living in the water areas are keen to know about it.

I would also like the Minister to refer to the Planning Appeals Board. The board is mentioned a great deal in the Bill and it has a lot of power. For some reason, the Labor Party likes to have boards and tribunals to have the ultimate power so that representatives can go to country areas, share their knowledge and wisdom with the local people, settle disputes in the time given and then retreat to the city.

I should like to know what is the future of the Planning Appeals Board—whether the Government intends to continue with it in its present form or we are passing into legislation something that will be short-lived and that will be changed to some other tribunal. I do not believe it would be unkind to ask the Minister to respond on that subject.

The National Party basically supports the Bill as presented. However, it regards the measure as a magnificent opportunity for the Government to put local powers into the proposed legislation, to actually be a little brave and daring to try to ensure that justice is done. To use a word that is fondly used by the Labor Party and by the Premier, we might have a bit of natural justice, even social justice, if the people who will be affected have some say in the provisions that are to be imposed on them.

The other clauses are mainly from the Department of Water Resources and are mainly clean-ups. In the Committee stage there will be comments made on clause 12, which amends the Drainage of Land Act, and with the exception of those matters the National Party will be supporting the proposed legislation.

**Mr McCUTCHEON** (Minister for Water Resources)—Firstly, I thank the two spokespeople for the Opposition and the National Party for their contributions to the debate. As has been reflected in their remarks, a lot of these provisions are mechanical and would be helpful in the operations of the water boards, the Rural Water Commission and the water sector generally. They raised several points during the debate and they both focused on somewhat the same subjects.

When I introduced the Bill in April, it lay over from the autumn sessional period, a five-month period, and as has been remarked by the other speakers, correspondence has circulated with people's reacton to the Bill. The Institute of Water Administration, the

Woodend Water Board and the Victorian Water and Sewerage Authorities Association have written to my office supporting the provisions in the Bill, which are designed to increase the autonomy of local servicing bodies.

There have been some matters on procedures raised in their letters and, as the honourable member for Swan Hill commented, we are about to embark on a wide consultative process on water law review and that will allow many of the matters to be considered in principle rather than by trying to patch up existing legislation and so that proposals can be expressed in a more simple straightforward manner in the future.

People are looking forward to that constructive opportunity to improve the twenty Acts that we have, reducing them to a reasonably straightforward piece of legislation that does not have the internal conflicts and confusing methods that are applicable to sewage bodies and water boards as they currently exist.

Some comments were made about the remarks of Mr John Adams, a Kyabram solicitor. Mr Adams sent me his notes, and as a general comment I foreshadow 30 amendments that will be moved in the Committee stage, which take note of Mr Adams's remarks. They were constructive remarks, and his interest and experience are appreciated, as has been remarked by the previous speakers. We thank Mr Adams for his contribution and as we go to the Committee stage, the various small amendments will indicate some recognition of the points he made.

So far as the letter from Mr Tomlinson is concerned, and the request by the honourable member for Narracan for an assurance, as I have not seen the letter I cannot give an assurance on that, but I am sure that outside the debate on this Bill we can discuss the matter and follow it through.

**Mr Delzoppo** interjected.

**Mr McCUTCHEON**—We will discuss the matter when I see the letter. With regard to the sale of Rural Water Commission homes, the Government requires that the sale of any Government property is subject to the Valuer-General's valuation, and if a sale is in process which is setting a price below that valuation it would need the Valuer-General's comment to me and I as the Minister would have to grant permission for the sale of that property below that valuation. That is a reasonable safeguard and certainly any sales negotiated with the commission's staff would take the Valuer-General's valuation as the datum point.

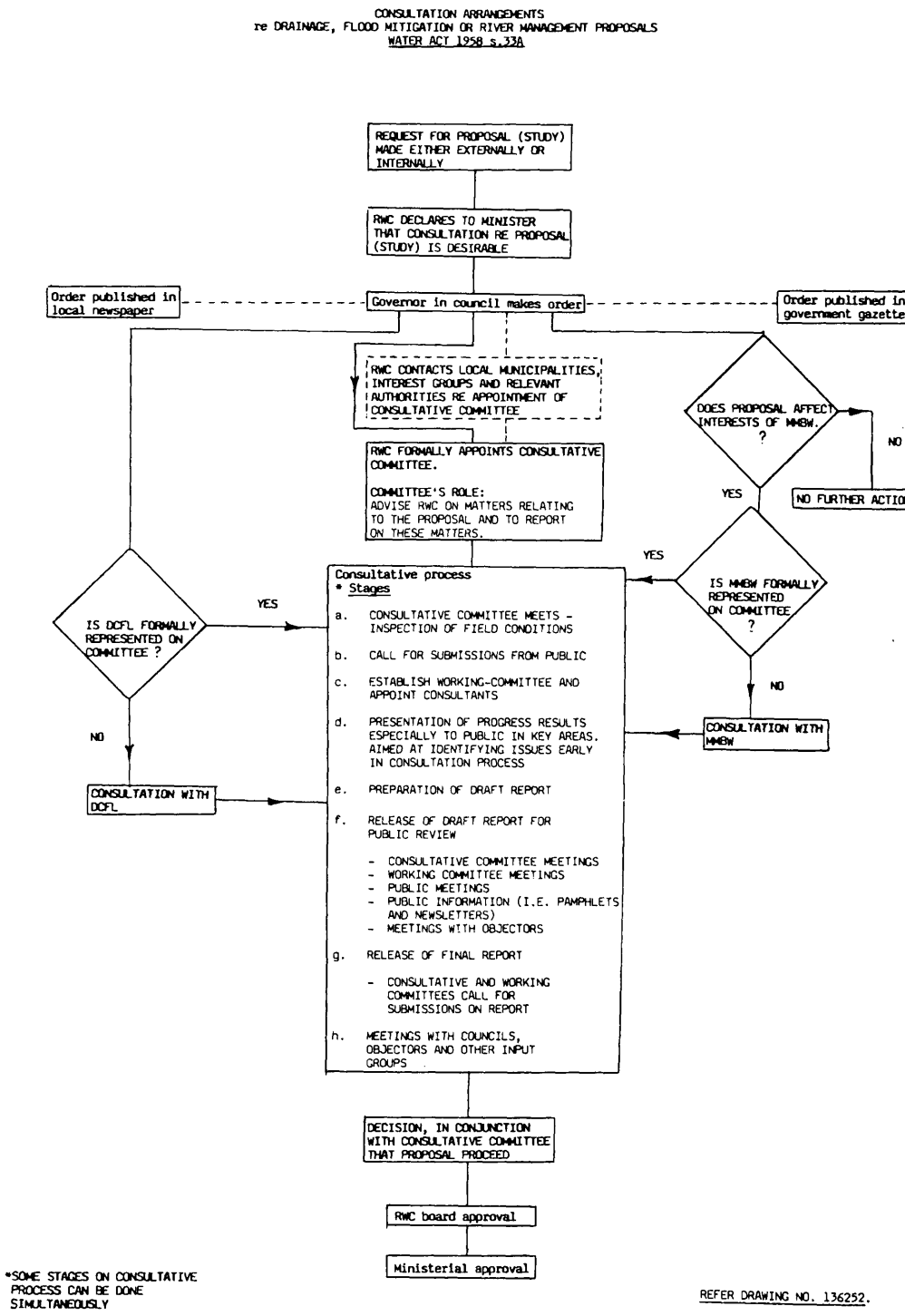
In terms of the honourable member for Narracan's query concerning the setting up by the Rural Water Commission of companies and trust, which he, quite correctly, remarked parallel activities by the Gas and Fuel Corporation and the State Electricity Commission, I point out that the Rural Water Commission is in a position to benefit from such activities. I have not seen the exact wording of the proposed amendment but it sounds like a proposition which the Government would consider reasonable to ensure that the borrowings of such companies are used for the purpose of those companies. I should think company regulations would ensure that they do then not hive off money for any other activities.

**Mr Delzoppo** interjected.

**Mr McCUTCHEON**—Modern financial management techniques also obey company law and any other trust law which are the basis for setting up such companies and trusts.

The honourable member for Swan Hill expressed concern over the flood mitigation process and referred to the diagram that the Rural Water Commission has produced of the consultative processes. I am concerned that that proposition he has suggested, and which he will bring forward as an amendment, is not constructive when one looks at the existing consultative processes that are contained already in sections 33A and 33B. I seek leave to have incorporated in *Hansard* the diagram which sets out the consultative arrangements.

*Leave was granted, and the diagram was as follows:*



**Mr Whiting**—The Minister does not have to take any notice of it.

**Mr McCUTCHEON**—Let me go into that in some detail as the honourable member for Mildura has made that remark. I believe it is worth while that the House consider the process. Under section 33A, the Minister recommends to the Governor in Council that consultation on a proposal is desirable, and so it is clear there are issues which need to be thrashed out.

The Governor in Council make a confirmatory order, which is published in the *Government Gazette* and in local newspapers, so it is clearly announced. The Rural Water Commission then appoints consultative committees and they are widely representative of the community and must include local government. Therefore, already local government is included in that consultative process.

After that, a decision that the proposal proceed as a scheme may be reached resulting from that consultative process. This decision then goes to the Rural Water Commission board of management for approval. It then proceeds to me as Minister for approval. Thus it goes through and the consideration of all participants in that consultative committee enable it to call for submissions from the public, establish working committees, appoint consultants, and have presentations of progress results which can be vetted by all interested parties, especially the public and key areas.

Further steps involve the preparation of the draft report, the release of the draft report for public review, a series of consultative meetings so that the draft report is thoroughly dealt with, the release of the final report by the consultative committee and any submissions on that final report, or objections to it, goes to the Rural Water Commission board and then to me, the Minister.

It is a thorough process and no more thorough process is available to communities in dealing with a common problem such as this.

The participants in the consultative process would be trying to resolve the problems facing their communities and not pushing those problems to one side. It would not matter which Government was in power; the consultative process would operate in that local community.

The Rural Water Commission will place notices in the *Government Gazette* and in local newspapers indicating that a scheme has been prepared and is available for inspection. If the scheme involves works, all the affected persons may make submissions to the Minister for Water Resources within 30 days. In other words, the scheme is prepared and advertised, and people who feel any works may be prejudicial to them can make further submissions to the Minister within 30 days. It is a requirement that the Minister considers each submission.

The Minister must do one of two things: he must either modify or alter the scheme to include those variations requested in the submission, or he must refer the submission to the Planning Appeals Board for decision. After hearing submissions from the parties, the Planning Appeals Board, if that is the route taken by the participants, must report to the Minister for Water Resources any alteration or modification it determines to be necessary. That process is as protective of individual interests as any process available.

**Mr W. D. McGrath** interjected.

**Mr McCUTCHEON**—The honourable member for Lowan interjects, but I believe it is not constructive to obtain premature finality on an issue as important as flood mitigation. There is general agreement that the Bill should proceed and the issues encapsulated in the Bill will be helpful in the adminstration of water resources. I thank honourable members for their contributions.

The motion was agreed to.

The Bill was read a second time and committed.

Clause 1

**Mr McCUTCHEON** (Minister for Water Resources)—I move:

1. Page 1, line 1, after this line insert "Part 1—Preliminary".

This amendment corrects a drafting error.

The amendment was agreed to, and the clause, as amended, was adopted, as was clause 2.

Clause 3 was consequentially amended, and, as amended, was adopted, as was clause 4.

Clause 5

**Mr STEGGALL** (Swan Hill)—I move:

1. Clause 5, line 19, after this line insert—

'; and

(*c*) in paragraph (*b*) after *"Gazette"* insert "if satisfied that the councils of all the municipalities affected by the scheme have agreed to the declaration of the scheme; and

(*d*) after paragraph (*b*) insert—

"(*ba*) if the councils of the municipalities affected by the scheme have not agreed to the declaration within 15 months after the publication of the newspaper notice, the Governor in Council may declare the scheme (or any modification thereof) to be an approved scheme in the absence of the agreement of all the councils;" and

(*e*) in paragraph (*c*) after "(*b*)" insert "or (*ba*)";

The National Party's amendment No. 1 illustrates the direction in which the proposed legislation, dealing with areas such as water flood studies, should be moving. Flood study areas are designated areas on a flood plain, whether it be Avoca, Goulburn or Mitta Mitta. The Government is attempting to put into legislative form a new scheme. The Bill will establish a flood mitigation scheme for that area.

The amendments to section 33B of the Water Act are the first opportunity I have had since I have been in this House of getting people to understand that communities in flood prone areas are principally involved in getting schemes right.

The Minister for Water Resources and his departmental officers, for some reason, believe there is a source of conflict, where people are fighting among themselves. It is the hope and desire of communities in flood areas to get the flood regime or systems in those areas correct. The best way to do that is to give responsibility to those areas that are affected. The Government should not leave it to the Minister or officers of the Rural Water Commission to make judgments as they see fit. Honourable members appreciate that the Minister makes certain judgments and decisions upon advice given to him by a number of people. The amendment I have moved attempts to put a process into place so that one year after a proposal has been gazetted the communities involved will be able to agree to approved schemes.

Flood studies take years to complete and are not matters that can be completed in six or seven months. Studies may start in 1982 and finish in 1985, 1986 or 1987.

It does not matter when they finish. The important point is to ensure that the findings are correct. For example, the Avoca flood study, which is now being undertaken, will take a third of the waters of Avoca and divert them down to Tyrrell and Lalbert creeks into Lake Tyrrell and Lake Timboran. It is believed that is about the volume of water that used to flow in those creeks many years ago. It now becomes more significant because, in our cleverness, we have taken the terminal lake for that river out of the system, so it is in our interests to ensure that somewhere is found to put that floodwater.

The people in those areas geniunely want to solve the problem. They are not looking for a fight. They are not trying to be obstructive. They want to face up to the problem and

solve it. The best way to give them the opportunity of coming to grips with the problem is to give them the sort of power that the amendment provides. If a mistake is made and it is not overcome, the people in the area suffer and no-one else.

If the Minister for Water Resources institutes a scheme which is no good, the people in those areas cannot do anything. For example, with an Avoca flood, the people of Wycheproof, Kerang and Swan Hill cannot reach the Minister for Water Resources and cannot affect him through the electoral ballot-box, which is the judgment place in a democracy. All they can do is pass judgment on municipal councillors who would be partly involved and who would have the power to make the schemes operate and be responsible for drawing them up accurately and responsibly.

I could give examples and quotations, as the honourable member for Narracan did, but I do not think that is necessary. The Minister will believe me when I say that enormous conflict has been created and generated by the way in which the Rural Water Commission has undertaken the flood studies; this is despite the consultation that the Minister has spoken about in glowing terms. In many areas that has only created one disagreement after another. Admittedly, with a bit of luck, we will get the Rural Water Commission, through consultative committees, to change its mind.

The Lower-Loddon study, of which the Minister would be aware, contains three overflows. Those areas are theoretically included in a flood that will occur every one in twenty years when the water will overtop the floodway and run down, to wherever it goes.

I had discussions with officers of the Rural Water Commission who are handling this matter and I asked what happens to the land when the water overflows above a certain height. I asked whether they realised that after one night's decent flow over the top of the floodway there would be 5 feet of water travelling down one of the floodways or overflow areas on that plain. The water would run into the levy banks of the River Murray at Benjeroop or Winlaton, where the water is locked in. That may sound good and work well on computer, but the River Murray has a 6-foot floodbank and there is no way the water can escape. I hope those matters will be resolved, and I am sure they will be one way or the other.

The amendment gives the Minister the opportunity of being responsible. If that responsibility is not taken up in twelve months in accordance with the amendment, the Minister has the power to do whatever he wishes with the scheme. The amendment, if accepted, would cut down on years of flood study work, which is already occurring now because of the consultative program. The National Party would prefer that the number of studies were reduced, because all the people involved would then adopt a positive point of view. When a flood study is introduced, people immediately become negative and start to find fault and complain, which is natural for people in this day and age, and, with the laws we have, I can understand it.

The proposed legislation and the amendment will give people in the country, the only people who will be affected by floods, the chance to participate and play a role in social justice, natural justice or equity, or any other nice-sounding phrase honourable members hear from time to time.

This is a good example of where rhetoric can be turned into action. No-one will be hurt. If anyone is hurt it will be the people who make the decision. At the moment they do not have very much say. The Minister says that there has been consultation in the system, but he knows as well as I do that the word "consultation" has been abused by the Labor Party during its term of government, and that it means virtually nothing.

The local community may oppose a proposal during consultation, and the Rural Water Commission and the Minister may then go ahead and do exactly what they like. The classic example was the declaring of a communal beach at South Barwon where it was said that the proposal would involve consultation with local government, but the consultation occurred the day the communal beach was declared.

With the water law reform discussions and packages floating around at the moment, this is the type of principle that should be applied. All the wisdom does not lie in Spring Street or in the studies. There is plenty of wisdom in the bush. It would be nice if someone listened to those people, especially with proposed legislation of this kind which affects people in flood-prone areas; it does not affect areas controlled by the Board of Works or by the Dandenong Valley Authority. It affects only Rural Water Commission areas and country areas. This is a good start to try to achieve some real social justice or equality in the State.

**Mr WHITING** (Mildura)—I support the amendment moved by the honourable member for Swan Hill. The proposal is intended to cover situations where consensus and agreement has not been obtained. It is possible that in 90 or 99 per cent of cases there will be agreement within 90 days, which is the time allowed under the Water Act.

If agreement were to occur, the amendment would not be required. However, the amendment proposes a safeguard in those areas where difficulty is encountered in reaching agreement and where, for some reason, the Rural Water Commission and the Minister are not prepared to listen to a council's point of view.

People who are overruled by the Planning Appeals Board and feel aggrieved at that stage may not cooperate fully within the particular scheme simply because they believe they have not had the opportunity of being fully heard. The amendment moved by the honourable member for Swan Hill contains a proviso that, after the period of fifteen months elapses, the Minister may make the final decision on whether he accepts the Planning Appeals Board's decision or makes some other decision of his own, and that is a reasonable proposition. The amendment will give the Minister that right, provided sufficient time has elapsed so that all of the parties to the scheme have a chance to come to an equitable agreement among themselves and to put that scheme into operation in a proper manner so that whatever flood mitigation works or proposals are carried out in that area will have the virtual support of every other person who has a vested interest in them.

The amendment moved by the honourable member for Swan Hill refers to the councils of the municipalities. They are the people directly responsible to the ratepayers who are either being flooded or have been flooded or are going to be flooded at some future time.

If the council is given the power under this amendment to the Act to reach agreement with all other interested parties, by the end of fifteen months they may reach a compromise agreement, albeit a forced agreement, that has every chance of working; whereas if the present situation prevails, it could well be a disaster.

As the honourable member for Swan Hill points out, people will do whatever they have to do to protect their property at the time of a flood, regardless of what is said in any Act of Parliament in this State. They will be prepared to take the consequences for breaking the law, if that is actually what does happen, and they will do everything possible to protect their property. So it is desirable to finish up with as much meaningful consultation and agreement as possible.

It is no good having Rural Water Commission officers saying "Sorry, we do not agree with what you say and that is it". Where do we go from there?

People may be forced to go before the Planning Appeals Board for matters that, if this sort of time were allowed, could well be resolved without that course of action. Therefore I strongly support the amendment moved by the honourable member for Swan Hill. It will make commonsense to the people in those areas who are affected from time to time by serious or even minor floods. The Minister will be aware of some of the problems within the Shire of Mildura in the Nichol's Point area where the decision as to which is a flood fringe area has been going on for some time and it is not easy to make a decision in that type of situation. That is only one example. There are many more around the State.

I plead with the Minister for Water Resources to at least give serious consideration to this amendment and, if he cannot accept it at present, I ask him to consider it while the

Bill is between here and another place, with a view to having it accepted when the Bill is debated there.

**Mr McCUTCHEON** (Minister for Water Resources)—As I said during the second-reading debate, I have great difficulty in seeing the benefits that would come from this proposal. We already have a consultative process which, if it ends in conflict, allows people to express their conflicts and their view is then either accepted by me or they go to the Planning Appeals Board.

If one takes the case of a number of councils, one of which might have quite a minor interest in the matter, if it decides to be recalcitrant, I cannot see why that council should have a veto over the sort of process that allows flood mitigation works to proceed for the benefit of all the people.

Nevertheless, that is what is being advocated—that every council that has some interest in a process has a right of veto, and I cannot see why such a major change in the course of the process is being advocated.

The only suggestion I can make to the honourable member for Swan Hill is that this proposition should be given a thorough airing during the water law review to see whether the community accepts such a proposition.

I will be interested to hear whether the people want the powers of veto to be given to any small shire or any other council that might be participating in some major or minor way in a flood mitigation study. It would be wrong to change the proposal at this stage, without consultation. The proposition has been circulated around the State and there is no objection to it. In fact, there is support for it.

The National Party is now advocating a different way to solve the problems and that should be subject to the sorts of discussions that will take place in the next six months as part of the water law review, and I will be interested to hear comment on it; but for the time being, the provision should remain as in the Bill.

**Mr HANN** (Rodney)—I am disappointed that the Minister for Water Resources has not seen fit to accept the amendment put forward by the honourable member for Swan Hill.

I have had a great deal of experience over the years in flood plain proposals, particularly in the Nathalia area, in the City of Echuca and in the Shire of Huntly in the Bendigo area; and from my experience, the Rural Water Commission has been extremely difficult at times and it has been only after a great deal of political pressure has been put on that body and on the Minister of the day that the commission has been prepared to review its proposals.

One of the classic examples was the situation in the City of Echuca where the commission had determined that there was a 1 per cent flood frequency related to the 1870 flood; but when the pressure was applied, they went back to the Melbourne University to review that frequency and came back and said, "We have miscalculated; there is another level." And it was something like half a metre below the original 1 per cent flood frequency level.

The point was that the Echuca City Council all along argued with the Rural Water Commission that the commission was wrong and it took a lot of pressure from it for the position to change.

If the Government were to adopt the proposal, it would confirm the partnership that ought to be there between local government and the State Government on this issue. The only reason why the State Government gets involved in this question of the declaration of flood-prone land is that, when a flood occurs, people go to the Government for compensation, and that occurred in the 1970s.

People across Victoria in various areas were flooded out and they immediately called on the Government for compensation, and the Liberal Government of the day determined

that the State Rivers and Water Supply Commission, as it was in those days, should designate flood levels across Victoria. Back in those days, the Hamer Government adopted the 1 per cent flood frequency as the level or standard for Victoria. That, in itself, has been disputed in various parts of the State.

The proposal put forward by the National Party would, as the honourable member for Swan Hill has said, impose greater responsibility. It would impose greater accountability on local councils, so it would increase the autonomy of the local municipality in relation to the declaration of flood levels within a particular municipal region. The process would give them a greater say in the determination of what the levels ought to be or what the particular proposal should be—whether it be a drainage proposal, a flood plain management proposal or a river management proposal.

It would be developing that partnership between local government and the Rural Water Commission and there is no doubt that agreement would and could be reached with the municipalities if the Rural Water Commission were forced into a situation where it had to obtain the approval of the municipal council. It would oblige the commission and the Government to be more understanding of the needs at the local level and also perhaps a little more conciliatory in their approach to determining the various designated areas associated with drainage matters, flood mitigation or river management.

The amendment includes the protection that, if agreement has not been reached within fifteen months, the Minister has the power anyway. From my experience, it takes at least that amount of time anyway in these situations, or it certainly takes a long while to go through all the various processes associated with reaching agreement on flood mitigation proposals.

Therefore, there is sufficient protection in the amendment to give the Minister the ultimate say, if he wants it, and I hope the Government will be prepared to accept it.

**Mr STEGGALL** (Swan Hill)—The Minister's comments have been noted, and they are quite interesting. I suppose we could use the same logic that he has given us to argue that this amendment should be put in place and then considered during the period of consultation or discussion on water law reform.

I wonder if it might not be a good idea to actually accept this amendment, gazette it, and allow it to operate for the same period to see how the benefits flow to the current flood studies, which are under way or have just started, or, as in the case of the lower Loddon River study, which have progressed a fair way down the line.

I should like to explain a couple of points that niggle us in the country. I instance the case of Kerang, which is in the electorate that I represent. The lower Loddon flood study takes up the Pyramid Creek area and part of the Loddon River. It was interesting to note that the honourable member for Bendigo West was in the Chamber earlier, as much of our water flows from the Bendigo area.

The lower Loddon flood study has been covering the Pyramid Creek and Loddon River areas. That sounds good, except that we have an enormous lake system in the area and a lake system flood study is to be commenced in the next year or so. Also, a flood management study of the Kerang lakes region is to be started this year.

The locals still cannot understand why a major part of the flood mitigation region of the lower Loddon area—that is, the Kerang lakes area—was not included in the study right from the start. The engineers can provide all the answers and reasons and all the rest of it, but it makes no sense that that area was not included.

I suggest to the Minister that I could use the same argument that he has used to indicate how we will have a good discussion phase over the next twelve months to justify putting this amendment in place. I believe the Minister will be amazed at how country people will work to get the flood studies right. They will not work to get the flood studies right as they are at the moment, because the actual commencement of a flood study means conflict.

As soon as a proposal is put forward, all the local hackles are raised and the locals try to consider the proposal in the negative, because they believe they will not have any say on the matter when it comes to the crunch. That is human nature.

They ask about and are wary of what is happening in flood mitigation areas, particularly in northern Victoria. I am talking about responsible people in the community who want to get the flood studies right. They do not want the studies to continue for five years, as has already occurred; they want to get those studies into play, get them right and use the local knowledge of flood areas, because every flood is different.

There have never been two floods exactly the same, particularly in that area, which gets floodwaters that flow into the River Murray from the Goulburn River, the Mitta Mitta River and so on. It is difficult to gauge the timing of the arrival of those floodwaters at Pyramid Creek and the Loddon River or the lower Loddon area from those rivers and also from the Avoca River and other rivers from the New South Wales side of the border.

Therefore, there is an area of concern, and, as I said, we could use the Minister's argument to indicate that it would be better to accept this amendment and to then examine its operation during the time that the water law reform is under discussion.

**Mr DELZOPPO** (Narracan)—I have listened very carefully to the remarks of the honourable member for Swan Hill and other members of the National Party who spoke in support of the amendment. I have also listened to the reply that was given by the Minister for Water Resources.

I have a great deal of sympathy with the amendment that has been moved by the honourable member for Swan Hill and, as a former local government councillor from the bush, I understand exactly what he is saying.

However, I cannot at this stage commit the Opposition to supporting the amendment, but I give a commitment to the National Party that, while the Bill is between here and another place, the Opposition will consider the amendment—after all, this is the first occasion on which members of the Opposition have seen the amendment—and how it would work in principle.

In that process, we will seek the advice of Parliamentary Counsel and consult with counsel to ascertain what would be the effect of the amendment.

I do not believe I should commit myself and my party at this stage.

**Mr J. F. McGrath** interjected.

**Mr DELZOPPO**—It is good to hear a few interjections from members of the National Party at this time on a Thursday afternoon, because at this time they usually travel home by train.

**Mr J. F. McGrath** interjected.

**Mr DELZOPPO**—All I am saying is that I do listen to them.

**The ACTING SPEAKER (Mr Kirkwood)**—Order! The honourable member for Narracan will make his remarks without assistance.

**Mr Maclellan**—We will call for written submissions.

**Mr DELZOPPO**—The Opposition will consider the amendment as proposed. As I said, I have some sympathy for it, but I am not prepared to commit myself at this stage. I indicate that, should a division be called on the amendment, the Opposition will vote against it.

The Committee divided on Mr Steggall's amendment (Mr Fogarty in the chair).

| | |
|---|---|
| Ayes .. .. .. .. .. | 10 |
| Noes .. .. .. .. .. | 63 |
| Majority against the amendment | 53 |

AYES

Mr Evans
*(Gippsland East)*
Mr Hann
Mr Jasper
Mr McGrath
*(Lowan)*
Mr McNamara
Mr Ross-Edwards
Mr Wallace
Mr Whiting

*Tellers:*
Mr McGrath
*(Warrnambool)*
Mr Steggall

NOES

Mr Andrianopoulos
Mr Brown
Mr Cathie
Dr Coghill
Mr Coleman
Mr Cooper
Mr Crozier
Mr Culpin
Mr Cunningham
Mr Delzoppo
Mr Ernst
Mr Fordham
Mr Gavin
Mr Gude
Mr Harrowfield
Mr Hayward
Mr Heffernan
Mrs Hill
Mr Hill
Mrs Hirsh
Mr Hockley
Mr Kennedy
Mr Kennett
Mr Kirkwood
Mr Leigh
Mr Lieberman
Mr McCutcheon
Mr McDonald
Mr Maclellan
Mr Mathews
Mr Micallef
Mr Norris
Mr Perrin
Mr Pescott
Mr Plowman
Mr Pope
Mr Ramsay
Mrs Ray
Mr Remington
Mr Reynolds
Mr Richardson
Mr Roper
Mr Rowe
Mr Seitz
Mrs Setches
Mr Sheehan
Mr Shell
Ms Sibree
Mr Sidiropoulos
Mr Simpson
Mr Smith
*(Glen Waverley)*
Mr Smith
*(Polwarth)*
Mr Stirling
Mr Stockdale
Mrs Toner
Dr Vaughan
Mr Walsh
Mr Weideman
Dr Wells

| AYES | NOES |
|---|---|
| | Mr Wilkes<br>Mr Williams<br><br>*Tellers:*<br>Mrs Gleeson<br>Mr Tanner |

The clause was verbally amended, and, as amended, was adopted.

Clause 6

**Mr STEGGALL** (Swan Hill)—I agree with the amendment, which has been brought about by the regionalisation of the Rural Water Commission.

As certain structural changes will occur in the commission, can the Minister inform the Committee whether the buildings of the commission, as a result of regionalisation, will be funded by the irrigators or by the Department of Management and Budget?

**Mr McCUTCHEON** (Minister for Water Resources)—The funding available to officers of the Rural Water Commission is irrelevant to this clause and I shall not discuss it at present.

The clause was agreed to.

Clause 7

**Mr DELZOPPO** (Narracan)—I move:

1. Clause 7, line 14, after "37" insert "(1)".

2. Clause 7, line 31, after this line insert—

"(2) If a corporation becomes a wholly owned subsidiary of the Rural Water Commission or a wholly owned subsidiary of a wholly owned subsidiary of the Rural Water Commission the Rural Water Commission must include a report on the borrowings of the subsidiary in the Commission's report and financial statements under section 43F.".

At present, if the Rural Water Commission forms a company or corporation, that company or corporation can borrow money and use it for purposes not related to the Water Act.

The proposed amendments clarify that situation and will ensure that any wholly-owned subsidiary or corporation of the Rural Water Commission will include an account of the borrowings of the subsidiary in the report of the commission, including the financial statements under section 43F of the Act which will be presented to Parliament.

**Mr McCUTCHEON** (Minister for Water Resources)—I am happy to accept the amendments.

The amendments were agreed to, and the clause, as amended, was adopted, as were clauses 8 and 9.

Clause 10

**Mr McCUTCHEON** (Minister for Water Resources)—I move:

4. Clause 10, page 6, lines 32 and 33, omit all words and expressions on these lines and insert—

"(*b*) be subject to all the provisions of this Act and the regulations relating to committees of management".

The amendment will ensure that committees of management, once incorporated, will continue to be covered by the Water Act.

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

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

Clause 12

**Mr McCUTCHEON** (Minister for Water Resources)—I move:

6. Clause 12, line 9, after "proposal" insert "under the *Water Act* 1958 which is".

The amendment will ensure that section 9D will relate only to water management proposals evolved under the Water Act.

**Mr DELZOPPO** (Narracan)—I am happy to support the amendment, but I place on record that I accuse the Minister of stealing my amendment.

The amendment was agreed to.

**Mr McCUTCHEON** (Minister for Water Resources)—I move:

7. Clause 12, line 10, omit "free".

The amendment has been proposed for consistency because the word "free" has not been used in other clauses.

The amendment was agreed to.

**Mr McCUTCHEON** (Minister for Water Resources)—I move:

8. Clause 12, line 10, after "waters" insert "and should be removed or modified".

The amendment clarifies the fact that the works referred to are existing works identified by the proposal.

The amendment was agreed to.

**Mr McCUTCHEON** (Minister for Water Resources)—I move:

9. Clause 12, line 11, after "owner" insert "or occupier".

The amendment arises from a suggestion made by Mr Adams and meets the commission's criteria for taking a nuisance action against an occupier.

The amendment was agreed to.

**Mr STEGGALL** (Swan Hill)—I move:

2. Clause 12, line 21, after this line insert—

"(3) The Rural Water Commission must not take action under this section except with the consent of any municipality affected by the proposal.".

This is the same principle that was argued earlier concerning the Water Act, but this amendment involves the Drainage of Land Act. A significant number of amendments have been made to clause 12, which demonstrates that the clause should be examined more closely. The principle behind the amendment I have moved is to place accountability on to the local people of the areas involved.

The Minister should understand some of the problems, when considering flood studies and drainage proposals, that are imposed on the properties of many people. I am aware of one classic example where it was proposed that the floods should go through the middle of a man's house and dairy. The flood study proposed lines on the map, but it went through the middle of that man's house! The Minister should consider all ramifications of flood studies before they have been decided and implemented. Sometimes work is carried out many years after a flood study, so it affects people other than those at the time it is gazetted and agreed to.

It is vital that local input should be involved with this type of work. If I were an authority and sent the Minister a piece of paper called, "Notice of intention to declare an area liable to flooding" and then went to the Minister's house and told him that we intended to place a flood bank between his front door and front gate, he would not be impressed.

The Minister would then be told that the floodbank would have to be put up and something else knocked down. I do not believe the Minister would be very happy if he could not get back at the person or persons responsible for doing that to him.

Accountability would exist through local government involvement and responsibility for the removal and modification of flood works under the Drainage of Land Act. Ridiculous and silly proposals would not happen.

Parts of properties in the north of the State have been gazetted as flood-prone areas and their values have subsequently dropped. It has happened to properties covered by the lower Loddon and Avoca flood study areas, as it will in other areas. Land which is worth $300 an acre but which is declared flood-prone would be unsaleable or worth only $50 or $60 an acre. It has happened in the Kerang region where land that has not been flooded in living history has been declared flood-prone. The flood study areas have been imposed by the Rural Water Commission based in Melbourne. Its engineers and designers are changing the natural flows of watercourses and some areas are being exposed to flooding for the first time.

If someone were to take out a floodbank or put in an overflow spillway, which would ruin the family farm, I would want to be able to have a say and try to make sure that commonsense prevailed. If that is the path the Government intends to follow through these flood study works, it should provide full compensation for landowners.

One wonders who is paying for all these works because no plan exists for their implementation. Although plans are being put into place and land is being gazetted as flood-prone, one does not know whether the work will be financed through the local rates, the drainage rates, the irrigators or the Treasurer in one of his more generous moments. It should be noted that the cost of some of these schemes will be very high, especially in the lower Loddon River area with regard to spillways and regulators. The works listed in the schemes will either be modified or changed but they will proceed and they will have to be costed and funded.

I am sure neither the Minister nor his department knows how these works will be funded. Indeed, these flood studies are in danger of never being implemented unless the funding can be arranged and worked out in advance.

Many notices of land liable to flooding have been issued in the northern areas of the State. However, the Minister has failed to put these notices on the titles to the land.

The idea behind the proposed amendment is to tidy up the wording of the clause. If the Rural Water Commission schemes are to be imposed on people it would be better to have local involvement.

I should like the Minister to respond to whether the Planning Appeals Board has a future, that is, whether it will remain in its present form.

**Mr McCUTCHEON** (Minister for Water Resources)—The arguments have been canvassed. I do not believe the honourable member for Swan Hill has particularly advanced anything additional to what was said in the previous debate. I find it difficult to understand why flick passing the veto to local government will cause any less confusion or conflict when serious disputes occur between people on complex matters. I do not believe local government is in any better position to resolve those matters than the generous and open process that has been set up in the proposal.

I do not know whether the honourable member for Swan Hill has thoroughly thought out the legal responsibilities of a municipality in the event of a veto being used to prevent a flood mitigation scheme and flood occurring when works could have been carried out by the Rural Water Commission.

That is why I said that I do not believe the proposal has been given a chance for careful consideration. The proposed amendment has been wheeled up after the Bill has been generally discussed throughout the interested areas for five months. The proposal should

be subject to wider consideration. Therefore, the Government rejects the proposed amendment.

**Mr DELZOPPO** (Narracan)—For the same reasons that I advanced when the previous amendment of the National Party was discussed by the Committee, I have some sympathy for this amendment and I have some sympathy for local councils having a further say. However, the amendment has been introduced at a late stage in the debate. I give an undertaking to the National Party that while the Bill is between here and another place, the Opposition will examine the amendment, seek the advice of Parliamentary Counsel and consider its ramifications. However, at present I cannot support the amendment.

The amendment was negatived, and the clause, as amended, was adopted.

Clause 13

**Mr McCUTCHEON** (Minister for Water Resources)—I move:

10. Clause 13, line 39, after this line insert—

"(*d*) make any order for the payment of compensation".

This is another amendment that came from a proposal of Mr Adams. It has been widely discussed and puts beyond doubt that compensation, if considered appropriate by the Planning Appeals Board, will be paid. That is a reasonable situation.

The amendment was agreed to.

**Mr McCUTCHEON** (Minister for Water Resources)—I move:

12. Clause 13, page 8, line 30, after "consent" insert "and grant the consent subject to any conditions the Board thinks appropriate".

Again the amendment picks up another point made by Mr Adams; it enables the parties to achieve a compromise and have it ratified by the Planning Appeals Board.

The amendment was agreed to, as were verbal and consequential amendments, and the clause, as amended, was adopted, as were clauses 14 and 15.

Clause 16

**Mr McCUTCHEON** (Minister for Water Resources)—I move:

14. Clause 16, line 39, omit "fourteen days" and insert "one month".

These changes were sought.

**Mr DELZOPPO** (Narracan)—I am glad the Minister has agreed to the amendment because it, along with the following one, were suggestions made by my colleague, Dick Long, in another place. Mr Long has experience in the law in this matter and I support the amendment.

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

Clause 17

**Mr McCUTCHEON** (Minister for Water Resources)—I move:

15. Clause 17, line 31, omit "fourteen days" and insert "one month".

This amendment is consistent with the previous amendment and is made for the same reasons as the last amendment.

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

Clause 18

**Mr McCUTCHEON** (Minister for Water Resources)—I move:

16. Clause 18, line 10, after "omit" insert—

'(i) paragraph (*a*) and the word "or" appearing after it; and

(ii) the words'.

This meets the Auditor-General's request.

The amendment was agreed to.

**Mr McCUTCHEON** (Minister for Water Resources)—I move:

7. Clause 18, line 15, before "and" insert "on the recommendation of its auditor".

The amendment is made according to the request of the Auditor-General.

**Mr WHITING** (Mildura)—The amendment concerns the Mildura Irrigation Trusts and Sunraysia and Water Board Act and, along with a number of other amendments proposed by the Minister, tends to improve the operation of the Act. Therefore, I support the amendments and hope the result will be better administration of the Act and other Acts affected by the Minister's amendments.

The amendment was agreed to, as was a consequential amendment, and the clause, as amended, was adopted, as were clauses 19 to 30.

Clause 31

**Mr McCUTCHEON** (Minister for Water Resources)—I move:

19. Clause 31, line 25, omit "unimproved capital" and insert "site".

The amendment is concerned with making the Act conform with the Local Government Act.

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

Clause 32

**Mr McCUTCHEON** (Minister for Water Resources)—I move:

24. Clause 32, line 25, after "(4)" insert "of section 87 of the *Sewerage Districts Act* 1958".

This is a drafting correction.

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

Clause 33

**Mr McCUTCHEON** (Minister for Water Resources)—I move:

27. Clause 33, line 31, omit "(i) in sub-section".

This is a drafting correction.

The amendment was agreed to.

**Mr McCUTCHEON** (Minister for Water Resources)—I move:

23. Clause 33, lines 36 to 42, omit all words and expressions on these lines.

**Mr DELZOPPO** (Narracan)—I had not seen the amendments prior to their being circulated to the Committee. I ask the Minister what effect omitting lines 31 to 42 will have on the Bill. It is either a drafting error, which I accept, or it will have an effect on the measure. If the deletion of these words has an effect on the proposed legislation, I should like to know what it is.

**Mr McCUTCHEON** (Minister for Water Resources)—They are drafting corrections required by Parliamentary Counsel.

**Mr DELZOPPO** (Narracan)—The amendment may correct a drafting error but the Minister did not answer my question: what is the effect of deleting these lines from the

Bill? That is the specific question. I want to know the effect of the amendment on clause 33.

**Mr RICHARDSON** (Forest Hill)—I, along with all members of the Committee, am absolutely appalled that a Minister for the Crown should introduce a Bill that is so badly drafted that, of the 30 amendments presented to the Committee, almost every one is a drafting correction.

The Government has at its command all the resources and talented people employed by it. The responsibility of the Minister is to ensure, when legislation for which he is responsible is introduced, that it is correct. It is a sad reflection on the competence of the Minister and on those who serve him that he should regard his task in this way. The Minister should never have allowed the Bill to be introduced when 30 amendments, virtually all of which are drafting errors, must be made to it.

**Mr WHITING** (Mildura)—The Minister should apologise to the Parliamentary Counsel for this amendment. He has claimed that the amendment corrects a drafting error. If so, I fail to see how any Parliamentary Counsel could possibly have drafted a new sub-section to follow sub-section (*i*) if it were only a drafting error.

The Minister has asked that the sub-section be withdrawn and that a new sub-section be inserted in section 236 of the principal Act. I do not take the Minister to task for asking that the sub-section be withdrawn but if it were not intended in the first place, it should never have been drafted. It is wrong of him to blame Parliamentary Counsel when it is the result of a dereliction of the duties of the Minister. He should be man enough to admit it.

**Mr KENNETT** (Leader of the Opposition)—I take up the matter raised by my colleague, the honourable member for Narracan. The Minister has been asked to explain what effect the drafting error had on the proposed legislation. Parliament is owed an explanation. Either the Minister knows his job or he does not. If he does not know it, he should resign. If he does, he should give the Committee the courtesy of an explanation.

**Mr McCUTCHEON** (Minister for Water Resources)—I thank the Leader of the Opposition for the opportunity of explaining the deletion to the Committee, although I did not need his instruction to do so.

The words are made unnecessary because in the following amendment the word "section" is replaced with the word "Division". Therefore, there is no longer any need for those lines in the Bill.

As I said earlier, it is a drafting correction made by a request from the Geelong and District Water Board in accordance with an earlier amendment passed by the Committee.

**Mr KENNETT** (Leader of the Opposition)—If ever I have heard an expression of gobbledegook as a Minister tries to isolate himself because of his lack of knowledge, this is it.

The question was simple: what effect does the change have on the Bill? The Minister said that the amendment has been proposed because a word in the following amendment will be deleted in order to replace another word. That is irrelevant. What is the flow-through effect of the change on the proposed legislation?

For goodness sake! The Minister is supposed to be a Minister of the Crown and should have been briefed and prepared on this matter before the Bill was introduced. He owes the Committee an explanation.

**Mr RICHARDSON** (Forest Hill)—Having heard the Minister's pathetic attempt at an explanation, I am prepared to accept that he does not know the answer to the question that was asked by the honourable member for Narracan and reiterated twice by the Leader of the Opposition.

I put this question to the Minister: what was the reason for making the mistake in the first place? Remember, the correction that is now being discussed is consequential upon the correction of a number of mistakes which were made earlier.

**Mr McCUTCHEON** (Minister for Water Resources)—For the benefit of members of the Opposition who want to know, I point out that the Bill will insert in the principal Act:

Fees.

"237A. A by-law made under this section may prescribe a fee by reference to a number (whether whole or fractional) of charge units and that fee may be determined by multiplying the number of charge units by a number of dollars fixed by resolution of the Authority." . . .

Therefore, the lines being omitted are no longer needed.

The amendment was agreed to.

**Mr McCUTCHEON** (Minister for Water Resources)—I move:

29. Clause 33, page 19, line 3, omit "section" and insert "Division".

**Mr KENNETT** (Leader of the Opposition)—I ask the Minister to explain what relevance this change has on the proposed legislation and what was the intention of the Government.

**Mr McCUTCHEON** (Minister for Water Resources)—This amends the section that I quoted earlier. The amendment to the Bill was necessary to clarify that particular amendment.

**Mr KENNETT** (Leader of the Opposition)—That is totally unacceptable to the Committee. In the previous amendment the Minister sought to omit all the words and expressions on lines 36 to 42. Now he is introducing proposed section 237A.

If he wishes to omit all the words and expressions on lines 36 to 42 because they are no longer relevant, why is he omitting the word "section" and inserting the word "Division"? That is a rational question, if he is omitting the whole damn clause!

**Mr RICHARDSON** (Forest Hill)—I direct a simple question to the Minister for Water Resources: will the Minister confirm that this is a correction of yet another drafting error?

**Mr McCUTCHEON** (Minister for Water Resources)—The Opposition is trying to obfuscate what are cleaning-up matters required by Parliamentary Counsel. If certain members of the Opposition were really interested in the issue, they would have been in the Chamber for the whole debate. Some members have just entered the Chamber and are causing disruption. The amendments are drafting amendments that are clear in themselves. The fees section of the Bill will be amended at a later stage so the word "section" must be replaced by the word "Division".

The amendment was agreed to, and the clause, as amended, was adopted, as were clauses 34 to 37.

Clause 38.

**Mr McCUTCHEON** (Minister for Water Resources)—I move:

30. Clause 38, line 27, omit "i" and insert "I".

**Mr RICHARDSON** (Forest Hill)—I direct another simple question to the Minister: is the Minister now transferring the blame from Parliamentary Counsel to the typist?

**Mr KENNETT** (Leader of the Opposition)—It might take a moment for the Minister to confer with his staff, but I ask the Minister whether "i" should be changed to "J" rather than to "I".

**Mr TANNER** (Caulfield)—I ask the Minister for Water Resources to advise the Committee whether he was briefed by the Department of Water Resources about the Bill prior to its introduction; if so, did the Minister receive a copy of the Bill and why were these mistakes not picked up during the course of the briefing?

**Mr McCUTCHEON** (Minister for Water Resources)—The letter "i" should not be changed to "J"; it is to be changed to the figure "I". It is important that the Committee ensures that Bills are as correct as they can be. When there is a series of mistakes that can be corrected, it is the duty of Parliament to do that and put a Bill in the best shape possible. I am proposing the amendments in that spirit.

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

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

## PERSONAL EXPLANATION

**Ms SIBREE** (Kew)—This morning during questions without notice, when responding to a question from the honourable member for Wantirna, the Premier referred to some applications I had made under the freedom of information legislation. In the comments the Premier made about those applications he misrepresented my position and what those applications contained.

In the first instance, I made a request for a booklet entitled "Women in the Home" to which the Dorothy Dix question referred. The Premier indicated that I did not need to apply under the freedom of information legislation to obtain that document. The Premier failed to state that, in the same request, I also asked for the details of the costings of that document, the accounts and the receipts. The request was not a frivolous one for a document that was in circulation, although it was difficult to obtain; but it was a request for more than that, which the Premier failed to indicate. That made my request look frivolous.

The second request to which the Premier referred was a request for minutes of meetings of the Women's Trust Ltd. Again, that was a proper request under the freedom of information legislation. The request was in respect of documents that were not freely or publicly available; they were private minutes of the Women's Trust Ltd. It was my right, indeed my duty, to apply for those minutes if I so desired, and I properly did so.

In referring to my requests, the Premier questioned my motivation. He misrepresented the nature of those requests and questioned the cost of them, especially in my capacity as chairperson of a waste-watch committee. I wish to correct the record and indicate that the requests made by me were in the terms of the freedom of information legislation and were wider than the requests referred to by the Premier. The requests were not for documents that were publicly available, and although I appreciate the Premier's offer to me to explain matters, the only way I can really obtain information and full details on certain matters is by making requests under the freedom of information legislation. I wish to correct the record in terms of both my own situation and the committee I head.

## TRANSPORT ACCIDENT BILL

The debate (interrupted on the previous day) on the motion of Mr Jolly (Treasurer) for the second reading of this Bill was resumed.

**Mr REYNOLDS** (Gisborne)—This major piece of proposed legislation has created a lot of discussion within the community. On behalf of my constituents and the people who have contacted me, I shall make a few brief comments. I indicate that many people have contacted me in my capacity as the Opposition spokesman on sport and recreation.

There is no doubt that reform in this area is needed. I do not believe anyone anywhere believes the current third-party insurance scheme is anywhere near perfect. I dare say that any new scheme will need further modification in the light of experience. Undoubtedly, this Bill, in whatever form it goes through Parliament, will have errors and that those errors will need to be amended in the future.

My party, and the Opposition in general, is totally opposed to the doing away with the common law principle that has been in existence for a long time. Why should a totally innocent victim be robbed of his or her lifestyle, be robbed of his or her enjoyment of life, with his or her income taken away completely? That person might have been particularly successful and well off and that person will then be left penniless and destitute.

It is unjust and unfair that the Government is endeavouring to take away those rights. The Opposition would be failing in its duty if it did not take steps that have been flagged by my colleage, the honourable member for Brighton. One instance where the compensation system that the Government currently proposes is discriminatory—and I shall quote an example—is the payment of 80 per cent of the injured person's wages during the period for compensation. Eighty per cent of, say, a wage of $200 to $250 a week would not be a huge reduction. It would be tough—there is no doubt about that—but there would not be a huge reduction.

However, people with incomes of the middle bracket of $400 to $500 a week—let us face it, everyone of us lives up to our income at the time we are earning it; we spend within our means—would have living conditions and mortgage payments commensurate with their income. For them to take a reduction of 20 per cent of their wage would mean that they would never be fully compensated. It would mean they would lose $80 to $100 a week, one-fifth of their income. That would have a major effect on their lifestyles.

The third point I wish to raise is to do with the schedules of third-party insurance that has been raised with me by several of my constituents, who are currently within that inner bracket in that their cars are garaged within the 32·187 kilometre range. Currently, if one is a farmer living within that area one pays a third-party insurance premium of $37·10 on a tractor whereas there are many similar machines to tractors that are used on farms nowdays that are self-propelled such as headers, pick-up balers, bale loaders, front-end loaders and other such implements that are used wholly and solely in the business of farming. They come within class 60 as set out in clause 6, miscellaneous, in the schedule of rates applicable to compulsory third-party insurance, and the insurance premium currently is $203.70.

In the case of those two premiums, if the vehicles were garaged outside the 32·187 kilometre radius, the premium would be $36.60 instead of $37.10, and that for an auto header or some other self-propelled machinery would be $37.10 a year, compared with $203.70. A farmer who lives within this 32·187 kilometre radius of Melbourne is being discriminated against.

Farmers in my electorate, in the Bulla area—I speak particularly of one who has often spoken to me about this, Mr Jack McKenzie—say that they feel this should be brought into line.

I ask the Treasurer when he is replying in the debate if he would do his best to advise me whether this discrimination will be remedied. Mr McKenzie owns two headers and his son, who had a back injury, has had to purchase a back hoe and a front-end loader to do the normal everyday work on the farm, which someone else could do manually. These people, therefore, have to pay three premiums which total $611.10 whereas if they lived a few kilometres away from Melbourne for exactly the same machinery doing exactly the same work they would pay $110.10.

I trust the Treasurer—if he was listening—will look at the matter and give an answer if he can remove this anomaly, which is most unfair and discriminatory to my constituents, as it is to many others in that strip around Melbourne from Werribee to Whittlesea and farmers who live within the 32·187 kilometre radius of Melbourne.

My last point is on behalf of the writers of more than 100 letters I have received on clause 41 of the Bill, which states:

Motor sport accidents excluded.

41. The Commission is not liable to pay compensation in accordance with this Act in respect of a person who—

(*a*) is injured or dies as a result of a transport accident that occurs when the person is taking part in a race or other competition or trial or in the testing of a motor car in preparation for a race, competition or trial; or

(*b*) is a spectator at a race of other competition or trial.

I have received many representations about this. To date—and they are still flooding in—they total 130, and they are directed to me as the spokesman for the Opposition on sport and recreation matters. I have letters from major clubs such as the Buggy Association of Victoria, the Light Car Club of Australia, the Fiat Car Club of Victoria, the Australian Sports Sedan Association, the Southern Cross Auto Restorers, the Western Vehicle Restorers Club, the Association of Motoring Clubs Inc. and last, but by no means least, the Confederation of Australian Motor Sport. Those bodies are particularly upset about the effect this clause will have upon their members, and, as I have said, their members have written to me. In fact, 130 have taken the trouble to do so.

Let us consider some of the car racing and car-related events that they might be engaged in which would be affected by this clause. There are car trials where part of the conditions are that people must remain within the road laws as stipulated. That is absolutely essential. There are car treasure hunts, in which people must drive within the road laws and these are family entertainments where people drive at a leisurely pace and take advantage of our beautiful countryside.

There are other participants in car rallies who drive well within the law and behave themselves on our roads. There are car economy trials in which the economy of a car is being tested and, of course, there is no way they are going to speed. There are the vintage and veteran car rallies and trials, for which people have spent a great deal of time restoring cars and going steadily about their business but are engaged in active competition or trials, and they would be affected if this clause were to come into effect.

The driving of motor vehicles is a hobby to those people and they, above all, must observe the law when competing in car rallies or car trials.

This part of the proposed legislation is inequitable and unnecessarily harsh on those sections of the community. It is unreasonable that participants or even spectators at these events are unable to claim compensation. That is totally unreasonable. Those people are legally on the roads and obey all the road laws, but are arbitrarily excluded from any benefits under the Bill. Worse still, the spectator, as I indicated, watching a rally or a trial is excluded from compensation and cannot sue the driver if he suffers an injury. Of course, that is the spectator's only recourse if he is struck by a vehicle. It is compulsory for car owners to have third-party insurance, but that protection will be denied to both the drivers of vehicles and the innocent victim who may be a spectator at motor sport accidents.

Racing drivers competing on approved racing circuits are covered as they must self-insure and obtain public risk insurance. The Confederation of Australian Motor Sport in a letter dated 12 August 1986, stated:

Nowhere else in the world, and certainly not previously in this State, has such a measure been introduced. There is no demonstrated need for exclusion from compensation for victims of such accidents.

The effect of this legislation will be to destroy the fabric of a great deal of recreational and hobby motoring, much of which has no relationship at all to motor racing.

I agree with that excerpt from the letter. No justification exists to exclude members of the confederation.

Rally drivers and trial drivers generally are better drivers than the average motorist. They take better care of their vehicles than the average motorist and, consequently, the brakes and motors of those vehicles are in excellent condition.

I ask the Treasurer to re-examine this section of the Bill so that justice can be done to all. I have received 130 individually posted letters and at 36 cents a letter it is a considerable

cost for correspondence. It is probably the tip of the iceberg. If 130 people have taken the trouble to write to me, there must be many more who are similarly affected. It is most unfair that their common law rights should be abolished under clause 41 of the Bill. The Treasurer must examine this matter, and he must also examine the schedule of charges for self-propelled farm machinery that is usually garaged within a radius of 32·187 kilometres from the Melbourne General Post Office and, as has been indicated, amend clause 41 where it refers to motor sport accidents.

**Mr HILL** (Warrandyte)—I support the Transport Accident Bill and the reforms that are being proposed by the Government, for reasons that will become clear during the course of my speech.

Mr Speaker, let me take you to my electorate and introduce you to some disabled people at the Yarra Me Quadriplegic Centre, a centre for disabled people who are paralysed from the waist down or completely quadriplegic or paraplegic. A few of those people have been able to prove that another person was at fault when they suffered a transport accident either as a driver, a passenger or a pedestrian, and they were able to receive lump sum compensation from common law claims. Most people at the centre could not prove fault and received only medical expenses and a pension—perhaps an invalid pension—and are generally left in a low-income situation where, after paying their residential fees to the centre, they have little change left for other social and material needs.

Those people who can prove fault and invest their lump sums wisely can, at least, look forward to a more normal lifestyle by paying for the special facilities, services and attendant care that they need.

Imagine, Mr Speaker, how you would feel if you were one of those people who could not prove fault. Not only have they suffered a bitter blow by becoming quadriplegic, but the legal system is such that their fellow quadriplegics obtain more money for necessary services than they can, because the legal system allowed them to prove that the injury was caused by someone's negligence.

If honourable members listened to what disabled people say about the present common law system and the Government reforms, they would learn that they want and support these reforms. Is that not the real test?

What do victims of transport accidents say about the system and its reforms? They are the ones who are important in the debate; not lawyers, not doctors, not insurers and not political parties.

It is no wonder that, when I speak to disabled people, social workers, those in the nursing profession, safety officers and others who are really in touch with the victims of transport accidents, I hear strong support from those people for a no-fault compensation scheme.

It is that major issue of no-fault that I particularly wish to address in this debate. It is the crux of the Government's proposal, but it has been deliberately muddied by the Opposition and those interests that oppose these reforms.

Before I continue with my speech I declare a certain bias in this matter. My legal practice as a solicitor for two years, and as a barrister for approximately seven years, included personal injury cases. I also took a course in the law of damages as part of my Master of Laws degree under the supervision of Professor Harold Luntz and the eminent George Paton, Professor of Law at Melbourne University, who is the acknowledged expert in this area. That course dealt with the very area of law that the House is now debating.

From both my practice and my study I have become convinced that a no-fault accident compensation scheme is the appropriate scheme to meet the needs of the victims of transport accidents.

My legal practice first led me in that direction and Professor Luntz's thorough and scholarly works have confirmed and consolidated my view.

I wish to pay tribute to Professor Luntz for the work he has done in this area and acknowledge his great contribution in developing an implementable policy in this area.

When he began to speak and to publish works in this area, he was somewhat of a lone voice crying in the Australian wilderness. I believe history will prove his thesis of a no-fault liability accident scheme to be right for the late twentieth century.

The Opposition claims that the Government reform is taking away common law rights, but it does not say what the Government is replacing it with. Let us be clear about this matter. The Government's reforms will abolish the present common law system of having to prove negligence, an inequitable system of common law which limits compensation to those who can prove fault, and will replace it with the much more extensive right to compensation to all victims of transport accidents, whether or not they can prove fault by another party.

The common law states that if an injured person can prove negligence he is entitled to money to compensate him so far as possible to put him back in the position in which he otherwise would be but for the accident. Of course, many people cannot do that. Compensation can be only to a degree and depending on the type of injury and the circumstances. The common law system ensures that individual assessment is a myth, and I shall go into that matter in detail a little later.

The Bill simply proposes that such compensation shall be paid not only to those who can prove fault but also to those who cannot. If you, Mr Speaker, were to be run over in Spring Street and become a quadriplegic—God forbid this happening—you would not be denied compensation simply because the driver of the bus happened to suffer a heart attack at the time and therefore it could not be proved that he was negligent. Instead, you would be granted compensation not only for loss of income for the rest of your normal working life but also for medical and life expenses and long-term impairment benefits, all indexed by the average weekly earnings and by the consumer price index. Even if you, Mr Speaker, could prove fault under the present system, there is no guarantee that you would receive an amount commensurate with your individual circumstances.

As I said before, it is a myth that the common law system provides an individual assessment. Most cases are settled after negotiations between lawyers. Those negotiations do not depend on some easily applicable criteria or by a calculation, but on human judgment of what an injured person's needs may be in 10 or 40 years' time, and that is wide open to speculation.

One notorious test to determine the extent of speculation gave fourteen pairs of experienced lawyers identical facts and asked each pair of lawyers to negotiate a settlement. Out of the fourteen pairs of lawyers, three pairs failed to reach a settlement. The remaining eleven pairs varied in their settlements from $15 000 to $95 000. Initially, claims by the plaintiffs were between $32 000 and $675 000, and the offers made by defendants were between $3000 and $50 000.

Even if a case goes to trial, it is extremely difficult for the court to assess, once and for all, a sum to cover for future losses, as it is bound to do by the common law system.

Courts do not have a crystal ball and, as the Chief Justice of the High Court, Sir Harry Gibbs, said with Mr Justice Wilson in the case of *Iodorovic* v. *Waller* as reported in the 1981 *Australian Law Reports,* "the court has to engage in a double exercise in the act of prophesying and that damages for financial loss can only be an estimate, often a very rough estimate". The High Court, in that case, endorsed what had been said by Lord Scarman in the case of *Lim* v. *Camden Health Authority* 1980 AC183. Lord Scarman said, "There is really only one certainty: the future will prove the award to be either too high or too low".

The court can do little to reform this system and, therefore, the Government must take action. Lord Denning, another eminent jurist, has suggested some form of interim award

that the injured party may make further application and the case can be reviewed. However, as Lord Scarman said in Lim's case, that was impracticable. He said further:

> The judge, however wise, creative, and imaginative he may be is "cabin'd, cubb'd, confin'd, bound in" not as was Macbeth, to his saucy doubts and fears but by the evidence and arguments of the litigants. It is this limitation inherent in the forensic process, which sets bounds to the scope of judicial law reform.

Under the present system, if one cannot prove fault one receives only minimal social security benefits. If one can prove fault and obtain a lump sum compensation, the injured party will say that the award is not enough and the insurer will say it is too much. No wonder this system has been likened to Tattslotto! If one can prove fault the insurer will pay one's damages. The insurers' fund is made up of contributions from other car owners who are as innocent as you are.

Car owners contribute because part of the cost of car ownership is that one may be injured. Injury is both a risk and a cost of car ownership. Indeed, injury by motor car is a risk of ordinary daily life in an urban environment. It is just as much a risk that one will be injured without, as with, the ability to prove negligence by some other party.

Therefore, the fact that one is run over by a car, with or without negligence, should make no difference. Why should the cost of one's injury be borne by the insurance fund when there is negligence and not when there is not negligence? One is still a victim of the transport system. One still has needs and a rightful expectation that the fund to which car owners contribute for the cost of injury should cover one's injuries. Under the present system it is not the person at fault who pays. The many innocent contributors to the insurance fund pay. Therefore, as a matter of principle, payments should be made to all victims, whether or not the other party is negligent.

The notion of fault certainly does not deter a motorist because he does not pay; the community's fund pays. Nor is the notion of no liability without fault as relevant today as it was as a matter of social policy developed over 100 years ago.

Today the concept of strict liability is applied to give incentives to manufacturers and major institutions to develop safe products and practices. We impose strict liability for traffic offences for similar reasons. That means that the Parliament has said by laws that it has made, "Whether you had an intention to commit an act or not, you must pay the consequences."

Fault was the issue in the nineteenth century. Prevention, rehabilitation and cure are the issues in the twentieth century.

Social justice is also an issue that demands that all transport users exposed to the risk of injury bear a small part of the total cost of the inevitable injuries rather than leaving some to bear the burden of their own injuries.

Indeed, the nineteenth century concept of fault is counterproductive to accident prevention. Investigation into whose fault any accident is begs questions of how we can make our roads safer and our traffic systems safer.

Furthermore, investigation of fault is expensive: it involves barristers, solicitors, loss assessors, insurers, judges, juries, court officials, police, medical experts and many others, depending on the circumstances of the case. If any Government established such a system today in response to the needs of victims of transport accidents, it would be laughed out of office.

I want to address the proposal of the Liberal Party that there should be a no-fault compensation scheme but that the common law fault system should still be retained at the same time. This is an illogical proposal. It sounds like a bad compromise coming from a committee that is split down the middle and cannot come to any agreement. It is like a committee, asked to design a horse, coming up with a camel.

The Opposition says that common law claims over $15 000 would be permitted. This not only fails to meet the problems that I have outlined about the common law; it exacerbates them.

You, Mr Speaker, having been run over by a bus in Spring Street, would receive X dollars in compensation if you could not prove fault; and X plus Y dollars if you could, as long as the Y is more than $15 000. What is the logic of that? Again, why should not you, as a victim, be entitled to the same compensation as any other victim? The same arguments that I have outlined already apply; then those very costs of common law claims that we want to eradicate will be increased by the extra effort that will have to be made by the whole common law cast of lawyers, doctors and other experts dancing on the stage constructed to a 150-year-old design to ensure that plaintiffs receive either more or less than $15 000, depending upon which side they are on.

Imagine the pressure on a judge or a jury to increase an otherwise small claim to $15 000 out of sympathy for the plaintiff! Imagine the difficulty that the plaintiff has in making up his mind about whether he should make a claim in court when his lawyers advise him that, on the one hand, he might receive $15 000 and, on the other hand, he might not, because you can give no guarantees in that game—it depends on which judge or which jury you happen to strike.

The Liberal Party proposal throws the victim from the frying pan into the fire. It is indicative of the lack of sympathy that the Liberal Party has for the victim, blinded as it is by century-old tradition and practices. It does not have the courage to reform. Its proposal is weak-kneed.

Thankfully, we now have a Government that is courageous enough to make real reforms in response to the needs of victims. The debate from here on should accept the merits of a no-fault scheme and go on to deal with what benefits should be paid—benefits that will discharge our responsibility to care for the victims of transport accidents and, as far as possible, enable them to live in the same comfort and with the same dignity as we expect for ourselves and our families.

In conclusion, I take up an argument put by the honourable member for Brighton, who is spokesman for the Liberal Party on this matter.

**Mr GUDE** (Hawthorn)—On a point of order, Mr Speaker, the honourable member is quoting from the record of the current sessional period. I believe that is not in accordance with the Standing Orders, and I ask you to rule accordingly.

**The SPEAKER**—Order! On the point of order, if the honourable member is quoting from the *Hansard* record of this debate, he is in order; but he is out of order if he is quoting from another debate during the current session.

**Mr HILL**—I was quoting from this debate, Mr Speaker.

The honourable member for Brighton, in this debate, took as an example a little innocent girl crossing a road who was struck by a motor car driven by a person, presumably negligent, whose vehicle then struck a tree and the driver was also injured. The honourable member asked: is it not terrible, and would not the average Australian say, "it is terrible that that driver who suffered similar injuries to those of the child, should receive the same compensation as that poor innocent little girl"?

Let us examine that point; let us give the average Australian, who would be concerned about the situation, what may well be the real facts of the case.

The driver shows that he had a heart attack at the time of the accident or that, due to circumstances beyond his control, the steering failed and it was not his negligence that caused the accident. Then what happens? That poor innocent little girl does not receive anything from common law action. All she will receive is medical expenses; and, depending on how long her injuries last, she may, as she grows up, receive some form of invalid pension. Under the proposed reforms, if she had sustained a serious injury that affected

her for the rest of her life, that innocent little girl would receive a reasonable weekly income, impairment benefit and loss of earning capacity benefit for the next 50 years.

Let us take another scenario in the example that was raised by the honourable member for Brighton. The little girl ran across the road, without warning, to chase a ball. In her enthusiasm, she forgot to look out and was struck by a motor car without any fault being placed on the driver; the driver could do nothing about it. She cannot prove negligence against him; she receives nothing under the present system.

Under the proposed reforms she would receive all the benefits that I have already outlined for the rest of her life, if she was seriously injured. Perhaps the driver was worried about a family problem; perhaps he was worried about his own little girl who, at that time, was ill and he was somewhat preoccupied and, as a result of that momentary lapse of concentration, he had a serious accident injuring another little girl. He hit a pole and was injured as a result.

Why should we deny compensation to him? He is not a criminal; he is an ordinary human being who has made an ordinary human error. He is not someone who has been charged with reckless driving and taken to court.

If he were charged with reckless driving, can honourable members imagine any court "sentencing" him to be a quadriplegic for the rest of his life without appropriate income or benefits? That would be horrendous and would not be entertained by the community in any way.

That example illustrates the narrowness of the Opposition's consideration of these reforms and its vindictiveness towards the few people who might cause accidents and injury as a result of gross negligence.

In conclusion, I again say: let this debate be about the crux of the proposed reforms—this is a Bill to introduce a no-fault compensation scheme to cover all victims of transport accidents, to whom we have a responsibility.

On the motion of Mr GUDE (Hawthorn), the debate was adjourned.

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

## ADJOURNMENT

**Mr FORDHAM** (Minister for Industry, Technology and Resources)—I move:

That the House, at its rising, adjourn until Tuesday, September 30.

This is in accordance with the previous arrangements.

The motion was agreed to.

## PLANNING AND ENVIRONMENT BILL

**Mr WILKES** (Minister for Housing)—I move:

That this Bill be now read a second time.

This Bill embodies the first comprehensive overhaul of Victoria's planning laws since statutory planning was introduced in 1944. The legislation was always difficult to interpret but it has become thoroughly obscure after many years of ad hoc additions, deletions, and modifications, combined with judicial interpretation of key concepts. Planning law affects all of us in our daily lives and the legislation should be widely accessible, but it has become the personal property of a handful of consultants, legal advisers and bureaucrats to interpret to an increasingly bewildered public.

The existing legislation is based on an outdated idea of the planning process. Town and regional planning as we know it is a product of the nineteenth century, when the interest

of the surveying profession in planning was strongly established in the United States of America and other countries of the New World, including Australia. In Europe, the technique of zoning developed to avoid the worst effects of the industrial revolution, by segregating incompatible land uses. In Great Britain, reaction against the squalor of the industrial revolution led to measures for improving the physical surroundings of the working man.

These origins gave town planning a strong bias towards the design professions of architecture and surveying, together with civil engineering because of its importance to road and utility planning. The early planning legislation, on which the present Town and Country Planning Act was based, envisaged planning as a design process. The process culminated in a plan, which was then to be implemented. In Victoria the State was divided into counties, and parishes and towns were laid out across the countryside according to a preconceived view of the future. This blueprint method had its successes, as the wide boulevard approaches to the City of Melbourne testify, but is out of place in this society in the 1980s as a basis for planning law.

In drafting the Planning and Environment Bill, the Government has taken the view that planning involves many judgments of value. Genuine differences of opinion over means and ends are the rule rather than the exception. For these reasons, the Bill establishes a framework within which a continual process of planning for the best use of the land-based resources of Victoria can be successfully carried on.

Before discussing the provisions of the Bill, I should acquaint the House with the process of consultation that the Bill has been through. When this Government was elected in 1982, it found moves for the much-needed reform of the planning law gathering dust on the bureaucratic shelf. There was universal acceptance that reform was immediately required but the political will was missing. The then Minister, the Honourable Evan Walker, moved quickly to have proposals for new legislation documented and circulated for public comment in August 1983.

At the same time submissions—more than 200 of them—were being received on the paper, the Government was moving to rationalise the administration by bringing together those elements dealing with the physical environment in the new Ministry for Planning and Environment. The submissions were evaluated by the Ministry and subjected to the scrutiny of a review group of experts from the professions and from local government. The report of the review group was published in 1984, spelling out the principles on which the Bill is now based. More submissions were received and taken into account.

In June this year, a draft Bill was widely circulated and comments invited. This Bill gave effect to the proposals that had been circulated in 1983, as modified through the consultation process. Officers of the Ministry gave a series of seminars across the State to assist interested persons in making effective submissions. More than 150 submissions were received. Many suggestions tendered verbally in the seminars were also directly influential in the final form of the Bill.

I believe I can safely say that few Bills have been through a more extensive and thorough process of public consultation.

Given the long-acknowledged need for reform, the Government has decided that the time for action has come. All submissions have been taken into account but, as could be expected, there were some that the Government did not agree with—some submissions continued to address the principles established in the previous round of consultation.

The first thing about the Bill that will strike honourable members who are familiar with the existing legislation is its plain English. This was a matter uniformly praised in the submissions and indicates that the Government's goal of making the law accessible to those whom it affects has been realised. The Bill shows what can be done, even in an area as difficult as planning law. The Government intends that this straightforward approach will be carried through into the planning schemes made under the proposed legislation.

The Bill establishes a single planning scheme in every municipality and two discretionary planning approval processes—permits and amendments to schemes. All decisions on amendments and permits must take account of significant effects on the environment and may take account of social and economic effects which widens somewhat the range of relevant considerations. This widening of the planning process has a great deal of support, but the Government will be monitoring the results closely to ensure that it does not give rise to unjustifiable delays or costs to applicants.

Parts 2 and 3 of the Bill establish planning schemes and provide for their amendment by various planning authorities. The duty of planning authorities to properly plan their areas and develop policies and strategies is set down. Each scheme is made up of three sections:

The State section is the same for all schemes, and the planning authority for this section is the Minister;

the regional section is uniform across a region, which may be an established region, such as the Geelong region or the metropolitan area, or a number of municipalities which have cooperated, and the planning authorities are the regional authority, where there is one, of the Minister;

the local section applies within a municipality and to any adjoining land not in another municipality, such as land under water, and the planning authorities are the council, or the regional authority, where there is one, or the Minister.

The local section must be consistent with the regional and State sections, and the regional section must be consistent with the State section. In this way, policy can be implemented on a Statewide, regional or municipal basis.

It is the Government's intention that any amendments to local sections proposed by a regional authority would be consequent upon changes to a regional strategy or would otherwise deal with matters of regional significance.

The Minister may appoint additional, special purpose planning authorities to prepare particular amendments. This is to allow for agencies putting forward proposals to be able to take them through the amendment process. The Minister must approve all amendments.

The Parliament can disallow amendments, as it can with statutory rules. In this regard, honourable members should note that the Ministry will be giving enhanced service to the Parliament by ensuring that copies of all the scheme ordinances are maintained up to date in a place accessible to honourable members of both Houses.

The authority, which must enforce a scheme and deal with permit applications—that is the responsible authority—is distinguished from the planning authority, which prepares amendments. The duties of the responsible authority—which is almost always the council—are clearly stated.

Finally, in relation to amendments to schemes, copies of an amendment will have to be lodged with the Ministry, the regional authority, where there is one, and the council before it comes into effect.

Permits and appeals are dealt with in Part 5 of the Bill. The major innovation here is the introduction of referral authorities. This is the framework for the "one stop shop" which the previous Government talked of but failed to bring about. By requiring permit applications to be referred to various authorities, the requirements of those authorities can be given effect through a single permit, together with the local council's requirements. Strict time limits will apply to both responsible authorities and referral authorities.

Appeals will lie with the Planning Appeals Board. A Bill to give effect to the Government's decision to make the Planning Appeals Board a division of the Administrative Appeals Tribunal will be introduced later in the sitting. There will be no change to the procedures,

powers or informality of the board but the process for determining points of law will be considerably improved by the change.

The board's power to cancel or change permits once they have issued is considerably wider than the existing power of responsible authorities. Third parties who can demonstrate that they are substantially affected may apply to the board to have a permit cancelled for the limited reasons set out in the Bill. The Government understands that this provision could seriously undermine the status of permits obtained and will be closely monitoring the use that is made of these provisions. However, the intention is to dispose of disputes quickly and fairly through the Planning Appeals Board and avoid costly legal proceedings.

Provision has been made for minor amendments and correction of mistakes, by the responsible authority, and for replacement permits.

The power to impose conditions on permits is clearly set out in the Bill. The power is intentionally wide but, from an abundance of caution and, in response to submissions, a number of specific kinds of conditions are mentioned. This has been a fruitful area for litigation in the past and the Government does not intend that responsible authorities acting in good faith should find their power to include conditions inadequate, particularly as permits will include conditions imposed by Government agencies as referral authorities.

The compensation provisions set out in Part 6 largely reflect the existing provisions of the Town and Country Planning Act. Nowhere in the Bill is the evidence of plain language and straightforward style more striking. The right to claim compensation has been clarified and the possibility of payments for solatium to householders and necessary expenses to all claimants has been recognised. Following the report on compensation by Mr Stuart Morris, the right to claim in cases of proposed reservation for public purposes has been clarified and the Minister administering the Land Acquisition and Compensation Act is given power to deal with cases of hardship. For administrative reasons, very small claims will not be allowed and compensation will not be recoverable when reservations are removed if it was paid more than six years previously.

The enforcement provisions in Part 7 address problems in the existing provisions at both ends of the spectrum. The current procedures are seen as being unable to cope with minor offences and as being ineffective in major cases. The enforcement order is to deal with the latter and the on-the-spot fines are for use in the minor cases. Enforcement is in the hands of the responsible authority, with enforcement orders subject to appeal. Temporary orders from the Planning Appeals Board will be available in urgent cases. Parties other than the responsible authority will be able to seek orders where their interests are affected. The overall objective of the enforcement provisions is to achieve conformity with the scheme, not to punish offenders.

Parts 8 and 9 generally re-enact the existing provisions relating to panels and advisory committees.

Division 1 of Part 10 sets out the powers of responsible authorities and powers of compulsory acquisition. The existing Order in Council procedure before compulsory acquisition powers can be used has been dropped, since the Bill anticipates the enactment of the Land Acquisition and Compensation Bill, which requires either reservation in the planning scheme or a certificate of the Governor in Council.

The agreements with owners provisions in Division 2 of Part 10 augment the existing powers by providing explicitly for agreements in anticipation of ownership and for bonds and guarantees. There are powers of amendment which anticipate some registered agreements lasting a long time.

The remaining divisions of Part 10 largely re-enact existing provisions. In relation to the Minister's powers as against councils, the existing Act incorporates certain provisions of other legislation by reference, whereas the Bill makes these explicit. There are appropriate safeguards for local government.

The regulation-making powers in Part 11 are intentionally wide and include the power to prescribe fees. Regulations will, of course, be subject to the procedures under the Subordinate Legislation Act. The Government is committed to wide consultation on the regulations and no particular fees regime has been decided upon at this stage.

The amendments and repeals in the schedule are largely consequential upon the changed procedures arising from the substitution of the Bill for the existing legislation. Where changes go beyond this, the intent is to coordinate the procedures under the Acts in the schedule with those in the Bill and simplify procedures generally.

Before concluding, I should like to draw the attention of honourable members to the provisions of the Bill which make the proposed process more straightforward for applicants and more accessible generally. First, notice is required to be given to owners of adjoining land of all permit applications, unless the scheme says otherwise. To comply with this requirement, an applicant will have to either give notice to the persons specified by the responsible authority, or post the notice by ordinary mail addressed to "The Owner", with the appropriate address.

In addition, a copy of every application is to be available at the council's office and the applications register is to be available for inspection. The purpose of these far-from-onerous requirements is to ensure that councils cannot consider applications of which no notice has been given. The circumstances, if any, in which the scheme ought to waive this requirement will be considered when amendments are proposed.

Apart from the existing rights of appeal, the jurisdiction of the Planning Appeals Board is to be widened to include all disputes under the Act. The powers of the board in relation to cancellation of permits have already been mentioned. The purpose here is to allow for quick, inexpensive resolution of disputes, however they arise.

The procedure for amendment of schemes has been considerably simplified. There is to be one system. There is no procedure for revocation. There is no procedure for Ministerial interim development orders. Amendments put forward by the Minister or the regional authority will travel much the same course as those proposed by the council. The advertising procedures are flexible to allow for more notice of large proposals and quicker processes for minor or urgent amendments.

The panel procedures apply to amendments proposed by any planning authority but the report of the panel is to be made available from the time it is received by that authority.

The powers of regional authorities in relation to amendments and permits have been standardised but the Government recognises that the use of these powers will have to be different from region to region.

Planning scheme ordinances are to be maintained by the Ministry and distributed from a central location. The form of ordinances will be standardised and the language used simplified. Over time, as technology allows, maps will be included in the centrally maintained system.

To make things straightforward for permit applicants, the following improvements are to be made:

1. Wherever possible, standard requirements will be set down in the planning schemes, rather than a permit or referral being specified.

2. Standard information to accompany permit applications will be included in schemes, wherever possible.

3. Forms will be standardised and the language and layout simplified.

4. Applications may be changed by agreement before advertising, to assist applicants to frame their applications so as to have the best chance of success.

5. Procedures for service of notice by ordinary post have been retained and their use will be encouraged to reduce delays.

6. Requests for further information from the applicant will have to be made within a definite time, usually 28 days.

7. Referral authorities will have to decide if they want further information in a shorter period, usually 28 days, to allow the council to meet the time limit.

8. Appeals have been introduced against requests for further information to ensure these requests are fair and reasonable.

9. Provision for staged development permits have been clarified.

10. Provisions for changes to plans or drawings forming part of a permit have been clarified.

11. Provision has been made for minor changes or correction of mistakes on issued permits.

The greater clarity in the statutory system will give more certainty to applicants, objectors and councils alike and remove delays based on misinformation or misunderstanding.

Finally, a word about implementation: the introduction of the new procedures will take careful planning to ensure that the changeover is smooth. Responsible authorities and planning authorities must be fully aware of their new duties and powers, while professional advisers must be given ample opportunity to become familiar with the new regime. Administrative manuals and guidelines must be prepared and regulations made. Dual planning controls must be eliminated. All of this indicates a substantial period before the statute can come into effect and I expect this to be at least six months, after the Bill has been passed by Parliament.

As to the initial content of the new planning schemes at the introduction of the new system, I expect that the State section will consist largely of the existing statements of planning policy and the regional sections will contain the Melbourne Metropolitan Planning Scheme, the Geelong Regional Planning Scheme, the Upper Yarra Valley and Dandenong Ranges Regional Strategy Plan and other relevant regional statutory documents. The local section will initially be empty in the metropolitan area and the Geelong region, as well as in those areas which do not have planning controls, while in all other areas the existing schemes and interim development orders will become the local section. The new schemes will be progressively rationalised and rewritten, starting with the metropolitan area.

In conclusion, I invite honourable members to see the Bill as the first essential step in reform of the law relating to development in this State. The Government will soon be introducing proposed legislation reforming the law of subdivision and giving attention to the Building Control Act. Efforts will continue to be made to reduce the number of separate consents required for development and the number of agencies involved. Wherever possible, requirements will be codified and written down. The Planning and Environment Bill is the cornerstone of this reform. I commend the Bill to the House.

On the motion of Mr GUDE (Hawthorn), the debate was adjourned.

It was ordered that the debate be adjourned until Thursday, October 16.

## ADJOURNMENT

**Flinders Street station redevelopment—Residential subdivision in South Croydon—Transport Regulation Board licence—Visit by Pope John Paul II—Builders Labourers Federation—Tender for Road Construction Authority project—Noise and vibration levels caused by trains in Syndal—Transport drivers' licences**

**Mr FORDHAM** (Minister for Industry, Technology and Resources)—I move:

That the House do now adjourn.

**Mr GUDE** (Hawthorn)—I raise a matter for the attention of the Premier relating specifically to Ministerial responsibility in Victoria. On a number of occasions I have raised issues surrounding the Flinders Street railway station redevelopment and, on Tuesday of this week, the Premier stated that allegations about the Public Works Department that I made last year and again this year were fallacious and that no charges had been laid.

I can only assume that the Premier was not deliberately attempting to mislead the House and that the honourable gentleman was not aware of the facts; and that the Minister for Public Works had not kept him fully informed of what was occurring in his department.

The truth is that a principal of RMT Builders Pty Ltd, Milorid Trkulja, was arrested by the Victoria Police on 9 July 1986. He was prosecuted in the Broadmeadows Magistrates Court for obtaining property by deception and for failing to keep appropriate accounts. These were the very assertions that the Opposition made in this place last year and this year under freedom of information requests. I informed the Fraud Squad of those allegations and action was taken.

On 23 July this year an arraignment took place at the Melbourne Magistrates Court to enable this gentleman to have one of his three passports extended so that he could travel to Yugoslavia. I point out that he was arrested earlier at the Melbourne airport. As an aside, the former Minister of Transport also has found need to go to that part of the world in the past. The gentleman concerned, after having his passport extended under bail provisions, was allowed to travel to Yugoslavia and has failed to return to Victoria.

There is extensive corruption in the Public Works Department and there is extensive corruption surrounding the Flinders Street station redevelopment project, which was the matter I raised on Tuesday evening.

**Mr ROPER** (Minister for Transport)—On a point of order, Mr Speaker, my understanding of the debate on the motion for the adjournment of the sitting is that honourable members are permitted to raise one matter and not a variety of matters. The honourable member for Hawthorn, having raised a matter concerning the Public Works Department, has now accused the magistracy, as I understand it, of corruption and has also commenced to speak on the Flinders Street railway station project.

Mr Speaker, I ask you to ensure that the honourable member raises only one matter concerning the administration of one Minister.

**Mr GUDE** (Hawthorn)—On the point of order, Mr Speaker, I introduced my remarks by stating that I was concerned with corruption in Government agencies and I directed that issue to the attention of the Premier. The Premier is responsible for all Ministries under his control in Victoria. I also make the point that it was the Premier and not me who introduced the Public Works Department into the debate on Tuesday evening. I ask you, Mr Speaker, to rule the point of order out of order.

**The SPEAKER**—Order! As only one matter can be raised on the motion for the adjournment of the sitting, I uphold the point of order on that aspect alone. However, I do not believe the honourable member was raising a second issue.

**Mr GUDE**—Mr Speaker, the matter I was raising related specifically to the Flinders Street railway station project. A significant amount of corruption exists in that area. People have already been charged and more public servants and companies may be charged; one person currently being dealt with is Mr Starkey. The Opposition demands a copy of the Riboni report which was given to the Government on 3 July 1986.

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

**Mrs SETCHES** (Ringwood)—I direct a matter to the Minister for Transport. On 8 September a meeting of local residents was held at the Croydon South Primary School. It had been called by the Urban Land Authority to discuss a plan that has been prepared for

the development of 25 hectares adjoining the eastern end of Central Avenue. The land is extraneous to the Healesville Freeway reservation and will be used for the development of approximately 250 residential blocks.

The Urban Land Authority called the meeting because there had been two objections to the plan under the City of Croydon planning scheme.

The objections were on the basis of the traffic congestion that would be caused if the plan that had been exhibited went ahead. The Urban Land Authority contacted local residents and provided them with leaflets so that all local residents could attend a meeting at the Croydon South Primary School.

Amongst those present at the meeting were Howard Bartlett, the project manager; Michael Collie, project planner; and a representative from the planning department of the City of Croydon.

More than 150 people were present at the meeting. They voiced their concerns at the plan that was exhibited. The concerns were directed mainly at Andrew O'Brien, the consultant who had been employed by the Urban Land Authority to provide different plans for traffic movement through the area.

The Urban Land Authority proposal was rejected by the residents because of the traffic congestion it would cause in three local streets, Central Avenue, Ulysses Avenue and Olympus Drive.

Andrew O'Brien, from TTM Consultants, put forward a number of other proposals to the meeting, which could be classified as "concept 2" and "concept 3". The residents voiced their willingness to examine the plans outlined by Andrew O'Brien.

I should like the Minister to note that there is a problem regarding access to Dorset Road and Bayswater Road from the proposed development. Preliminary talks have been held with the Road Construction Authority and the Road Traffic Authority with a view to a better egress from the development. A proposal will be made to the Minister by the Road Construction Authority and I should like him to take note of the importance of access from Bayswater and Dorset roads.

**Mr WILLIAMS** (Doncaster)—I draw the attention of the Minister for Transport to the saga faced by Ms Nichol who has been trying to obtain justice from the Ministry of Transport.

In 1972, the Transport Regulation Board issued her with a transport operators licence, No. 24, to run Melbourne's first tourist mini bus, which she operated reasonably well until 1976 when cutthroat competition forced her out of business. Apparently the smart operators discovered a defect in the regulations in that the Transport Regulation Board licence should not have been issued in the first place.

Ms Nichol has received no satisfaction in the matter because no recognition was given to the defects in the regulations until 1980.

Lo and behold, the lady who pioneered this sort of operation in Melbourne is in difficulty. The Government is speaking about increasing tourism. This lady was running a valuable, expert business or a minor scale for overseas tourist. She was induced to enter the business, and because of a difficulty in the activities of the Ministry of Transport she had to close down the business.

Then, to add insult to injury, when the regulations were rectified, the Ministry would not renew her licence. She has been seeking satisfaction from her local member, the Minister for Water Resources but unfortunately, unlike me, he cannot get up in this House and raise matters on the debate on the motion for the adjournment of the sitting.

The latest in a long saga of correspondence I have is a letter to the Minister for Transport from the Minister for Water Resources dated 15 August last when he begged the Minister

to give consideration to the points in a long submission attached to the letter that shows that Ms Nichol has never been given a proper opportunity of putting her case for compensation to the appropriate Minister for Transport. I do not blame this Minister for Transport; I blame all Ministers of Transport since 1976, including Liberal Party Ministers.

I am concerned that the Minister for Transport was most unsympathetic to his loyal colleague, who apparently did not belong to the correct faction! I shall quote from the letter of the Minister for Transport to the Minister for Water Resources:

> The matters to which you refer do not however alter my view of the matter. Ms Nichol's claims have received the fullest possible consideration and I do not think that any useful purpose would be served in further commenting on these claims.

Poor Ms Nichol; she cannot get justice from the Ministry, from the Minister for Water Resources, the centre unity Minister or anybody else.

I appeal to the Minister for Transport, who I know underneath is a pretty decent soul—he is his own worst enemy—to do something about getting some sort of compensation for Ms Nichol so she can re-establish herself in a legitimate operation. Through no fault of her own she was induced to start the business in the first place and she has been left high and dry and virtually financially ruined. Over the past fourteen years no-one has listened to her.

**Mrs TONER** (Greensborough)—I direct to the attention of the Minister representing the Premier, in his capacity as the Minister responsible for Federal matters, the forthcoming visit of the Pope.

I am pleased to note the allocation of $83 000 in the State Budget for the papal visit. Such a significant event should receive large coverage in the media commensurate with the importance of this event. The National Papal Visit Office, however, is concerned at recent advice that the stringent appropriation to the Australian Broadcasting Corporation provided in the Federal Budget has meant that a budget ceiling for the coverage of the papal visit has been set at $250 000, whereas full live coverage of all events associated with the papal tour would cost $824 986 net.

Mr Geoffrey Whitehead, the Managing Director of the Australian Broadcasting Corporation, wrote to Monsignor Brian Walsh on 10 September 1986 conveying to him the effects of reduced coverage within the framework of the $250 000 net allocation. This visit warrants the fullest possible coverage. The Pope's visit should be accessible not only to those people who can be physically present, but also to all interested Australians.

I hope the Premier will raise this matter with the Prime Minister and point out that reduced media coverage will mean: the cancellation of approximately two-thirds of the proposed motorcades throughout the country: no multicamera live coverage of all airport arrivals and departures, except for the Pope's arrival in Canberra; and no live multicamera coverage of the mass in Canberra. Further, the meeting with the Governor-General at Government House will be reduced from a live multicamera coverage to only news highlights and the meeting with Jewish and Catholic leaders in Sydney will be reduced to only news coverage.

It would be a matter of concern and regret all round if such a significant event were to receive such limited coverage. Everyone is looking forward to the Aboriginal celebrations in Alice Springs, which should receive coverage with the other events, but Alice Springs is also to be deleted.

The Archbishop of Melbourne is concerned about the coverage the papal tour will receive. He wants not only physical presence at all events held in Victoria but also the participation of the viewing public through the televising of other events. These matters were raised by the National Papal Visit Office with the Federal Government but more weight would be lent to it if the Premier made representations expressing the concern of Victorians about having proper coverage of this important event.

**Mr HEFFERNAN** (Ivanhoe)—The matter I direct to the attention of the Minister for Labour is about the Builders Labourers Federation. This month is crucial because it involves the changeover of union membership of the BLF to a new union, which has been formed since the federation's deregistration.

It has been brought to my attention that concern has been expressed in the building industry that certain members of the Department of Labour are former members of the BLF. I should like the Minister to advise me on this matter.

The Government gave the commitment that if costs incurred as a result of any disruption by the deregulation of the BLF and the setting up of a new union were brought to its attention, the Government, in turn, would reimburse the costs. Can the Minister reconfirm this commitment so that I can pass it on to those builders who have expressed concern to me about this matter?

**Mr POPE** (Monbulk)—The matter I direct to the attention of the Minister for Transport concerns a tender for the Hume Freeway project involving the Glenrowan West interchange to Warby Springs. The matter was first raised on 11 September 1986 by the honourable member for Gippsland West. At that time he made outrageous remarks about the project. That is typical of what honourable members have heard from him and from the honourable member for Hawthorn.

The matter raised during the adjournment debate by the honourable member for Gippsland West received some coverage in the *Sun* of 12 September. The article was headed, "Cheap tender rejected: Libs" and stated:

> A company tender accepted by the State Government for developments to the Hume Highway near Glenrowan had cost $800 000 more than a tender by an equally capable company. State Parliament was told last night.
>
> The Opposition transport spokesman, Mr Brown, said the cheaper tender, which had conformed to all specifications, was rejected for no valid reason.

I have made a number of inquiries. I am now well aware that officers of the Road Construction Authority are extremely upset about the matter, especially about the comments made by the honourable member for Gippsland West last Thursday night that there was gross incompetence and dishonesty.

Under Parliamentary privilege, the honourable member for Gippsland West and the honourable member for Hawthorn have made outrageous statements about public servants who cannot defend themselves. I understand that during the debate the honourable member stated——

**Mr WILLIAMS** (Doncaster)—On a point of order, Mr Speaker, I point out that matters raised in a previous debate cannot be referred to.

**The SPEAKER**—Order! I uphold the point of order and I ask the honourable member for Monbulk to get to the point of what action he wants the Minister for Transport to take.

**Mr POPE** (Monbulk)—I ask whether the Minister for Transport has investigated the remarks made by the honourable member for Gippsland West. I am interested to know whether, once again, the outrageous remarks made by the honourable member for Gippsland West under Parliamentary privilege are wrong. They always seem to be wrong when it gets down to the crunch, but, in the meantime he and the honourable member for Hawthorn, in similar circumstances, scurry to the Press Gallery giving away copies of their speeches so that they can get a run at the press.

I hope investigations will be carried out by the Minister, and I shall be interested to find out what those investigations discover. I am sure honourable members will hear a different story.

**Mr COLEMAN** (Syndal)—I direct to the attention of the Minister for Transport a matter that was first raised with me on 18 February 1985 in a letter from Mr H. B. Tuck. Mr Tuck wrote:

Subsequently to certain recent works having been carried out along the tracks to Syndal railway station the noise and vibration level to our home is causing us some concern and distress. It is now quite difficult to hold a conversation when trains are passing and we would sincerely appreciate your inspection of the area to test the noise and vibration levels that we encounter.

The construction of a wall and landscaping of the area adjacent to the tracks we feel would considerably reduce the noise and vibration levels and we trust you will give this request your urgent consideration.

The house in question is at the end of a viaduct and as the trains come out of the viaduct there is considerable noise and vibration.

In a letter dated 7 October 1985, the Minister for Transport stated:

The Melbourne Transit Authority has informed me that it has investigated the noise and vibration levels in the vicinity of Mr Tuck's home. Noise and vibration levels were continuously monitored over a twenty-four hour period. The noise level was found to be below the maximum acceptable level at all times during the test.

That claim was subsequently refuted by Mr Tuck who wrote a letter stating:

On the first occasion in July 3 officers from the MTA arrived with some electronic equipment and using a brass rod they inserted it into the soil on the nature strip some 3 to 6 inches deep in front of our house. I was not made aware of the technical readings taken but I was advised that "vibration readings were being taken". At my request two officers entered our back yard area with another type of electronic machine whilst the third officer stood on or adjacent to the railway tracks and again certain readings were taken.

I can truthfully say I am not aware of any other recording activity which was conducted in the vicinity of our premises since my reporting the matter. The statement made in the Transport Minister's letter viz "noise and vibration levels were continuously monitored over a 24 hour period"—baffles me completely.

Mr Tuck asked for assistance from the Environment Protection Authority, which recently wrote a letter to Mr Tuck.

This letter is from the acting chairman, Mr Paul LeRoy, dated 27 August 1986. He wrote:

Since the Acting Minister for Planning and Environment wrote to you on 17 July we have been in touch with Mr Tuck, who complained to you about noise and vibration from the Mount Waverley railway line.

Our inspector measured the noise level at Mr Tuck's house, and found it to be no higher than would be expected at any house close to a railway line. I understand that Mr Tuck has recently retired, and it may be that he is noticing the noise more now.

Have you ever heard such impudence!

On the day he visited Mr Tuck our inspector could not detect any vibration from passing trains, and we believe we could have great difficulty in obtaining meaningful measurements.

Whilst I can appreciate Mr Tuck's concerns, I regret that we are unable to help him.

I have now had a further letter from Mr Tuck which refutes virtually everything contained in that letter. In part, it says:

Firstly, my firm impression when the inspector called was that he would return "the following week or so" with additional equipment and another inspector, to make further tests.

Secondly, I have been retired almost 4 years and the upgrading of the railway tracks was done just on 2 years ago, and it is only since then that the noise level has increased.

Thirdly, the E.P.A. Inspector was at my back door barely 10 minutes or so and at an "off peak" period, therefore, in my opinion it wasn't a true and fair assessment.

I ask the Minister to personally intervene in this matter and send an officer out who is prepared to take some responsibility in the matter. This matter is not beyond resolution; I am sure the Minister has the will to do that and I am sure that he would be prepared to instruct one of his officers to resolve this issue. I am prepared to make this correspondence available to the honourable gentleman.

**Mr REMINGTON** (Melbourne)—I draw to the attention of the Minister for Transport the actions that have taken place in the American Senate to bring about a uniform system for the introduction of commercial driving licences in America so that anybody driving an interstate transport or large commercial vehicle should pass a common test for the

licence to do so. Those drivers have to pass a comprehensive written test and also an onroad test.

It seems to me that the Minister ought to give consideration to conferring with his fellow Ministers for transport in other States to bring about a uniform requirement so that the driver who drives from Queensland would be qualified under exactly the same——

**Mr LEIGH** (Malvern)—On a point of order, the honourable member is calling for the introduction of some new legislation to fit in with other States and I believe during the debate on the motion for the adjournment of the sitting that is not possible.

**The SPEAKER**—Order! I did not hear the honourable member for Melbourne call for legislation. I did hear him request the Minister for Transport to call on his colleagues in other States to attempt to get some uniformity in respect to this matter, and therefore the point of order is out of order.

**Mr REMINGTON** (Melbourne)—Thank you, Mr Speaker. It seems sensible and practical to me that, particularly in the interstate haulage area, where men travel from New South Wales through Victoria to South Australia and to northern Queensland and other places, a single standard licence ought to be issued. It also seems to me that the Minister ought to give consideration to supporting a system in which if a licence is cancelled in one State it should be automatically cancelled in all States because of the problem which can arise of drivers having licences in more than one State.

It appears that the American Senate committee, which is considering improving truck driving licences, has centred on a problem, which has caused great difficulty in America and I believe the same atmosphere and conditions apply here. The Minister should give consideration to the introduction of a more uniform system of issuing these licences and recording offences incurred against those licences.

**Mr FORDHAM** (Minister for Industry, Technology and Resources)—The honourable member for Hawthorn raised a matter concerning what he believed to be improper practices within the Public Works Department. The honourable member tried to defend himself from quite proper criticism by the Premier regarding wild assertions that he has been known to make in the House regarding the Public Works Department.

I understand that there is not one charge that has been laid as a result of the initiatives of the honourable member for Hawthorn and, indeed, the honourable member was invited to meet with the Fraud Squad, the initiatives being taken by the Minister for Public Works. Arising from those discussions between the honourable member and the Fraud Squad no further charges were laid because he was able to give no information that had not already been given by the Public Works Department in its dealings with the police on this matter.

**Mr Gude** interjected.

**The SPEAKER**—Order! The honourable member for Hawthorn has, by his interjection, claimed that the Premier has misled the House. I advise the honourable member that his remarks are unparliamentary, although he has not used the word "deliberately." I suggest that the honourable member cease interjecting in this manner.

**Mr FORDHAM**—The honourable member for Hawthorn also made allegations about a magistrate over the issuing of a passport. The Public Works Department has no responsibility for the issuing of passports by magistrates. The honourable member is using the shotgun approach and, frankly, he is not hitting anything.

The honourable member for Greensborough raised her understandable concern regarding media coverage, particularly that by the Australian Broadcasting Corporation, of the forthcoming papal visit.

The papal visit is a matter of great significance not only to Australian Catholics but to the entire Christian community and many other people as well who support the very

significant initiatives for peace with which Pope John Paul II has been associated over a long period.

I have no doubt that the Pope will be speaking and commenting at length on the issue of peace during his visit to Australia. I make the point that it is a matter of widespread interest to many Australians.

I share the concern raised by the honourable member for Greensborough regarding limited coverage of the papal visit by the Australian Broadcasting Corporation and I understand her comments regarding the concern of the Archbishop of Melbourne, Dr Little. I agree with the honourable member's suggestion that the Premier should write to the Federal authorities on this matter, and I will put forward that course of action to the Premier.

**Mr WALSH** (Minister Assisting the Minister for Labour)—The honourable member for Ivanhoe is behind the times because the Department of Labour and Industry went out of existence in March 1985. Perhaps the honourable member may walk down Russell Street and find out that Ned Kelly was hanged many years ago!

The Opposition is unsure where it stands over the action the Government took concerning the Builders Labourers Federation, which has resulted in the building and construction industry being a far better industry to work in. The Government is in no doubt that the building and construction contractors are abiding by the code of conduct it produced for them, and they are more than happy with the productivity output in that industry. It is a better industry for those changes.

It is a pity that the Opposition did not support the Government's stand in making that industry a more viable one in which to work. I am more than happy with the unions that have taken over those former members of the Builders Labourers Federation. The honourable member raised a matter concerning costs, but I am unaware of the costs to which he refers.

If he can produce evidence of the cost, although it may take him ten years to do so as he is so far behind, the Government will be prepared to have the matter investigated.

**Mr ROPER** (Minister for Transport)—The honourable member for Ringwood raised concerns that have been expressed in her electorate concerning transport, particularly road matters resulting from the proposals by the Urban Land Authority and other bodies. I understand that both the Road Construction Authority and the Road Transport Authority are prepared to consider the range of proposals put forward. I shall ask them to consult fully with those persons in the local area who are concerned and also with the local member of Parliament.

The honourable member for Doncaster raised the issue of Ms Penelope Nichol. Ms Nichol would be known to many members of Parliament and would be not known to extremely few members of Parliament. She has had a range of grievances that commenced in 1976. She recently sought a reference from me. I declined to provide such a reference. I shall have the matters raised investigated and shall be in touch with the honourable member.

The honourable member for Syndal referred to a constituent who is disturbed by the noise and vibration of trains. He has provided information and I shall have it examined and report back to him.

The honourable member for Melbourne raised the matter of uniform licence testing and other arrangements between the States that would assist in road safety. It is true to say that Australian transport Ministers have been working towards uniform licensing arrangements throughout the country. There are some difficulties in achieving that. For instance, different ages apply for the minimum age of learner drivers and licence drivers. However, we are seeking to ensure equal competence between the States. I shall take up the matters raised with my colleagues.

Because of the concerns about road safety, the honourable member raised the matter of what would happen to someone whose licence was cancelled and who left the State and simply took out a licence in another State. This could be a matter of significant concern. All State Governments, regardless of political persuasion, are seriously attempting to ensure that those who should not be licensed to drive do not drive. I shall raise this matter with my colleagues in the other States.

The honourable member for Monbulk raised concerns that have been expressed since last week when officers of the Road Construction Authority were accused of either gross incompetence or dishonesty, or a combination of both. That was an extremely serious reflection on the officers at a variety of levels of the authority and they have been extremely concerned at the charges levelled against them, particularly as the honourable member for Gippsland West said he checked the matter carefully and, in his view, the lowest tender by Colls Mann Constructions Pty Ltd should have been accepted.

I explained to the House some of the matters of which I had been aware in relation to that contract and the way in which tenders were submitted, but because of the concern for reputations of the officers of the authority, I have caused further inquiries to be made and further material to be provided. The first point is that Colls Mann Constructions Pty Ltd submitted the lowest tender, but it was subject to conditions which I shall subsequently deal with. The second lowest tender was by Denbo Pty Ltd, which was also stated as conditional. Denbo Pty Ltd, unlike Colls Mann Constitutions Pty Ltd, also put in a tender that was not conditional, but that non-conditional tender would have been for significantly more than the conditional tender.

If Colls Mann Constructions Pty Ltd had put in that tender without conditions, my office informs me that it would have cost at least $1·65 million more than the amount for which the firm tendered.

Whenever the lowest tenderer is not to be chosen, the Road Construction Authority checks the matter out and carefully examines the conditions proposed. That applies particularly in this case as it also affects the Commonwealth Government. In relation to Colls Mann Constructions Pty Ltd, the conditions that were proposed were extremely broad.

The apparent lowest tender was received from Colls Mann Constructions Pty Ltd but was based on a number of assumptions and qualifications contained in a letter dated 28 July 1986 which accompanied the tender and formed part of the tender.

**Mr Brown**—It was not part of the tender!

**Mr ROPER**—It was a condition of the tender. The tender assumptions and qualifications included reference to, firstly, excavation in rock; secondly, dewatering; thirdly, availability; and fourthly, cartage over a railway spur line. Although all of these qualifications and assumptions would have had some consequential finance effect on the overall cost of the completed works, the most significant qualification and assumption related to the excavation of rock. The tenderer stated that:

> In formulating our tender we have allowed that a large percentage of the material will be rippable using the following parameters.

The tender then referred to the bulldozer that would be used and its penetration level—500 millimetres—and referred to the fact that the material won would satisfy the authority's requirements with regard to oversized material.

There were two cuttings known in this job as Tonini's cutting and Archer's cutting, and both contained rock that would be difficult to excavate. The authority examined this carefully and decided that it would be necessary to drill and blast to remove some material from these cuttings. The Authority specified that payment would be made for drilling and blasting where the material could not be removed with the single tyne of a 335 KW bulldozer or equivalent D9L bulldozer mentioned by Colls Mann Constructions Pty Ltd.

However, I should say that the 335 KW dozer has a greater power than that proposed by the tenderer.

The estimate of the additional cost that the authority would have incurred if Colls Mann Pty Ltd won the contract and then excavated Tonini's cutting was $409 800 and that would be borne by the authority.

It should be remembered that there is an $800 000 difference between the Thiess Contractors Pty Ltd tender that was accepted and the conditional Colls Mann Constructions Pty Ltd tender.

In addition, at Archer's cutting, again the situation was similar. A considerable amount of blasting at significantly increased cost would have been involved. For that cutting the additional cost would have been in the order of $430 000 based on the assumption that a D9G bulldozer would be used. Therefore, in those two areas alone in relation to the tenderer's qualifications concerning the excavation of rock, there would have been additional costs of $840 000.

There is also the question of the assumption that penetration of 500 millimetres of rock by the bulldozer was reasonable. Our officers took the view, on their professional competence, that costs of an additional $200 000 would have been required, as the penetration depth achievable was more likely to be only 400 millimetres.

Other qualifications imposed on the tender included: firstly, only nominal dewatering at a certain location where the Road Construction Authority believes considerable spring activity occurs—an estimate of that potential additional cost was some $256 000; secondly, the availability of water from Fifteen Mile Creek—access would probably not have been available and additional costs of $100 000 could have been incurred in carting water; and, thirdly, cartage of no more than 30 tonnes per wagon over a railway spur line would have resulted in an additional cost of $250 000 because more trucks would be needed to cart the material.

These additional costs are estimated by professional officers of the Road Construction Authority at $1·65 million more than the conditional tender. I emphasise that quite often tenderers submit a number of tenders. They put in one tender based on certain arrangements and an alternative tender, as did Denbo Pty Ltd in this case.

The clear advice I have received—and which I believe has been thoroughly analysed by the Road Construction Authority—is that if this particular tender had been let to Colls Mann Constructions Pty Ltd, with the conditional requirements, the job would have cost in excess of $800 000 more than the Thiess contract.

We do not believe in taking risks with tenders, and those risks do not exist with the selected contractor. I should be more than happy to organise for the honourable member for Gippsland West to be briefed on this matter and to seek the advice that it might have been useful for him to seek before he made his allegations of gross incompetence or dishonesty, or a combination of both, last week.

**Mr Weideman** interjected.

**Mr ROPER**—The honourable member for Gippsland West accused officers of the Road Construction Authority of dishonesty in relation to this matter. I should be quite happy to arrange for the honourable member to be briefed on this matter. I am sure he understands something about contracting as he has been a flat builder and other things in his time.

I was concerned at the honourable member's allegations. I had further work done on the matter so that I could present this information to the House.

The motion was agreed to.

*The House adjourned at* 6.38 *p.m. until Tuesday, September* 30.

## *QUESTIONS ON NOTICE*

*The following answers to questions on notice were circulated—*

## NUMBER OF EMPLOYEES IN COMMUNITY SERVICES VICTORIA

(Question No. 143)

**Mr DICKINSON** (South Barwon) asked the Premier:

1. What is the number of permanent and part-time employees respectively in the Department of Community Services?

2. What was the total wages bill for the financial year ended 30 June 1984?

3. What percentage of this bill was paid in overtime and penalty rate allowances?

**Mr CAIN** (Premier)—I am informed that:

A. The answer to part one is available from the Public Service Board's annual report.

B. The information to answer parts 2 and 3 can be obtained from the Victorian Budget Paper No. 3.

## RESIDENCES OWNED BY MINISTRY FOR THE ARTS

(Question No. 238)

**Mr BROWN** (Gippsland West) asked the Minister for the Arts:

In respect of all residences owned by departments, agencies and authorities within his administration as at 1 April 1985, and which have been vacant for two months or longer, what is the length of time each has been vacant, the location and the reason.

**Mr MATHEWS** (Minister for the Arts)—The answer is:

As at 1 April 1985, there were no residences owned by departments, agencies and authorities within my administration, which had been vacant for two months or longer.

## ABORIGINAL AFFAIRS EXPENDITURE BY MINISTRY FOR THE ARTS

(Question No. 258)

**Mr BROWN** (Gippsland West) asked the Minister for the Arts:

1. What was the expenditure by departments, agencies and authorities within his administration in the 1984–85 financial year on matters directly related to Aboriginal affairs?

2. What is the estimated expenditure for the 1985–86 financial year in this area?

3. How many staff are employed in each organisation, indicating whether full-time or part-time, and in relation to part-time employees the number of hours devoted per week to work associated with Aboriginal affairs?

4. What are the costs of all overheads in each organisation in connection with employment of staff in the area of Aboriginal affairs?

**Mr MATHEWS** (Minister for the Arts)—The answer is:

1. The expenditure by the departments, agencies and authorities within my administration in the 1984–85 financial year on matters directly related to Aboriginal affairs was $176 746, as follows:

| *Agency* | *Expenditure 1984–85* |
|---|---|
| Ministry (Head Office) | $ 21 000 |
| Museum of Victoria | $155 746 |
| TOTAL | $176 746 |

With regard to the State Library of Victoria, expenditures cannot be identified; however, as a matter of policy, the Library Council endeavours to acquire all English language printed material relating to Aboriginal affairs.

2. The expenditure by departments, agencies and authorities within my administration in the 1985–86 financial year on matters directly related to Aboriginal affairs was $224 643, as follows:

| *Agency* | *Expenditure 1985–86* |
|---|---|
| Ministry (Head Office) | $ 28 000 |
| Museum of Victoria | $196 643 |
| TOTAL | $224 643 |

3. Full-time staff employed:

Museum of Victoria—10

Part-time staff employed: (showing hours per week given to work on Aboriginal affairs).

Museum of Victoria—one at 24·7 hour a week
three at 28·5 hours a week each
one at 19 hours a week.

4. The cost of all overheads associated with the employment of staff in the area of Aboriginal affairs cannot be separated from the normal administrative costs of the department or agency.

# PROPERTY OWNED OR LEASED BY MINISTRY FOR THE ARTS

(Question No. 402)

## Mr GUDE (Hawthorn) asked the Minister for the Arts:

In respect of departments, agencies or authorities within his administration:

1. Which buildings are—(*a*) owned by such bodies; and (*b*) leased, indicating in respect of those leased the name of the lessor, the length of the lease, the cost and the use being made of each building?

2. What land is—(*a*) owned by such bodies; and (*b*) leased, indicating in respect of land leased the name of the lessor, the length of the lease, the cost and use of such land?

## Mr MATHEWS (Minister for the Arts)—The answer is:

1. (*a*) There are no buildings owned by departments, agencies or authorities within my administration.

(*b*) No leases are held by departments, agencies or authorities within my administration in respect of buildings.

2. (*a*) There is no land owned by departments, agencies or authorities within my administration.

(*b*) No leases are held by departments, agencies or authorities within my administration, in respect of land.

# YOUTH GUARANTEE SCHEME

(Question No. 560)

## Mr HEFFERNAN (Ivanhoe) asked the Minister for Labour:

1. What was the total amount spent on the Youth Guarantee Scheme from March 1985 to 31 October 1985?

2. How many youths have been placed, as a result of the scheme in—(*a*) full-time work; (*b*) full-time education; (*c*) full-time training; or (*d*) some acceptable and structured arrangement for education, training and work?

## Mr CRABB (Minister for Labour)—The answer is:

1. Youth Guarantee expenditure

| 1984–85 | 1985–86 (to 15.11.85) |
|---|---|
| $160 529 | $991 920 |

2. It is not possible to measure the full impact of the initiative in increasing the employment and training opportunities of young people. However, the following statistics give some indication of the efforts:

Over 1000 work/study positions have been created and filled by formerly unemployed young people as a result of the initiative.

The apprenticeship intake is more than 25 per cent higher than 1984–85 which was itself a record intake year.

Full-time employment for young people in Victoria has increased from 112 400 in March 1985 to 121 200 in January 1986.

1500 extra places have been created in Victorian tertiary institutions this year in order to achieve a 50 per cent transfer rate of Year 12 students to higher education. Extra places have been distributed across State institutions and many are being offered to students through alternative entry methods.

Reforms evolving from the Blackburn report and subsequent developments will also impact upon school participation rates in the longer term and we would expect over the next few years to see a marked improvement in retention to Year 12.

## MINISTRY FOR PLANNING AND ENVIRONMENT ANNUAL COSTS AND BUDGET

(Question No. 595)

**Mr STOCKDALE** (Brighton) asked the Minister for Housing, for the Minister for Planning and Environment:

In respect of each department, agency and authority within his administration, what was the annual cost in 1982-83, 1983-84 and 1984-85, respectively, and the Budget estimate for 1985-86, for each of the following types of payments and allowances—(*a*) personal and travelling—(i) domestic travel; (ii) overseas travel; and (iii) removal and relocation expenses; (*b*) car mileage; (*c*) tea money; (*d*) expense of office; (*e*) entertainment; and (*f*) any other allowances paid to employees?

**Mr WILKES** (Minister for Housing)—The answer supplied by the Minister for Planning and Environment is:

The costs of (*a*) personal and travelling—(i) domestic travel; (ii) overseas travel; and (iii) removal and relocation expenses; (*b*) car mileage; (*c*) tea money and (*d*) expense of office allowance have, in previous years, been aggregated in the line item known as travelling and subsistence.

A further breakdown of the figure to the sub-items requested is not available, and to obtain these figures would be very time consuming. It is considered that the time and resources necessary to collect the information to answer this part of the question cannot be justified, and the relevance of the information obtained would be open to question due to the changes made to the composition of this Ministry.

The actual expenditures for travelling and subsistence are:

| | |
|---|---|
| 1982-83 | $ 77 842 |
| 1983-84 | $235 278 |
| 1984-85 | $295 906 |
| Expense of office allowance 1984-85 | $ 15 835 |

For 1985-86 the Budget estimates were:

| | |
|---|---|
| (*a*) Personal and Travelling | |
| (i) Domestic travel | $112 000 |
| (ii) Overseas travel | $ 35 000 |
| (iii) Removal and relocation expenses | $ 27 900 |
| (*b*) Car mileage | $ 25 500 |
| (*c*) Tea money | Included in personal expenses |
| (*d*) Expenses of office allowances | $ 26 000 |
| (*e*) Entertainment | $ 13 400 |
| (*f*) Other allowances paid to employees | $190 000 |

## MINISTRY FOR POLICE AND EMERGENCY SERVICES ANNUAL COSTS AND BUDGET

(Question No. 580)

**Mr STOCKDALE** (Brighton) asked the Minister for Police and Emergency Services:

In respect of each department, agency and authority within his administration, what was the annual cost in 1982-83, 1983-84 and 1984-85, respectively, and the Budget estimate for 1985-86, for each of the following types of payments and allowances—(*a*) personal and travelling—(i) domestic travel; (ii) overseas travel; and (iii) removal and relocation expenses; (*b*) car mileage; (*c*) tea money; (*d*) expense of office; (*e*) entertainment; and (*f*) any other allowances paid to employees?

**Mr MATHEWS** (Minister for Police and Emergency Services)—The answer is:

| | 1982–83 $ | 1983–84 $ | 1984–85 $ | Budget 1985–86 $ |
|---|---|---|---|---|
| CENTRAL ADMINISTRATION | | | | |
| (*a*) Personal and travelling | 4 178 | 14 302 | 21 459 | 9 300 |
| (i) Domestic travel | 9 428 | 11 454 | 11 251 | 4 000 |
| (ii) Overseas travel | — | — | 1 185 | 14 462 |
| (iii) Removal and relocation | — | — | — | — |
| (*b*) Car mileage | — | 3 291 | 11 813 | 11 800 |
| (*c*) Tea money | 42 | 17 | 172 | 100 |
| (*d*) Expense of office | 3 284 | 3 936 | 7 424 | 9 775 |
| (*e*) Entertainment | 159 | 3 744 | 2 600 | 600 |
| (*f*) Other allowances | 6 303 | 9 321 | 11 334 | 18 639 |
| VICTORIA POLICE FORCE | | | | |
| (*a*) (i) Domestic travel | } 1 942 077 | } 2 114 338 | 1 259 731 | 1 863 200 |
| (ii) Overseas travel | | | 39 449 | 50 600 |
| (iii) Removal and relocation | 268 058 | 302 242 | 467 116 | 468 400 |
| (*b*) Car mileage | 148 294 | 139 716 | 98 533 | 87 600 |
| (*c*) Tea money | 196 634 | 369 985 | 577 258 | 597 000 |
| (*d*) Expense of office | 4 936 | 17 470 | 22 251 | 23 335 |
| (*e*) Entertainment | — | — | — | — |
| (*f*) Other allowances | 41 242 995 | 40 400 705 | 42 253 091 | 50 883 718 |
| (Includes allowances paid for higher duties, duty, commuted penalty, uniform, civilian clothing, shift, excessive night shift, leave loading, commuted overtime, payment in lieu of time off (re 38 hour week) and other.) | | | | |
| METROPOLITAN FIRE BRIGADES BOARD | | | | |
| (*a*) and (*b*) Travelling | 118 505 | 141 367 | 198 346 | 279 708 |
| (*c*), (*e*) and (*f*) Refreshments and entertainment | 29 115 | 32 557 | 54 626 | 48 844 |
| (*d*) Expense of office | — | 5 996 | 15 463 | 23 497 |
| COUNTRY FIRE AUTHORITY | | | | |
| Transport and travel (expenses records are not kept separately, all included in above category) | 812 738 | 261 233 | 467 302 | 460 000 |
| VICTORIA STATE EMERGENCY SERVICE | | | | |
| (*a*) Personal and travelling | 18 900 | 20 404 | 35 565 | 32 100 |
| (i) Domestic travel | 852 | 251 | 504 | 3 800 |
| (ii) Overseas travel | — | — | — | — |
| (iii) Removal and relocation | 747 | — | — | — |
| (*b*) Car mileage | 493 | 735 | 279 | 700 |
| (*c*) Tea money | 877 | 1 018 | 455 | 1 400 |
| (*d*) Expense of office | 611 | 614 | 684 | 697 |
| (*e*) and (*f*) Time and resources to collect this information cannot be justified. | | | | |

## MINISTRY FOR PLANNING AND ENVIRONMENT ANNUAL COSTS AND BUDGET

(Question No. 596)

**Mr STOCKDALE** (Brighton) asked the Minister for Water Resources, for the Minister for Planing and Environment:

In respect of each department, agency and authority within his administration relating to Aboriginal affairs, what was the annual cost in 1982–83, 1983–84 and 1984–85, respectively, and the Budget estimate for 1985–86 for each of the following types of payments and allowances—(*a*) personal and travelling—(i) domestic travel; (ii) overseas travel; and (iii) removal and relocation expenses; (*b*) car mileage; (*c*) tea money; (*d*) expense of office; (*e*) entertainment; and (*f*) any other allowances paid to employees?

**Mr McCUTCHEON** (Minister for Water Resources)—The answer supplied by the Minister for Planning and Environment is:

| Personal Travelling | 1982–83 $ | 1983–84 $ | 1984–85 $ | Budget 1985–86 $ |
|---|---|---|---|---|
| Domestic | 11 110 | 16 576 | 2 880 | 5 000 |
| Overseas | — | — | — | — |
| Removal and relocation | — | — | — | — |
| Car mileage | 4 094 | 10 731 | 904 | 100 |
| Tea money | — | 936 | 7 | 200 |
| Expense of office | — | — | — | — |
| Entertainment | 79 | 613 | 51 | 50 |
| Total: | 15 283 | 28 856 | 3 842 | 5 350 |

## DEPARTMENT OF LABOUR PROGRAM BUDGETS

(Question No. 631)

**Mr WILLIAMS** (Doncaster) asked the Minister for Labour:

1. Whether all departments, agencies and authorities within his administration have reported to Parliament full details of expenditure in accordance with their program budgets?

2. Whether each program budget is on schedule; if not, which budgets are not on schedule, indicating why?

**Mr CRABB** (Minister for Labour)—The answer is:

The Treasurer will supply the necessary information to this question.

## *QUESTIONS ON NOTICE*

*The following answers to questions on notice were circulated—*

# PROPERTY OWNED OR LEASED BY DEPARTMENT OF INDUSTRY, TECHNOLOGY AND RESOURCES

(Question No. 399)

**Mr GUDE** (Hawthorn) asked the Minister for Industry, Technology and Resources:

In respect of departments, agencies or authorities within his administration:

1. Which buildings are—(*a*) owned by such bodies; and (*b*) leased, indicating in respect of those leased the name of the lessor, the length of the lease, the cost and the use being made of each building?

2. What land is—(*a*) owned by such bodies; and (*b*) leased, indicating in respect of land leased the name of the lessor, the length of the lease, the cost and use of such land?

**Mr FORDHAM** (Minister for Industry, Technology and Resources)—The answer is:

*Department of Industry, Technology and Resources*

1. (*a*) Buildings—at Turner Street, Port Melbourne

Residences—8 Hope Street, Bendigo
—Cnr Wirth and Race streets, Bendigo

(*b*) Nil

2. (*a*) Nil

(*b*) Nil

*Albury-Wodonga (Victoria) Corporation*

| | | | |
|---|---|---|---|
| *1.* (*a*) | Residential houses— | Willow Park Estate | 125 |
| | | Murray Brae Estate | 14 |
| | Acquired houses— | Rural-urban locations | 118 |
| | Factory units— | Kendall Industrial Park | 10 |
| | | Melrose Industrial Park | 2 |
| | Rural buildings— | haysheds | 82 |
| | | garages | 58 |
| | | workshops | 16 |
| | | machinery sheds | 32 |
| | | sheds | 62 |
| | | carports | 11 |
| | | dairies | 24 |
| | | shearing sheds | 10 |
| | | woolsheds | 3 |
| | | stables | 5 |
| | | aircraft museum | 1 |
| | | lubritorium | 1 |
| | | shop | 1 |

(*b*) Nil

2. (*a*) Total area of 14·164 ha.

(*b*) Nil

*Alpine Resorts Commission*

1. (*a*) Nil

(*b*) The Mount Hotham alpine resort leases a number of flats during the snow season each year. The leases are negotiated on a normal commercial basis.

2. (*a*) Nil

(*b*) Mount Hotham—land is leased from the Department of Conservation, Forests and Lands for the purpose of garbage depot, on a site being part of allotment 29, parish of Theddore.

*Coal Corporation of Victoria*

1. (*a*) Nil

(*b*) (i) 8th Floor, 136 Exhibition Street, Melbourne
Lessor—Custom Credit Holdings Ltd.
Length of Lease—1 April 1985—31 March 1987.
Cost of lease—$7606.42 a month; $97 277 per annum
Use made of building—This building is used as the Melbourne administration, finance and sales office. It is also occupied by the Special Project and Technical Marketing Division.

(ii) 18 Kay Street, Traralgon.
Lessor—Tora Luna Nominees Pty Ltd.
Length of lease—Monthly tenancy.
Cost of lease—$1594 per month;

$19 128 per annum.
Use made of building—This building is the temporary principal office of the Coal Corporation, and is occupied by the general manager, and the Corporate Services and Research Development Divisions.

(iii) Research Facility, Gippsland Institute of Advanced Education, Churchill.
Lessor—Gippsland Institute of Advanced Education.
Length of lease—November 1983 to November 1989.
Cost of lease—$2500 per month; $30 000 per annum
Use made of building—This building houses the Coal Corporation's research laboratories.

(iv) No. 10, Punt Road, South Yarra.
Lessor—G. D. Hennings Nominees Pty Ltd.
Length of lease—5 August 1985 to 4 August 1986.

Cost of lease—$606.66 per month; $7280 per annum.
Use made of building—Accommodation for staff who reside in the Latrobe Valley, when they are required to visit Melbourne on business and to stay overnight in Melbourne.

2. (*a*) Lots 2, 3, 4 and 5 Porters Road, Morwell.
Site of BCLV coal to oil plant.

(*b*) Lot 13 Porters Road, Morwell. Used by BCLV plant.

*Gas and Fuel Corporation*

Details have previously been supplied in an FOI request.

*Geelong Regional Commission*

1. (*a*) Lunwin Products

Truck Park

Edols Place Unit Factories

South Geelong Unit Factories

Dive N Surf

L'eggs

Dennys Bluestone

Netball Centre

Missions to Seamen
Harbourside

(*b*) Nil

2. (*a*) Breakwater West
Heales Road
South Geelong
Ocean Grove
Torquay

(*b*) Nil

*Latrobe Regional Commission*

1. (*a*) Factory building 98–108 Waterloo Road, Moe.

(*b*) Office building, 43 Grey Street, Traralgon. Leased from Sental Pty Ltd, 9 Remont Court, Cheltenham, three-year lease at $103 500 per annum.

2. (*a*) Nil

(*b*) Nil

*Liquor Control Commission*

1. (*a*) Nil

(*b*) Nil

2. (*a*) Nil

(*b*) Nil

*Overseas Projects Corporation of Victoria*

1. (*a*) Nil

(*b*) Nil

2. (*a*) Nil

(*b*) Nil

*Small Business Development Corporation*

1. (*a*) Nil

(*b*) Nil

2. (*a*) Nil

(*b*) Nil

*State Electricity Commission of Victoria*

Details have previously been supplied in an FOI request.

*Victorian Economic Development Corporation*

1. (*a*) Factory premises—Willowmarin Road, Kilmore
Factory premises—Harris Street, Warrnambool
Factory premises—Hume Highway, Wodonga
Factory premises—Cnr McCormick and Western streets, Churchill
Factory premises—124 Yarrowe Street, Sebastopol

(*b*) From ANZ Banking Group, five-year lease, office premises.

2. (*a*) Hume Highway, Wodonga
Cnr McCormick and Webster streets, Churchill
Calder Highway, Kangaroo Flat
124 Yarrowe Street, Sebastopol

(*b*) Nil

*Victorian Solar Energy Council*

1. (*a*) Nil

(*b*) 10th Floor, 270 Flinders Street, Melbourne, leased from State Bank. Ten-year lease at $41 328 per annum.

2. (*a*) Nil

(*b*) Nil

*Victorian Tourism Commission*

1. (*a*) Nil

(*b*) Nil

2. (*a*) Nil

(*b*) Nil

*Victour Properties Pty Ltd*

Victour Properties Pty Ltd is a subsidiary of the Victorian Tourism Commission and has property involvement both on its own behalf and on behalf of the Victorian Tourism Commission.

1. (*a*) Old Customs Home—Echuca
10 Holiday homes—Crawford Court, Dartmouth

(*b*) O'Shannassy Resort at East Warburton, leased from MMBW.
Length of lease—21 years.
Cost—N/C.
Use made of building—As guest house/convention centre available to the public (groups).

Wallaby Creek resort at Kinglake West.
21 years from MMBW.
Cost—N/C.
Use made of building—As guest house/convention centre available to the public (groups).

Rawson Holiday Resort.
12 month lease from MMBW.
Cost—$1 per month.
Use made of building—Holiday accommodation—tourism.

Mount Buffalo Chalet.
7 year lease from National Parks Service
Cost—$2.
Use made of building—tourist accommodation, catering and recreation.

Seven Creeks Run Woolshed—Euroa.
6 months lease from RCA.
Cost—$1.
Use made of building—as wool theme tourist attraction.

Hangar 1—Moorabbin Airport.
One year lease from Department of Aviation.
Cost—$13 200 per annum.
Use made of building—Storage and restoration of historical aircraft for National Aviation Museum.

2. (*a*) South Channel Fort Island—Port Phillip Bay.

(*b*) Balmattum Hill—Euroa.
five-year lease from Shire of Euroa (arrangements not formalised).
Cost—$1.
Use made of building—for grazing sheep used at Seven Creeks Run tourist attraction.

## DEPARTMENT OF INDUSTRY, TECHNOLOGY AND RESOURCES MIDDLE MANAGERS' COURSES

(Question No. 660)

**Mr WILLIAMS** (Doncaster) asked the Minister for Industry, Technology and Resources:

In respect of each department, agency and authority within his administration, how many women have attended potential middle managers' courses for the years 1983, 1984 and 1985, and what is the estimate for 1986?

**Mr FORDHAM** (Minister for Industry, Technology and Resources)—The answer is:

| | 1983 | 1984 | 1985 | 1986 |
|---|---|---|---|---|
| Department of Industry, Technology and Resources | 3 | 4 | 9 | 11 |
| Alpine Resorts Commission | — | nil | 4 | 5 |
| Coal Corporation of Victoria | — | — | 1 | 2 |
| Gas and Fuel Corporation | 1 | nil | 4 | nil |
| Geelong Regional Commission | nil | nil | nil | nil |
| Latrobe Regional Commission | nil | nil | nil | nil |
| Liquor Control Commission | nil | nil | nil | nil |
| Overseas Projects Corporation of Victoria | nil | nil | nil | nil |
| Small Business Development Corporation | 3 | 2 | 2 | 2 |
| State Electricity Commission | nil | nil | 5 | 5 |
| Victorian Economic Development Corporation | nil | nil | nil | nil |
| Victorian Solar Energy Council | nil | nil | 1 | 2 |
| Victorian Tourism Commission | nil | nil | 6 | 6 |

## LOCAL GOVERNMENT DEPARTMENT INTERNAL AUDITORS

(Question No. 691)

**Mr WILLIAMS** (Doncaster) asked the Minister for Local Government:

Whether any internal auditors are employed by the department and any authorities or agencies within his administration; if not, why?

**Mr SIMMONDS** (Minister for Local Government)—The answer is:

The dimensions of the Local Government Department and its budget have not in the past warranted the presence of an internal auditor.

However, in line with the proposed review of Victoria's financial legislation and the introduction of resource management and accountability legislation, the department, in conjunction with the Bureau of Internal Audit, is planning to establish an Internal Audit Service which would become operable in the 1987–88 financial year.

## AMALGAMATION OF SHIRE OF BARRABOOL WITH CITY OF SOUTH BARWON

(Question No. 823)

**Mr DICKINSON** (South Barwon) asked the Minister for Local Government:

In respect of recommendation of the Local Government Commission that the Shire of Barrabool be amalgamated with the City of South Barwon, whether he will advise:

1. What benefits can be guaranteed by the Government to accrue to the residents who currently reside outside the existing City of South Barwon but who will reside in that city if the commission's recommendations are adopted?

2. In what specific areas will "economies of scale" occur in both financial and resource terms?

3. What are the estimated total costs of absorbing the existing Shire of Barrabool into the City of South Barwon, including—(*a*) accommodation of office staff; (*b*) redundancy payments; and (*c*) additional administration during transition?

4. What is proposed to be done with the proceeds of the sale of the Shire of Barrabool's assets that have been earmarked to substantially finance the new shire administration centre in Torquay?

5. How is it proposed to handle the voter imbalance that will occur between urban and non-urban ratepayers, particularly with respect to the Local Government Commission research report of January 1986, "Electoral Fairness in Rural Municipalities"?

6. Will existing Shire of Barrabool ratepayer representation increase or decrease under the proposed amalgamation with the City of South Barwon?

7. What specific areas of the Coopers and Lybrand, W. D. Scott report "Restructuring of Local Government in Victoria" of August 1985 are incorrect, and with what sections of the report does he agree?

8. Whether he will define the following terms used by the Local Government Commission in its report on amalgamation in the Geelong region—(*a*) "Urban" area; (*b*) "Balanced unit of local government"; (*c*) "Adequate population"; and (*d*) "Strong resource base"?

**Mr SIMMONDS** (Minister for Local Government)—The answer is:

The Local Government Commission has made no report or recommendations as suggested by the honourable member.

A report has been submitted by the division of the Local Government Commission to which references containing twelve proposals were made and the statutory procedures relating to that report will be followed. In so far as the detail of the division's report is concerned, I refer the honourable member to the report, a copy of which was forwarded to him on 3 January 1986.

## MUNICIPAL AMALGAMATIONS IN GEELONG REGION

(Question No. 824)

**Mr DICKINSON** (South Barwon) asked the Minister for Local Government:

In respect of the recommendations of the Local Government Commission on municipal amalgamations in the Geelong region, will he indicate:

1. Whether rates will increase or decrease in the respective municipalities after amalgamation?

2. What advantages are to be gained by the wider community if restructuring takes place?

3. Whether an analysis of costs and benefits of municipal amalgamations will be made available for the consideration of the respective Geelong district municipalities and interested community representatives?

**Mr SIMMONDS** (Minister for Local Government)—The answer is:

I refer the honourable member to my answer to question No. 823.

## MUNICIPAL AMALGAMATIONS IN GEELONG REGION

(Question No. 827)

**Mr DICKINSON** (South Barwon) asked the Minister for Local Government:

In respect of the Local Government Commission report on council amalgamations in the Geelong region and the concern amongst ratepayers that "economies of scale" will not be achieved, and considering the former Minister's reply of 8 December 1982 to question No. 945:

1. Will the Minister advise the precise cost benefits and savings to ratepayers in the Shire of Barrabool and the City of South Barwon if these municipalities are amalgamated, in accordance with current proposals?

2. What is the expected reduction in staffing levels of the Shire of Barrabool and City of South Barwon if amalgamation goes ahead?

3. What is the estimated payout to municipal officers made redundant because of the amalgamation?

**Mr SIMMONDS** (Minister for Local Government)—The answer is:

I refer the honourable member to my answer to question No. 823.

(Question No. 828)

**Mr DICKINSON** (South Barwon) asked the Minister for Local Government:

In respect of the Local Government Commission report on council amalgamations in the Geelong region and the concern amongst ratepayers that "economies of scale" will not be achieved, and considering the former Minister's reply of 8 December 1982 to question No. 945:

1. Will he advise the precise cost benefits and savings to ratepayers in the Borough of Queenscliffe and Shire of Bellarine if these municipalities are amalgamated, in accordance with current proposals?

2. What is the expected reduction in staffing levels of the Shire of Bellarine and Borough of Queenscliffe if amalgamation goes ahead?

3. What is the estimated payout to municipal officers made redundant because of the amalgamation?

**Mr SIMMONDS** (Minister for Local Government)—The answer is:

I refer the honourable member to my answer to question No. 823.

(Question No. 829)

**Mr DICKINSON** (South Barwon) asked the Minister for Local Government:

In respect of the Local Government Commission report on council amalgamations in the Geelong region and the concern amongst ratepayers that "economies of scale" will not be achieved, and considering the former Minister's reply of 8 December 1982 to question No. 945:

1. Will he advise the precise cost benefits and savings to ratepayers in the shires of Bannockburn and Leigh if these municipalities are amalgamated, in accordance with current proposals?

2. What is the expected reduction in staffing levels of the shires of Bannockburn and Leigh if amalgamation goes ahead?

3. What is the estimated payout to municipal officers made redundant because of the amalgamation?

**Mr SIMMONDS** (Minister for Local Government)—The answer is:

I refer the honourable member to my answer to question No. 823.

(Question No. 830)

**Mr DICKINSON** (South Barwon) asked the Minister for Local Government:

In respect of the Local Government Commission report on council amalgamations in the Geelong region and the concern amongst ratepayers that "economies of scale" will not be achieved, and considering the former Minister's reply of 8 December 1982 to question No. 945:

1. Will he advise the precise cost benefits and savings to ratepayers in the City of Geelong, the City of Geelong West and the City of Newtown if these municipalities are amalgamated, in accordance with current proposals?

2. What is the expected reduction in staffing levels of the City of Geelong, the City of Geelong West and the City of Newtown if amalgamation goes ahead?

3. What is the estimated payout to muncipal officers made redundant because of the amalgation?

**Mr SIMMONDS** (Minister for Local Government)—The answer is:

I refer the honourable member to my answer to question No. 823.